

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

2022 Regular Session
Convened January 10, 2022
Adjourned Sine Die March 10, 2022

VOLUME 1



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

Compiled and edited by Gary Holt, House Journal Clerk

VOLUME 1

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FIRST DAY

House Chamber, Olympia, Monday, January 10, 2022

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

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

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th Legislative District.

MESSAGE FROM THE SECRETARY OF STATE

FORMAT CHANGED TO ACCOMIDATE TEXT

MESSAGE FROM THE SECRETARY OF STATE

Canvass of the Returns of the General Election
Held on November 2, 2021

I, Steve R. Hobbs, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 1,896,481 votes cast in the November 2, 2021, General Election by the registered voters of the state for all statewide measures and those judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

Advisory Vote No. 36

Engrossed Second Substitute House Bill 1477

The legislature imposed, without a vote of the people, a 988 behavioral health crisis response and suicide prevention tax on telephone lines, costing \$432,000,000 in its first ten years, for government spending.

Repealed	978,189
Maintained	836,414

Advisory Vote No. 37

Engrossed Substitute Senate Bill 5096

The legislature imposed, without a vote of the people, a 7% tax on capital gains in excess of \$250,000, with exceptions, costing \$5,736,000,000 in its first ten years, for government spending.

Repealed	1,111,402
Maintained	708,652

Advisory Vote No. 38

Second Substitute Senate Bill 5315

The legislature imposed, without a vote of the people, a tax on captive insurers in the amount of 2% of premiums from owners/affiliates, costing \$53,000,000 in its first ten years, for government spending.

Repealed	1,017,969
Maintained	762,429

Court of Appeals, Division 2, District 3 - Judge Position 1

Ballot Name

Bernard F. Veljacic

Votes

98,351

Ferry, Pend Oreille, Stevens Superior Court - Judge Position 3

Ballot Name

Lech J. Radzimski

Votes

14,413

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington on this 1st day of December 2021, at Olympia, the State Capital.

Steve R. Hobbs, Secretary of State

MESSAGE FROM THE SNOHOMISH COUNTY COUNCIL

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED MOTION NO. 21-461

**MAKING AN APPOINTMENT TO A VACANCY FOR STATE REPRESENTATIVE IN WASHINGTON'S 44TH
STATE LEGISLATIVE DISTRICT**

WHEREAS, John Lovick resigned from elected office effective December 15, 2021 as state representative from Washington's 44th State Legislative District causing a vacancy for that office for a term expiring on December 31, 2022; and

WHEREAS, the position of state representative is a partisan office and John Lovick affiliates with the Democrats Party; and

WHEREAS, on December 7, 2021, the Democrats Party submitted a list of nominees from which the County Council shall appoint one person to fill the vacancy and the names submitted were: Sean Paddock, Brandy Donaghy and Joyce Copley; and

WHEREAS, Council sent questions to and a request for a one page resume from the nominees on December 8, 2021, received written responses and resumes on December 13, 2021, and interviewed the nominees on December 15, 2021; and

WHEREAS, an appointment by the County Council is required within 60 days (by February 13, 2022) from the effective date of resignation, else the Governor will appoint a nominee within 30 days of that date; and

WHEREAS, to be qualified, each of the nominees shall meet the requirements of Article II, Section 15 Washington's State Constitution and Section 4.80 of the County Charter; and

WHEREAS, the person appointed to fill this position will serve in this position until the certification of the results of the November 2022 general election, at which point the person elected shall serve the remaining portion of the unexpired term until December 31, 2022 and continue to serve in the term commencing January 1, 2023.

NOW, THEREFORE, ON MOTION, pursuant to Article II, Section 15 of the State of Washington's Constitution and Section 4.80 of the Snohomish County Charter, the Snohomish County Council does hereby appoint Brandy Donaghy to the office of State Representative to represent the 44th State Legislative District serve until the certification of the results of the November 8, 2022 general election.

PASSED this 15th day of December, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

SPEAKER'S PRIVILEGE

The Speaker welcomed Representative Donaghy to the House of Representatives.

SPEAKER'S REMARKS

"Members of the House, people of the great state of Washington –

Welcome to the 2022 legislative session.

And a special welcome to the newest member of this body, the good member from the 44th District.

Rep. Donaghy, thank you for serving your community, and bringing your voice and lived experience to the People's House to help make our state better for everyone.

Our time together this session is short and the list of what we all hope to accomplish is long. It will take all 98 of us in this chamber listening to each other, working together, to tackle the challenges our state faces, whether it's the

economy, housing, transportation, health care, racial equity or climate change.

Before I go further, I want to take a moment to acknowledge a recent loss in our legislative family. Sen. Ericksen passed away just before the holidays. My condolences, the condolences of the House go out to his wife and daughters.

My heart goes out to all who have suffered the loss of loved ones.

To all who are currently battling this deadly virus at home or in hospitals. To all who are suffering from the debilitating effects of longterm COVID.

And to all the front-line workers across our state, especially our health care and public health workers –You continue to take care of your fellow Washingtonians under the most challenging of circumstances.

I see you, and I see the enormous strain you are under.

My sister-in-law, Sarah, is a family practice physician. She just returned to work after having contracted COVID.

I know there are so many Sarahs out there, risking their own health to care for patients and save lives. That's why we need to make sure we're taking care of our health care and public health workers, doing what we can to protect you, whether it's from the virus or from burnout.

To address other issues in our health care system like the shortage of nurses and behavioral health workers.

Just a few short weeks ago, I looked forward to seeing more faces in this chamber today. Most members of this chamber were vaccinated, boosted, and ready to be here in person. Then the rapid spread of omicron called for a change of plans, so we rose to the occasion and adapted quickly.

It's what we do as Washingtonians. We adapt. We support each other and our communities. And we keep MOVING FORWARD.

We've recovered from hard times before. Many of us were here during the Great Recession. But to be candid, previous recoveries haven't brought everyone along. We've advantaged some folks, while others have been left behind. Our working families have been overlooked time and again. NO MORE!

This session, we will MOVE FORWARD for EVERYONE. Because that's what we're here to do.

We can take steps closer to the Washington we all envision. A place where neighbors recognize and rely on each other. A place where EVERYONE recovers from this pandemic in a healthier and more economically resilient way. A place where the services Washington provides get to everyone in a way they can use them to better their lives. A place where our communities are more racially just and equitable. And a place where we can relax and recreate in Washington's natural beauty rather than fighting the effects of extreme weather events like wildfires and flooding.

We have huge opportunities because what we initially feared would be a budget shortfall that would dwarf the Great Recession turned into better and better news with each revenue forecast.

Washingtonians have come together in these trying times to support local small businesses and restaurants. It was great to walk around Tacoma on Small Business Saturday and see the buzz of activity as people went in and out of local shops, purchasing toys, home furnishings, clothes, specialty foods, coffee and, for me, freshly-made butterscotch cashews.

I spent some time over the interim meeting with members in their districts. It was fun to join them outdoors for a bite to eat or a cup of coffee, from Bellingham to Spokane to Vancouver.

At every café or eatery, folks were eagerly showing up to spend their dollars locally. In Port Townsend, the outdoor "streateries" that have helped restaurants weather the pandemic have been such a hit that the city has extended them through May.

Thanks to all this local spending, and thanks to one-time funding from the federal government, our state currently finds itself in a strong fiscal position.

When we work on this session's budget, my pledge to you is this: WE WILL PUT WORKING FAMILIES FIRST.

ALL our families, in every district, deserve the opportunity to MOVE FORWARD and make some headway finally.

Let's MOVE FORWARD when it comes to making sure everyone has a safe, affordable place to live. A home.

Last session, we took critical steps on housing with \$1 billion dollars in rental assistance and hundreds of millions more for mortgage assistance, homelessness response, and permanent housing supports.

Yet there is still more work to be done, with a shortage of almost a quarter of million homes in this state.

Let's MOVE FORWARD to close that gap.

Let's make sure we're providing wrap-around services to get people off the street and into more permanent, stable housing and employment.

Let's MOVE FORWARD by providing accelerated learning to help our K-12 students who fell behind during remote learning. Our students, teachers, and school employees have faced enormous challenges over the past two years and it has taken a toll, so let's address the critical need for more mental health services in our schools.

Let's help all families MOVE FORWARD by making college more affordable.

The Washington College Grant is one of the most important things our state has done in years to help families afford a college education and apprenticeships. But not everyone qualifies for it, so let's consider even more options, like an affordable student loan program with an interest rate of just one percent. And letting students use the grant for more expenses than they can right now.

Let's invest in worker retraining for people who are looking for something new in this post-pandemic economy.

Let's MOVE FORWARD by bringing down the cost of health care for EVERYONE.

It's hard enough to pay for medical expenses you can plan for, but unexpected medical bills can totally derail a family's finances. Let's help more people avoid medical bankruptcy by putting an end to surprise billing.

Let's MOVE FORWARD to address the climate crisis.

If you wondered about the effects of climate change and extreme weather, just look at the flooding north and south of here and the wildfires now with us from spring to winter. We didn't reach this crisis point overnight. And we can't solve it overnight.

But it's not enough to say we're going to adapt to climate change, to learn to live with flooding in Sumas and wildfires that destroy towns like Malden. We can, and must, take action to fight climate change and make our state a place with less pollution and more clean energy. A place with fewer floods and wildfires.

We already know we can MOVE FORWARD. Last year we got the clean fuels bill across the finish line, after so many years of coming up short.

We got the Climate Commitment Act through.

Let's keep MOVING FORWARD by making our buildings healthier, our cars healthier, our heating and cooling systems healthier, and our transportation systems healthier.

Let's do better when it comes to our state parks. More people are visiting our outdoor spaces for socially-distanced recreation. We should have a world-class parks system for EVERYONE to enjoy here in the Evergreen state.

Let's make sure that those who have been knocked down during this pandemic don't just get back on their feet, but are

able to MOVE FORWARD. That they end up further along than they were before this began.

Let's build on our successes from last year, like the Working Families Tax Rebate that put more money directly in the pockets of Washingtonians who need it most. Let's do the things in our power to reduce the cost of living and keep goods moving fast.

Now, there are some who think real progress is impossible. That we can't solve our biggest challenges and should be content to nibble at the edges. That if we don't get something fully done the first time, we should give up and get rid of it entirely.

That is not my belief. That is not why I am here. We serve in this chamber to tackle the hard problems. To help our neighbors, our communities. To make things better. Better for the small businesses and restaurants still struggling to make it. Better for our front-line health care workers and patients while our hospitals deal with waves of COVID cases. Better for every family struggling to pay rent, to buy their first home—or have a safe place to sleep at all. Better for teachers and students who are struggling to find stability in this pandemic. Better for people burdened by the high cost of college, or by long commutes to work each day stuck in traffic. Or by fear of what may happen during a law enforcement interaction. Or by the inability to access long-term care without first spending themselves into poverty and losing everything they have worked hard for their entire lives.

Whew. I'm outing myself as a kid of the '80's because I'm reminded of a song from the movie, 'Smokey and the Bandit': "We've got a long way to go and a short time to get there."

But here in the People's House, we come together and we make things better. We have 60 days.

Let's start MOVING FORWARD RIGHT NOW."

POINT OF PERSONAL PRIVILEGE

Representative Wilcox: "Thank you, Madame Speaker. And I want to start my remarks with recognizing one of the finest opening prayers I have ever heard from the good representative from the 11th district. Very fine, sir. Very inclusive. Very much appreciate that.

I'd also like to recognize some people. I appreciate the Speaker in recognizing all of those in health care who have been at a high level of readiness and a tremendous level of stress for longer than anyone thought would be possible. And there are many others as well. A big part of all of us, many of us, have been able to isolate ourselves and keep ourselves safe. But that's only because so many people have been reporting to work every day in order to allow others to be safe. And I'll just mention a few of these. Especially this week. My heart goes out to all the truck drivers out there that have been stranded on one side of the mountains or the other. Without them, we would not be able to conduct our daily lives and we would not be able to behave in the safest possible way. There are many others. Farm workers in eastern Washington as well as western Washington. People that keep our grocery stores open. People that are involved in all kinds of distribution efforts. From distribution centers to load out people. To the folks that drive the smaller delivery trucks.

We've kept this economy going and we've kept our society going over some of the most difficult two years that anyone can remember because so many people have stayed on the job. Done what was necessary. And that allowed others to live a much safer life. I appreciate all of you as well.

Madame Speaker, I've been in the minority caucus for a long time now. About as long as you've been in the majority caucus. And it is easy for a minority caucus to sit back and throw stones, and rant and I think all of us give way to that temptation sometimes. But I'm in the middle of a caucus right now that is doing things on a bigger scale than I've ever seen. This is not going to be a year when you see House Republicans, harp about everything, oppose everything. What you're seeing this year is House Republicans that are bringing big ideas to the table. And these are big ideas that I think already have a degree of agreement from the majority caucus. These are addressing issues that we know need to be addressed. Some of them are very creative and are ideas that Republicans have not embraced in the past. It's true. We have big challenges right now. And this is not a time for any of us to sit back and just say no.

First, we are in agreement that there were major issues last year that were addressed in legislation. And that legislation needs to be perfected. There's a little bit of regret. And I'm going to express that a little bit later in the area of public safety. Where there was a lot of discussion. There were a lot of amendments offered. And as those laws came into effect, it became absolutely plain that they had gone too far and that there were improvements that were required. It's a matter of regret for me that we offered those solutions and under the circumstances of last year, we didn't get sufficient attention, I think. And neither did those that came in and testified about these. That's a flaw in our process.

But we are agreed going forward that these are changes that need to be made. That's, I think, a positive thing for all of us. A few years ago, we passed a bill that you referenced recently that had to do with long term health care. And I've said many times that anybody that's been involved in government or business or non-profits at a high level has seen problems that are seemingly overwhelming, had a great idea, and then you find that the numbers don't quite work. The only mistake that you make is if you don't adjust to that.

And Madame Speaker, you've heard me over the last week talk about the long term health care bill so this is not going to be a surprise to you. We oppose it. We think that we should repeal that. But this will be a surprise to many people. The good representative from the 31st district recently dropped a bill that is not going backwards, it's going forwards. Towards a positive solution for this major problem. And I would urge that all of us think hard about a totally different approach. And acknowledge that this is an important problem and applaud those who tried to address it a few years ago. Whether that was the perfect approach or not. Let's look at a different approach that includes the private sector and can be more successful.

Madame Speaker, we also agree that the environment is critically important. In fact, members of the House Republicans are often the folks that live out on the landscape and our friends who work in the natural resource arena. And depend on a functioning ecosystem and treasure beyond almost anything except for their families the connection that

we have with nature. That's why, although you've seen us oppose a lot of environmental efforts in the past, the good lady who represents the 9th legislative district has brought forward one of the largest packages of environmental reforms that we have seen in the eleven, twelve years now, if you count this year, that both you and I have been in the House of Representatives. This representative represents from here, a far corner of the state of Washington, but she is looking at ways that can absolutely address the problem completely of municipalities that don't have waste water capacity, and as a consequence, pollute Puget Sound. At the same time, since her approach provides all the dollars that are necessary to add that capacity, it probably ends up being the greatest economic development effort for the Puget Sound that we have seen in our time. Again, this is a representative from a far corner of eastern Washington. But she cares about the whole state too. She's not looking to just fix her corner of it. She wants to come to where one of the biggest problems.

And Madame Speaker, she is not trying to address goals that we cannot solve ourselves. She is trying to address problems that we have contained in our state that we can absolutely fix. And at the same time, provide the greatest possible access for all of your constituents to the wonderful environmental treasures that we have in our state that are not always as accessible to them.

Madame Speaker, we've talked about housing more than almost any other issue over the last few years. In fact, I've told people over and over that the housing debates have set the tone for the last two sessions. And the tone has been very contentious. Full of ideology. Maybe on both sides. And Madame Speaker, I'm glad that we're going forward with this. Homelessness and the cost of housing, the availability of housing isn't just an urban problem. We're seeing this in almost all the small cities and small towns and rural areas around Washington. The challenge has been that over my twelve years here, I would say that the majority of bills that have an impact on housing has made it harder to build homes. More expensive to build homes. They've demonized places that would welcome more population. And it's critical, Madame Speaker, that we understand that we've got this immense problem, you said about a quarter million homes, and I believe you, and sadly a billion dollars doesn't go very far in public housing. I think a billion dollars, based on the cost we've seen the last few years, yields about 2500 homes. It'll take us a hundred years to create the new homes that are necessary if we're going to fill that quarter of a million home gap. So, Madame Speaker, it is absolutely necessary, if we care about this, that we start listening to the private sector and those people like my good seatmate from the 2nd district who have spent their lives in providing affordable housing for people. And I think we have to be aware that the solution can't just come in some parts of the state.

Madame Speaker, I've got another concern that we're not going to stop talking about. I've often talked about process in my opening talks in the past. And I want to thank you for something. I think you've listened and you've been very open to House Republicans speaking on a variety of issues. And this has been a place where it may not always be pleasant to listen, but people can say their piece. That's important. But what's even more important is that diverse

opinions are listened to. And when I think about the bills that we're going to have to fix this year, some of them having tragic human consequences, there were plenty of people that were able to see these problems. But under the circumstances, where human contact is lost, where we have an immense quantity of comment from the public and from members, the quality of the contact is lost. And Madame Speaker, it's the job of the majority to govern. There's no question about that. You have more votes. It's important for our system that those who have more votes end up winning. But it's a disaster for you, your caucus and the state if as you're winning, you're not allowing the minority and the citizens of Washington to help you avoid making mistakes. There's been too many mistakes made over the last year. I think our process is breaking down. I think we have valued quantity over quality.

There's one other issue Madame Speaker. I've heard too many people say that they're afraid to come and testify. They're afraid because they're on an unpopular side. They're afraid that there's going to be retaliation. In some cases, their employers won't allow them to. This should be a place where we encourage people to come in. Especially if they're unpopular. And you, and we, will continue to make mistakes. Unless we understand that our best friends are those that are willing to tell us the things that we don't want to hear. And we incorporate that into our process.

One last thing, Madame Speaker. We've talked a lot about emergency powers. I believe strongly that all three of the branches of government are absolutely critical. We've heard from many of the House Democratic members that they believe the same thing. They have openly and in the press, said that they believe that we need emergency powers reform. Madame Speaker, recently the good gentleman from the 14th district dropped HB1772. I've told people if I were the Speaker, and if the Governor was a Republican, I know that sounds unrealistic to all of you, but if that were the case, this is the bill that I would want. This allows the Governor to operate as he should. And it also requires the legislature to operate as all of us should. It's critical that we pay attention to this and Madame Speaker, I just want to let you know that these bills that I have mentioned, especially the long term health care replacement bill and the emergency powers bill, need to get hearings. If they don't, it's important for House Republicans to move in committee, that they be voted on. We haven't done that a lot in the past. But these are critical things and I think it's important that we all exercise our responsibility to vote on these things.

Madame Speaker, like you, I have high hopes for this session. I think that we can do a better job than we have in the past. I think that we have diversity of thought that is very positive in both of our caucuses. And even though I'm speaking to you, I'd like to challenge members of both caucuses – Don't fall into group think. Don't feel like loyalty to our group or even our caucus is more important than loyalty to our hearts and loyalty to our constituents. We should have more contentious votes, Madame Speaker. These things shouldn't just be decided inside the caucus room. Everyone depends on us to think for ourselves and think for our constituents. We've got to be sure ideology isn't the prime motivator for all of us.

Thank you Madame Speaker."

**ELECTION OF DEPUTY SPEAKER PRO
TEMPORE**

With the consent of the House, Representative Dan Bronoske was elected Deputy Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

Assistant Code Reviser and Notary Public Kevin Shotwell administered the Oath of Office to Deputy Speaker Pro Tempore Bronoske.

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

INTRODUCTION & FIRST READING

HB 1588 by Representatives Walsh, Robertson, Boehnke, Corry, McCaslin, Abbarno, Eslick, Caldier, Graham, Klippert, Barkis, Chase, Sutherland, Gilday, Kraft, Jacobsen, Volz, Dent, Griffey, Chambers and Young

AN ACT Relating to restoring the authority of a peace officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards; amending RCW 10.116.060; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1589 by Representatives Walsh, Robertson, Corry, McCaslin, Eslick, Graham, Klippert, Barkis, Chase, Dufault, Gilday, Kraft, Jacobsen, Volz, Dent, Chambers and Young

AN ACT Relating to the authority of peace officers to use physical force; amending RCW 10.120.020; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1590 by Representatives Dolan, Callan, Pollet, Bateman, Ramel, Wicks, Johnson, J., Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey, Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney and Frame

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1591 by Representatives Dolan, Chapman, Rude, Corry, Walen, Caldier, Springer, Lekanoff, Wicks, Bateman, Eslick, Graham, Rule, Senn, Sullivan, Stokesbary and Dent

AN ACT Relating to local effort assistance for charter schools; amending RCW 28A.500.015; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1592 by Representatives Leavitt, Vick, Ryu, Corry, Caldier, MacEwen, Graham, Boehnke, Paul, Hoff, Orwall, Barkis, Eslick, Wicks, Bronoske, Callan, Dufault, Gilday, Peterson, Ramos, Rule, Simmons, Slatter, Bergquist, Griffey, Dolan, Donaghy, Riccelli, Ormsby, Chambers and Young

AN ACT Relating to military spouse employment; amending RCW 18.340.020 and 73.04.150; adding new sections to chapter 18.340 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 38.42 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1593 by Representatives Leavitt, Riccelli, Ryu, Taylor, Shewmake, Chopp, Wylie, Fitzgibbon, Caldier, Wicks, Barkis, Simmons, Duerr, Ramel, Eslick, Graham, Valdez, Gregerson, Bateman, Bronoske, Davis, Fey, Gilday, Macri, Peterson, Rule, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Griffey, Dolan, Ormsby, Chambers, Young, Hackney and Frame

AN ACT Relating to expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking; amending RCW 43.31.605, 59.18.280, 59.18.575, and 59.18.575; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Housing, Human Services & Veterans.

HB 1594 by Representatives Abbarno, Robertson, Maycumber, Boehnke, Corry, Chase, McCaslin, Caldier, Eslick, Walsh, Klippert, Dye, MacEwen, Stokesbary, Hoff, Barkis, Graham, Schmick, Chambers, Dufault, Gilday, Kraft, Jacobsen, Orcutt, Dent, Griffey and Young

AN ACT Relating to repealing the long-term services and supports trust program; creating a new section; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1595 by Representatives Abbarno, Leavitt, Orwall, Chase, Eslick, Shewmake, Ryu, Dye, Hoff, Barkis, Boehnke, Graham, Valdez, Callan, Davis, Kraft, Jacobsen, Orcutt, Rule, Simmons, Wylie, Sullivan, Pollet, Griffey, Riccelli and Young

AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.42.040, and 81.36.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.36 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10 RCW; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1596 by Representatives Abbarno, Boehnke, Corry, Chase, Caldier, Eslick, Graham, Klippert, Dye, Stokesbary, Chambers, Jacobsen and Young

AN ACT Relating to authorizing the availability of benefits from the long-term services and supports trust program for qualified individuals who reside outside of Washington; and amending RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.060, 50B.04.070, and 50B.04.100.

Referred to Committee on Appropriations.

HB 1597 by Representatives Abbarno, Boehnke, Corry, Chase, Graham, Klippert, Stokesbary, Eslick, Chambers and Young

AN ACT Relating to establishing an exemption from the payment of premiums to the long-term services and supports trust program based on hardship; amending RCW 50B.04.080; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1598 by Representatives Abbarno, Boehnke, Corry, Chase, Caldier, Eslick, Graham, Dye, Stokesbary, Chambers, Jacobsen and Young

AN ACT Relating to the payment of benefit units in the long-term services and supports trust program upon the death of a qualified individual; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1599 by Representatives Abbarno, Boehnke, Corry, Chase, Caldier, Eslick, Graham, Klippert, Dye, Stokesbary, Chambers, Jacobsen, Griffey and Young

AN ACT Relating to establishing an exemption from the payment of premiums to the long-term services and

supports trust program for recent graduates; amending RCW 50B.04.080; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1600 by Representatives Abbarno, Johnson, J., Dent, Orwall, Berry, Eslick, Valdez, Callan, Davis, Peterson, Santos, Simmons, Wylie, Griffey and Frame

AN ACT Relating to installation of signs displaying the 988 crisis services hotline; adding a new section to chapter 39.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Capital Budget.

HB 1601 by Representatives Leavitt, Caldier, Ryu, Corry, Taylor, Slatter, Eslick, Thai, Chopp, Johnson, J., Fitzgibbon, Robertson, Wicks, Bateman, Simmons, Duerr, Sells, Berg, Walen, Graham, Paul, Gregerson, Callan, Fey, Peterson, Ramos, Rule, Santos, Wylie, Sullivan, Bergquist, Tharinger, Pollet, Griffey, Dolan, Riccelli, Ormsby, Frame, Young and Hackney

AN ACT Relating to expanding the students experiencing homelessness and foster youth pilot program; and amending RCW 28B.50.916.

Referred to Committee on Appropriations.

HB 1602 by Representatives Bronoske, Simmons, Leavitt, Caldier, Morgan, Chapman and Griffey

AN ACT Relating to completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project; adding a new section to chapter 82.32 RCW; adding a new section to chapter 47.46 RCW; and making appropriations.

Referred to Committee on Appropriations.

HB 1603 by Representatives Barkis, Stokesbary, Abbarno, Caldier, Eslick, Graham, Robertson, Corry, Chase, Sutherland, Dufault, Jacobsen, Volz, Griffey, Chambers and Young

AN ACT Relating to shifting funding obligations from the transportation appropriations act to the operating appropriations act; amending RCW 46.68.135, 46.68.320, 46.68.325, 82.08.993, 82.08.9999, 82.12.817, 82.12.9999, 82.04.4496, and 82.16.0496; adding a new section to chapter 43.79 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1604 by Representatives MacEwen, Barkis, Abbarno, Caldier, Eslick, Robertson, Graham, Corry,

Stokesbary, Chase, Dufault, Gilday, Jacobsen, Volz, Maycumber, Griffey, Chambers and Young

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

Referred to Committee on Appropriations.

HB 1605 by Representatives Corry, Abbarno, Caldier, Eslick, Walsh, Robertson, Barkis, Boehnke, Chase, Graham, Griffey, Chambers and Young

AN ACT Relating to creating a program to provide for improved safety on roadways to prevent vehicle lane departures; amending RCW 46.68.060 and 47.05.030; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1606 by Representatives Barkis, Abbarno, Caldier, Eslick, Walsh, Robertson, Graham, Corry, Stokesbary, Sutherland, Dufault, Gilday, Jacobsen, Griffey, Chambers and Young

AN ACT Relating to the correction of culverts; amending RCW 47.01.515; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1607 by Representatives Rude, Abbarno, Caldier, Eslick, Shewmake, Robertson, Johnson, J., Corry, Barkis, Leavitt, Callan, Taylor, Jacobsen, Slatter, Bergquist, Tharinger, Kloba, Griffey, Riccelli, Chambers and Young

AN ACT Relating to the safe routes to schools program; amending RCW 47.04.300; adding a new section to chapter 43.79 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1608 by Representatives Caldier, Robertson, Abbarno, Eslick, Corry, Barkis, Gilday, Tharinger, Griffey and Young

AN ACT Relating to identifying and removing barriers to employment with the Washington state ferries; adding a new section to chapter 47.64 RCW; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 1609 by Representatives Hoff, Vick, Caldier, Graham, Corry and Dufault

AN ACT Relating to limiting agency authority to align with federal standards during public health emergencies; amending RCW 49.17.180; adding a new section to chapter 49.17 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1610 by Representatives Bateman, Harris, Leavitt, Caldier, Ryu, Simmons, Wicks, Graham, Gilday, Goodman, Macri, Dolan, Chambers, Harris-Talley and Taylor

AN ACT Relating to the occupational therapy licensure compact; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health Care & Wellness.

HB 1611 by Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young

AN ACT Relating to advancing equity in programs for highly capable students; amending RCW 28A.185.020, 28A.185.030, 28A.185.050, 28A.160.160, and 28A.300.042; adding a new section to chapter 28A.185 RCW; and creating a new section.

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

HB 1612 by Representatives Sells, Berry, Wicks, Simmons and Harris-Talley

AN ACT Relating to making technical cross-reference corrections in statutes governing unemployment insurance; and amending RCW 50.29.025 and 50.29.070.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1613 by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

AN ACT Relating to shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private; amending RCW 50A.25.070 and 50A.25.110; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1614 by Representatives Kirby, Ryu, Berry, Johnson, J., Corry, Walen, Robertson, Rule, Santos, Frame and Young

AN ACT Relating to online marketplace consumer product theft and safety protection; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 1615 by Representatives Walen, Ryu, Leavitt, Fitzgibbon, Wicks, Bateman, Simmons, Duerr, Chase, Ramel, Springer, Berg, Goodman, Macri, Peterson, Slatter, Bergquist, Riccelli and Ormsby

AN ACT Relating to the sale of cosmetics tested on animals; adding a new chapter to Title 69 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1616 by Representatives Simmons, Cody, Bateman, Valdez, Davis, Macri, Slatter, Pollet and Taylor

AN ACT Relating to the charity care act; and amending RCW 70.170.020 and 70.170.060.

Referred to Committee on Health Care & Wellness.

HB 1617 by Representatives Morgan, Leavitt, Johnson, J., Ramel, Callan, Davis, Taylor, Santos, Simmons, Riccelli, Ormsby and Harris-Talley

AN ACT Relating to aligning state and school holidays; amending RCW 28A.150.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1618 by Representatives Berg, Senn, Chapman, Ryu, Berry, Wicks, Bateman, Duerr, Ramel, Springer, Sells, Johnson, J., Taylor, Walen, Valdez, Callan, Cody, Davis, Goodman, Macri, Peterson, Ramos, Santos, Wylie, Slatter, Bergquist, Tharinger, Kloba, Pollet, Dolan, Riccelli, Ormsby, Harris-Talley, Hackney and Frame

AN ACT Relating to prohibiting weapons at election-related offices and facilities subject to limited exemptions for law enforcement officers and security personnel; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1619 by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley

AN ACT Relating to appliance efficiency standards; amending RCW 19.260.030, 19.260.040, and 19.260.050; reenacting and amending RCW

19.260.020 and 19.260.020; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1620 by Representatives Leavitt, Boehnke, Shewmake, Ryu, Robertson, Wicks, Duerr, Ramel, Valdez, Bronoske, Callan, Ramos, Santos, Simmons, Pollet, Hackney and Taylor

AN ACT Relating to responding to extreme weather events; amending RCW 38.52.105; adding a new section to chapter 38.52 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1621 by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Bateman, Walen, Valdez, Bronoske, Callan, Cody, Davis, Goodman, Ramos, Simmons, Slatter, Kloba, Pollet, Griffey, Riccelli, Ormsby, Macri, Chambers, Frame and Taylor

AN ACT Relating to creating programs to encourage sexual assault nurse examiner training; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Appropriations.

HB 1622 by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Walen, Valdez, Bronoske, Callan, Davis, Goodman, Rule, Simmons, Kloba, Pollet, Maycumber, Jacobsen, Riccelli, Caldier, Chambers and Taylor

AN ACT Relating to increasing the availability of sexual assault nurse examiner education in rural and underserved areas; adding new sections to chapter 28B.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

HB 1623 by Representatives Mosbrucker, Fitzgibbon, Leavitt, Ryu, Duerr, Graham, Wicks, Callan, Fey, Paul, Ramos, Wylie, Slatter, Kloba and Harris-Talley

AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events; amending RCW 19.280.065; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1624 by Representatives Mosbrucker and Graham

AN ACT Relating to modifying the motorcycle safety education advisory board; and amending RCW 46.20.520.

Referred to Committee on Transportation.

HB 1625 by Representatives Bronoske, Leavitt, Boehnke, Sells, Graham, Santos, Slatter, Griffey and Young

AN ACT Relating to specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment; and amending RCW 38.40.060.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1626 by Representatives Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger

AN ACT Relating to updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices; and amending RCW 77.32.090.

Referred to Committee on Appropriations.

HB 1627 by Representatives Goehner, Eslick, Robertson, Graham, Dufault, Jacobsen and Griffey

AN ACT Relating to making it possible for more properties to have access to water, storm drains, and sanitary sewage systems; amending RCW 36.70A.030, 36.70A.070, 36.70A.110, 36.70A.280, 36.70A.320, 36.70B.040, 36.93.100, and 36.93.105; adding a new section to chapter 36.70 RCW; creating a new section; and repealing RCW 35.67.022 and 35.91.025.

Referred to Committee on Local Government.

HB 1628 by Representatives Jacobsen and Dufault

AN ACT Relating to the preparation of statements in local voters' pamphlets; amending RCW 29A.32.280; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1629 by Representatives Dolan, Wylie, Shewmake, Duerr, Walen and Chase

AN ACT Relating to a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments; and creating new sections.

Referred to Committee on Community & Economic Development.

HB 1630 by Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame

AN ACT Relating to establishing restrictions on the possession of weapons in certain locations; amending RCW 9.41.280 and 9.41.305; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1631 by Representatives Shewmake, Ryu, Leavitt, Wicks, Bateman, Duerr, Boehnke, Walen, Paul, Rule, Santos, Sullivan, Slatter, Macri and Harris-Talley

AN ACT Relating to supporting Washington's food production system by providing technical assistance in support of improved voluntary environmental stewardship; amending RCW 89.08.610 and 89.08.630; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1632 by Representatives Shewmake, Lekanoff, Chapman, Ramel, Rule, Santos and Harris-Talley

AN ACT Relating to the issuance of tribal license plates; and amending RCW 46.16A.230.

Referred to Committee on Transportation.

HB 1633 by Representatives Walsh, Graham, Sutherland, Kraft, Jacobsen and Young

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the family empowerment scholarship program; amending RCW 83.100.230; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Education.

HB 1634 by Representatives Klippert, Chase, Graham, Sutherland, Kraft, Volz, Griffey and Young

AN ACT Relating to clarifying the authority of law enforcement officers to acquire, possess, and use certain firearms and ammunition; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1635 by Representatives Klippert, Graham and Tharinger

AN ACT Relating to prohibiting former parents from receiving child support and maintenance from adoptive parents; and amending RCW 26.18.040.

Referred to Committee on Civil Rights & Judiciary.

HB 1636 by Representatives Klippert, Leavitt, Barkis, Graham, Sutherland, Kraft, Jacobsen, Griffey, Chambers and Young

AN ACT Relating to taxation of property used as the primary residence of gold star families; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1637 by Representatives Simmons, Taylor, Ryu, Bateman, Davis, Macri, Peterson, Pollet, Ormsby, Harris-Talley and Frame

AN ACT Relating to allowing a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense; and amending RCW 9.94A.535.

Referred to Committee on Public Safety.

HB 1638 by Representatives McEntire, Fitzgibbon, Rude, Duerr, Walen, Cody, Paul, Kloba and Pollet

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

Referred to Committee on Local Government.

HB 1639 by Representatives Lekanoff, Goodman, Leavitt, Bateman, Ryu, Simmons, Shewmake, Berry, Ramel, Wicks, Berg, Valdez, Taylor, Rule, Orwall, Slatter, Kloba, Pollet, Riccelli, Ormsby, Harris-Talley and Hackney

AN ACT Relating to the creation of an endangered missing person advisory designation for missing indigenous women and persons; and amending RCW 13.60.010.

Referred to Committee on Public Safety.

HB 1640 by Representatives Lekanoff, Valdez, Bateman, Ryu, Berry, Ramel, Sells, Berg, Fey, Orwall, Harris-Talley and Frame

AN ACT Relating to creating the joint legislative tribal-state relations committee as an agency within the legislative branch; reenacting and amending RCW 44.04.260 and 43.88.230; adding a new chapter to Title 44 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1641 by Representatives Hoff, Springer, Corry, Dufault, Graham, Sutherland, Rule, Griffey and Young

AN ACT Relating to restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1642 by Representatives Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young

AN ACT Relating to the Washington national guard postsecondary education grant program; and amending RCW 28B.103.010 and 28B.103.020.

Referred to Committee on College & Workforce Development.

HB 1643 by Representatives Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1644 by Representatives Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney

AN ACT Relating to permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure; and amending RCW 28A.160.130.

Referred to Committee on Appropriations.

HB 1645 by Representatives Bateman, Schmick, Callan, Santos, Tharinger, Stonier and Riccelli

AN ACT Relating to medicaid assisted living payment methodology; amending RCW 74.39A.032 and 70.129.030; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1646 by Representatives Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick, Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby

AN ACT Relating to continuing the work of the dementia action collaborative; adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1647 by Representatives Tharinger, Leavitt, Duerr, Springer, Berg, Callan, Goodman, Simmons, Wylie and Frame

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

Referred to Committee on Ways & Means.

HB 1648 by Representatives Vick, Kirby and Dufault

AN ACT Relating to replacing an inactive certificate status with an inactive license designation; amending RCW 18.04.015, 18.04.025, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.195, 18.04.195, 18.04.215, 18.04.215, 18.04.295, 18.04.320, 18.04.335, 18.04.345, 18.04.345, 18.04.350, 18.04.350, 18.04.370, 18.04.405, and 18.04.430; providing an effective date; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

HB 1649 by Representatives Shewmake and Taylor

AN ACT Relating to the advisory committee on hunters and fishers with disabilities; and amending RCW 77.04.150.

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

HB 1650 by Representatives Leavitt, Mosbrucker, Eslick, Pollet, Griffey and Young

AN ACT Relating to commercial solicitation; amending RCW 19.190.010, 19.190.020, 19.190.040, 19.190.060, 19.190.070, 19.190.080, 19.190.090, and 80.36.400; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1651 by Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley and Taylor

AN ACT Relating to allowing providers to bill separately for immediate postpartum contraception; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1652 by Representatives Dolan, Lekanoff, Shewmake, Fitzgibbon, Goodman and Tharinger

AN ACT Relating to conservation district elections; and amending RCW 89.08.190, 89.08.200, 29A.04.330, 29A.52.220, and 42.17A.010.

Referred to Committee on State Government & Tribal Relations.

HB 1653 by Representatives Lekanoff, Chapman, Ryu, Ramel and Pollet

AN ACT Relating to improving statewide coordination in support of anadromous fish recovery; amending RCW 77.85.005, 77.85.030, 43.21A.020, 90.71.360, and 79A.25.005; adding a new section to chapter 77.85 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1654 by Representatives Stokesbary, Simmons, Cody, Eslick, Macri and Riccelli

AN ACT Relating to health professional monitoring programs by clarifying the application of the programs and confidentiality protections for program participants, and updating terminology, definitions, and references; amending RCW 18.22.250, 18.32.534, 18.57.015, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.92.047, and 18.130.070; and reenacting and amending RCW 18.130.175.

Referred to Committee on Health Care & Wellness.

HB 1655 by Representatives Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor

AN ACT Relating to having safety rest areas open to the public as soon as possible; adding a new section to chapter 47.38 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1656 by Representatives Griffey, Graham, Walen, Robertson, Dent and Young

AN ACT Relating to changing the definition of theft; and amending RCW 9A.56.020.

Referred to Committee on Public Safety.

HB 1657 by Representatives Griffey, Barkis, Graham, Dent, Rule and Young

AN ACT Relating to reducing the emissions and safety risks of inadequate commercial truck parking supply through tax incentives; amending RCW 82.29A.130; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1658 by Representatives Klippert, Graham and Young

AN ACT Relating to requiring the department of children, youth, and families to incorporate principles of equality; and amending RCW 43.216.005 and 43.216.015.

Referred to Committee on Children, Youth & Families.

HB 1659 by Representatives Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J., Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame

AN ACT Relating to making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security; amending RCW 28B.92.030 and 28B.92.205; adding a new section to chapter 28B.92 RCW; creating a new section; and repealing RCW 28B.92.060, 28B.92.070, and 28B.92.110.

Referred to Committee on Appropriations.

HB 1660 by Representatives Shewmake, Ryu, Fitzgibbon, Ramel, Bateman, Gregerson, Goodman, Macri, Peterson, Simmons, Bergquist, Tharinger, Kloba, Pollet and Ormsby

AN ACT Relating to accessory dwelling units; and amending RCW 36.70A.697 and 36.70A.698.

Referred to Committee on Local Government.

HB 1661 by Representatives Shewmake, Ryu, Berry, Fitzgibbon, Ramel, Springer, Duerr, Walen, Callan, Goodman, Paul, Peterson, Ramos, Rule,

Simmons, Slatter, Tharinger, Kloba, Pollet and Harris-Talley

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1662 by Representatives Macri, Harris, Stokesbary, Simmons, Shewmake, Paul, Fitzgibbon, Ramel, Leavitt, Wicks, Duerr, Valdez, Bronoske, Gilday, Goodman, Sullivan, Springer, Kloba, Pollet, Stonier, Riccelli, Chambers and Harris-Talley

AN ACT Relating to physical therapists performing intramuscular needling; amending RCW 18.74.010; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health Care & Wellness.

HB 1663 by Representatives Duerr, Fitzgibbon, Ryu, Berry, Leavitt, Ramel, Thai, Walen, Valdez, Goodman, Gregerson, Macri, Peterson, Slatter, Tharinger, Kloba, Pollet, Harris-Talley and Hackney

AN ACT Relating to reducing methane emissions from landfills; amending RCW 70A.65.080; reenacting and amending RCW 70A.15.3160; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1664 by Representatives Rule, Stonier, Shewmake, Senn, Ramel, Wicks, Johnson, J., Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney and Frame

AN ACT Relating to prototypical school formulas for physical, social, and emotional support in schools; amending RCW 28A.400.007; reenacting and amending RCW 28A.150.260 and 28A.150.260; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1665 by Representatives Rule, Shewmake, Duerr, Callan and Harris-Talley

AN ACT Relating to modifying the membership of the oversight board for children, youth, and families; and amending RCW 43.216.015.

Referred to Committee on Children, Youth & Families.

HB 1666 by Representatives Wylie and Orcutt

AN ACT Relating to clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax; and amending RCW 82.12.010 and 82.04.450.

Referred to Committee on Ways & Means.

HB 1667 by Representative Wylie

AN ACT Relating to ownership of cannabis-related businesses; amending RCW 69.50.331 and 69.50.325; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 1668 by Representatives Kloba, Wylie and Young

AN ACT Relating to expanding regulatory authority over cannabinoids that may be impairing and providing for enhanced product safety and consumer information disclosure about marijuana products; amending RCW 69.50.325, 69.50.326, 69.50.342, and 69.50.363; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1669 by Representatives Stokesbary, Fitzgibbon, Leavitt, Robertson, Graham, Bronoske, Jacobsen, Sullivan, Griffey and Young

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Ways & Means.

HB 1670 by Representatives Thai, Goehner, Callan, Ramos and Harris-Talley

AN ACT Relating to the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government & Tribal Relations.

HB 1671 by Representatives Riccelli, Leavitt, Bateman, Valdez, Cody, Macri, Paul, Simmons, Chopp, Tharinger, Kloba, Pollet, Ormsby, Harris-Talley and Taylor

AN ACT Relating to establishing a prescription drug affordability board; amending RCW 43.71C.100 and 43.71.130; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1672 by Representatives Wylie and Fitzgibbon

AN ACT Relating to local property tax levies for conservation futures; amending RCW 84.55.010; and creating a new section.

Referred to Committee on Finance.

HB 1673 by Representatives Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor and Frame

AN ACT Relating to broadband infrastructure loans and grants made by the public works board; and amending RCW 43.155.160 and 42.56.270.

Referred to Committee on Capital Budget.

HB 1674 by Representatives Walen, Hoff, Boehnke and Vick

AN ACT Relating to authorizing sports wagering at cardrooms and racetracks; amending RCW 9.46.0335, 9.46.153, 9.46.155, 9.46.210, 9.46.240, 67.04.010, 67.04.020, 67.04.030, 67.04.040, 67.04.050, 67.04.060, 67.04.070, and 67.04.080; adding a new section to chapter 82.04 RCW; adding a new section to chapter 67.04 RCW; adding a new chapter to Title 9 RCW; recodifying RCW 67.24.010; decodifying RCW 67.24.020; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 1675 by Representatives Bateman, Maycumber, Leavitt, Graham, Dolan, Cody, Griffey and Riccelli

AN ACT Relating to exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act; and amending RCW 18.64.257 and 69.41.032.

Referred to Committee on Health Care & Wellness.

HB 1676 by Representatives Harris, Pollet, Leavitt, Ryu, Chopp, Senn, Duerr, Valdez, Callan, Cody, Macri, Wylie, Ramel, Bergquist, Gregerson, Riccelli and Bronoske

AN ACT Relating to taxation of vapor products to fund additional tobacco and vapor use prevention and cessation programs and services; amending RCW 82.25.005, 82.25.010, 82.25.015, 82.25.075, 82.25.080, 82.25.090, 82.25.065, 82.25.075, and 82.32.145; adding a new section to chapter 82.25 RCW; creating a new section; repealing RCW 82.25.060, 82.25.085, and 82.25.105; and providing an effective date.

Referred to Committee on Finance.

HB 1677 by Representatives Abbarno, Corry, Boehnke, Klippert, Sutherland, MacEwen, Eslick, Chambers, Graham, Dufault, Gilday, Kraft, Jacobsen, Volz, Griffey, Steele, Young and Johnson, J.

AN ACT Relating to employer tax incentives for the support of veterans and military families; amending RCW 82.04.4498 and 82.16.0499; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1678 by Representatives Klippert, Chase, Graham, Eslick and Boehnke

AN ACT Relating to creating a domestic violence offender registry; amending RCW 4.24.130 and 4.24.130; adding new sections to chapter 10.99 RCW; adding a new section to chapter 43.43 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1679 by Representatives Klippert, Chase, Kraft and Young

AN ACT Relating to prohibiting abortions performed by means of medication; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1680 by Representatives Klippert, Graham, Chase, McCaslin, Sutherland, Kraft and Young

AN ACT Relating to recognizing the lasting immune protection resulting from recovery from COVID-19; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 1681 by Representatives Simmons, Hansen, Davis, Macri, Harris-Talley and Frame

AN ACT Relating to modifying the requirements for vacating conviction records; amending RCW 9.94A.640 and 9.96.060; reenacting and amending RCW 9.96.060; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1682 by Representatives Fitzgibbon, Ramel, Duerr, Berry, Macri, Ormsby and Hackney

AN ACT Relating to a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's

emissions reduction limits through 2050; and amending RCW 70A.65.110, 70A.65.230, and 70A.65.260.

Referred to Committee on Appropriations.

HB 1683 by Representative Corry

AN ACT Relating to involuntary removal of property from current use classification; and amending RCW 84.34.100 and 84.34.108.

Referred to Committee on Finance.

HB 1684 by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli

AN ACT Relating to public health and fluoridation of drinking water; and adding new sections to chapter 70A.125 RCW.

Referred to Committee on Appropriations.

HB 1685 by Representatives Eslick, Shewmake, Springer, Bateman, Paul, Rule, Wylie, Griffey, Sutherland and Frame

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

Referred to Committee on Appropriations.

HB 1686 by Representatives Harris, Stonier, Ryu, Springer, Shewmake, Bateman and Slatter

AN ACT Relating to allowing the labeling of biodegradable products that are supported by recognized national or international test methods; amending RCW 70A.455.030 and 70A.455.040; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1687 by Representatives Bergquist, Leavitt, Ramel, Sells, Johnson, J., Bateman, Valdez, Paul, Callan, Davis, Goodman, Gregerson, Taylor, Ramos, Santos, Sullivan, Riccelli, Harris-Talley, Hackney and Kloba

AN ACT Relating to enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges; amending RCW 28B.118.010; and creating a new section.

Referred to Committee on Ways & Means.

HB 1688 by Representatives Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan,

Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame

AN ACT Relating to protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions; amending RCW 43.371.100, 48.43.005, 48.43.093, 48.43.535, 48.49.003, 48.49.020, 48.49.030, 48.49.040, 48.49.050, 48.49.060, 48.49.070, 48.49.090, 48.49.100, 48.49.130, 48.49.150, and 48.49.110; adding a new section to chapter 48.43 RCW; adding new sections to chapter 48.49 RCW; adding a new section to chapter 71.24 RCW; recodifying RCW 48.49.150; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1689 by Representatives Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter and Tharinger

AN ACT Relating to exempting biomarker testing from prior authorization for patients with late stage cancer; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1690 by Representatives Peterson, Macri, Ryu, Simmons, Gregerson, Dolan, Valdez, Fitzgibbon, Berg, Bateman, Kloba and Frame

AN ACT Relating to the use of deception by law enforcement officers during custodial interrogations; and adding a new chapter to Title 10 RCW.

Referred to Committee on Public Safety.

HB 1691 by Representatives Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba

AN ACT Relating to financial responsibility requirements related to oil spills; amending RCW 88.40.011, 88.40.025, 88.40.030, and 88.40.040; reenacting and amending RCW 88.40.020; adding a new section to chapter 88.40 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1692 by Representatives Simmons, Hackney, Ryu, Peterson, Ormsby and Harris-Talley

AN ACT Relating to promoting racial equity in the criminal legal system by eliminating drive-by shooting as a basis for elevating murder in the first degree to aggravated murder in the first degree; amending RCW 10.95.020 and 10.95.020; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1693 by Representatives Chase, McCaslin, Klippert, Eslick, Chambers, Jacobsen, Griffey and Young

AN ACT Relating to recognizing the first day of May as home school day; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1694 by Representatives Berry, Fitzgibbon, Ramel, Bateman, Duerr, Callan, Macri, Harris-Talley, Hackney and Frame

AN ACT Relating to logistical processes for the regulation of priority chemicals in consumer products; amending RCW 70A.350.050, 70A.350.030, 70A.350.020, and 70A.350.040; and adding a new section to chapter 70A.350 RCW.

Referred to Committee on Appropriations.

HB 1695 by Representatives Walsh, Sutherland, Klippert, McCaslin, McEntire, Kraft, Jacobsen and Young

AN ACT Relating to reforming the means by which the legislature establishes operating procedures; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1696 by Representatives Walsh, Sutherland, Chase, Klippert, McCaslin, Graham, McEntire, Chambers, Dufault, Eslick, Kraft, Jacobsen and Young

AN ACT Relating to access to legislative facilities on the capitol campus; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1697 by Representatives Leavitt, Ramel, Berg, Callan, Slatter and Pollet

AN ACT Relating to privacy rights for Washington minors; and adding a new chapter to Title 19 RCW.

Referred to Committee on Appropriations.

HB 1698 by Representatives Shewmake, Ryu, Ramel, Peterson, Tharinger, Pollet and Harris-Talley

AN ACT Relating to prohibiting latex gloves in the handling and preparation of food for sale to consumers; and adding a new chapter to Title 69 RCW.

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

HB 1699 by Representatives Bergquist, Volz, Ryu, Leavitt, Chase, Robertson, Graham, Springer, Sells, Valdez, Dolan, Paul, Callan, Gilday, Goodman, Taylor, Macri, Ramos, Santos, Pollet, Griffey, Riccelli, Frame and Kloba

AN ACT Relating to permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025; amending RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037; and repealing RCW 41.35.065 and 41.32.068.

Referred to Committee on Appropriations.

HB 1700 by Representatives Paul, Griffey, Fitzgibbon, Ryu, Ramel, Leavitt, Wicks, Shewmake, Duerr, Bateman, Bronoske, Peterson, Rule, Simmons and Tharinger

AN ACT Relating to sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax; amending RCW 82.49.030; and creating a new section.

Referred to Committee on Ways & Means.

HB 1701 by Representatives Bergquist, MacEwen, Sells, Bateman, Graham, Fitzgibbon, Callan, Peterson, Sullivan, Pollet, Maycumber and Ormsby

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1702 by Representatives Boehnke, Abbarno, Chambers, Graham, Sutherland and Eslick

AN ACT Relating to accelerating broadband connectivity for Washington; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1703 by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame

AN ACT Relating to the modernization of the statewide 911 emergency communications system; amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530.

Referred to Committee on Appropriations.

HB 1704 by Representatives Kirby, Vick, Ryu and Dufault

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.050, 48.110.055, 48.110.060, 48.110.070, 48.110.073, 48.110.075, 48.110.110, and 48.110.140.

Referred to Committee on Business, Financial Services & Trade.

HB 1705 by Representatives Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney and Kloba

AN ACT Relating to limiting ghost guns, including untraceable firearms and untraceable unfinished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968; amending RCW 7.80.120, 9.41.010, 9.41.190, and 43.43.580; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1706 by Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba

AN ACT Relating to truck drivers ability to access restroom facilities; adding new sections to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1707 by Representatives Ryu, Davis, Ramel, Senn and Pollet

AN ACT Relating to requiring the wearing of personal flotation devices on kayaks, canoes, and stand-up paddleboards; amending RCW 79A.60.160; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Community & Economic Development.

HB 1708 by Representatives Cody, Riccelli, Bateman, Macri, Tharinger and Pollet

AN ACT Relating to facility fees for audio-only telemedicine; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 1709 by Representatives Orcutt, Wylie, Springer, Griffey and Leavitt

AN ACT Relating to safety measures for tow truck operators and vehicles; amending RCW 46.37.196 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

HB 1710 by Representatives Shewmake, Ramel, Harris-Talley and Kloba

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070; adding a new section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Appropriations.

HB 1711 by Representatives Pollet, Shewmake, Ryu, Taylor, Bateman, Duerr, Wicks, Valdez, Goodman, Ramel, Bergquist and Kloba

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1712 by Representatives Dent, Riccelli, Dufault, Eslick and Griffey

AN ACT Relating to municipal airport commissions; and amending RCW 14.08.120.

Referred to Committee on Transportation.

HB 1713 by Representatives Thai, Riccelli, Bateman, Cody, Macri, Tharinger, Pollet and Ormsby

AN ACT Relating to requiring cost sharing for prescription drugs to be counted against an enrollee's out-of-pocket costs, deductible, cost sharing, out-of-pocket maximum, or similar enrollee obligation,

regardless of the source of the payment; amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1714 by Representatives Duerr, Goehner, Fitzgibbon, Bateman, Ramel and Pollet

AN ACT Relating to impact fee deferrals; amending RCW 82.02.050; and repealing RCW 43.31.980.

Referred to Committee on Local Government.

HB 1715 by Representatives Mosbrucker, Simmons, Robertson, Wicks, Callan, Ramos and Griffey

AN ACT Relating to the membership of the sentencing guidelines commission; and amending RCW 9.94A.860.

Referred to Committee on Public Safety.

HB 1716 by Representatives Valdez, Dolan and Pollet

AN ACT Relating to locations at which ballots may be cast; and amending RCW 29A.08.140, 29A.40.160, and 29A.84.510.

Referred to Committee on State Government & Tribal Relations.

HB 1717 by Representatives Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri and Young

AN ACT Relating to tribal participation in planning under the growth management act; and amending RCW 36.70A.040, 36.70A.080, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210.

Referred to Committee on Appropriations.

HB 1718 by Representatives Walen, Wicks, Berg, Fitzgibbon, Bateman, Goodman, Macri, Peterson, Ramel, Orwall, Slatter and Pollet

AN ACT Relating to prohibiting activities related to the production and manufacturing of fur products; amending RCW 16.72.010; adding new sections to chapter 16.72 RCW; creating a new section; repealing RCW 16.72.020, 16.72.030, and 16.72.040; prescribing penalties; providing an effective date; and providing expiration dates.

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

HB 1719 by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

AN ACT Relating to modifying the restrictions on the use and acquisition of military equipment by law enforcement agencies as it pertains to firearms and ammunition but only with respect to removing the restriction on ammunition, narrowing the restriction on firearms to include only rifles of .50 caliber or greater, and clarifying that the restrictions do not apply to shotguns, devices designed or used to deploy less lethal munitions, and less lethal equipment; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1720 by Representatives Walsh, Chase, Boehnke, Klippert, Sutherland, Graham, Rude, Eslick, Kraft, Jacobsen and Young

AN ACT Relating to protecting the right of every Washington resident to decline an immunization or vaccination for COVID-19; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 1721 by Representatives Stokesbary, Ormsby, Leavitt, Sells, Johnson, J., Fitzgibbon, Robertson, Walen, Dolan, Valdez, Bateman, Callan, Goodman, Macri, Paul, Simmons, Wylie, Sullivan, Bergquist, Pollet, Young, Kloba and Frame

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; and providing an effective date.

Referred to Committee on Appropriations.

HB 1722 by Representatives Boehnke, Paul, Leavitt, Dye, Taylor, Chase, McCaslin, Klicker, Goehner, Rule, Sutherland, Chambers, Eslick, Gilday, Wylie and Bergquist

AN ACT Relating to the acceleration of broadband deployment; amending RCW 35.99.010; adding a new section to chapter 35.99 RCW; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1723 by Representatives Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training; amending RCW 43.330.530, 43.330.532, 43.330.534,

and 43.330.412; adding new sections to chapter 80.36 RCW; adding new sections to chapter 43.330 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1724 by Representatives Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba

AN ACT Relating to ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington; amending RCW 43.185B.020; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1725 by Representatives Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame

AN ACT Relating to the creation of an endangered missing person advisory designation for missing indigenous persons; amending RCW 13.60.010; and creating a new section.

Referred to Committee on Public Safety.

HB 1726 by Representatives Goodman, Johnson, J., Callan, Ramel, Ramos, Orwall, Wylie and Stonier

AN ACT Relating to modifying the standard for use of physical force by peace officers in circumstances involving criminal conduct by allowing a peace officer to use physical force to protect against criminal conduct or effect an investigatory detention when there is reasonable suspicion that a person has committed or is committing a violent offense, a sex offense, an assault, or domestic violence, and allowing a peace officer to use physical force to protect against any other type of criminal offense when there is probable cause that a person has committed or is committing such an offense, subject to the requirement to exercise reasonable care and other protections afforded to the public under the law; amending RCW 10.120.010 and 10.120.020; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1727 by Representatives Gregerson, Entenman, Bateman, Macri, Peterson, Ramos, Simmons, Harris-Talley and Frame

AN ACT Relating to odd-numbered year elections; amending RCW 29A.04.321, 29A.04.330, 29A.04.420, 29A.92.050, 29A.92.110, 36.105.090, 35.17.020,

35.18.270, 35.23.051, 35.27.090, 35.30.080, 35.61.050, 35A.02.050, 36.32.030, 36.32.0554, 36.69.070, 36.105.050, 36.105.060, 36.69.090, 36.93.051, 36.93.061, and 36.93.063; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1728 by Representatives Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli and Leavitt

AN ACT Relating to reauthorizing and amending dates for the total cost of insulin work group; amending RCW 70.14.160; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1729 by Representatives Senn, Paul, Ryu and Leavitt

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development.

HB 1730 by Representatives Stonier, Wicks, Berry, Valdez, Callan, Macri, Rule, Santos, Orwall, Bergquist, Harris-Talley and Frame

AN ACT Relating to fertility services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1731 by Representatives Kloba, Boehnke and Shewmake

AN ACT Relating to enhancing requirements for autonomous vehicle testing; amending RCW 46.04.370, 46.92.010, and 42.56.270; adding new sections to chapter 46.92 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1732 by Representatives Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

AN ACT Relating to delaying the implementation of the long-term services and supports trust program by 18 months to allow for the extension of benefits to persons

born before January 1, 1968, by modifying conditions for becoming a qualified individual and eligible beneficiary and allowing for the refunding of prematurely collected premiums; amending RCW 50B.04.020, 50B.04.050, 50B.04.060, 50B.04.080, and 50B.04.090; adding a new section to chapter 50B.04 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1733 by Representatives Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

AN ACT Relating to establishing voluntary exemptions to the long-term services and supports trust program for certain populations identified in the long-term services and supports trust commission's 2022 recommendations report, specifically including exemptions only for veterans with a service-connected disability of 70 percent or higher, the spouses or domestic partners of active duty service members, persons residing outside of Washington while working in Washington, and persons working in the United States under a temporary, nonimmigrant work visa; amending RCW 50B.04.080; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

HB 1734 by Representatives Sullivan, Vick, Boehnke, Gilday and Goodman

AN ACT Relating to taxation of low-proof beverages; amending RCW 66.24.630, 66.24.055, and 82.08.150; reenacting and amending RCW 66.04.010; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 1735 by Representatives Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier

AN ACT Relating to modifying the standard for use of force by peace officers but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, authorizing the use of physical force to take a person into custody or provide assistance in certain circumstances involving a civil or forensic commitment, authorizing the use of physical force to take a minor into protective custody, authorizing the use of physical force to execute or enforce a court order, defining de-escalation tactics, clarifying when de-escalation tactics and less lethal

alternatives must be used by a peace officer, specifying that the standard does not limit or restrict a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions, and specifying that the standard does not prevent a peace officer from responding to requests for assistance or service; amending RCW 10.120.010 and 10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1736 by Representatives Sullivan, Slatter, Leavitt, Valdez, Walen, Goodman, Gregerson, Ramel, Santos, Wylie, Paul, Simmons, Chopp, Bergquist, Pollet, Johnson, J., Riccelli, Ormsby and Frame

AN ACT Relating to establishing a state student loan program; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Appropriations.

HB 1737 by Representatives Mosbrucker, Jacobsen, Griffey, Graham and Young

AN ACT Relating to improving public safety; amending RCW 10.116.020, 10.116.030, 10.116.040, 10.116.060, 10.120.010, 10.120.020, 43.101.080, 43.43.837, 43.101.105, and 10.93.190; reenacting and amending RCW 43.101.010; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1738 by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby

AN ACT Relating to changing the total amount of outstanding indebtedness of the Washington state housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Housing & Local Government.

HB 1739 by Representatives Maycumber, Cody and Ramos

AN ACT Relating to modernizing hospital policies related to pathogens of epidemiological concern; amending RCW 70.41.430; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1740 by Representatives Taylor, Boehnke, Ryu, Berg, Ramel, Sullivan, Johnson, J., Harris-Talley and Frame

AN ACT Relating to the authority of the community economic revitalization board with respect to loans and grants to political subdivisions and federally

recognized Indian tribes for broadband; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1741 by Representatives Cody, Macri, Bateman, Chopp, Tharinger, Pollet, Riccelli and Harris-Talley

AN ACT Relating to addressing affordability through health care provider contracting; amending RCW 48.43.730; adding new sections to chapter 48.43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1742 by Representatives Schmick, Jacobsen and Graham

AN ACT Relating to creating fairness in the operation of the long-term services and supports trust program; and amending RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.100, 50B.04.140, and 48.83.170.

Referred to Committee on Appropriations.

HB 1743 by Representatives Schmick, Ryu and Graham

AN ACT Relating to the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington; and amending RCW 36.39.030.

Referred to Committee on Local Government.

HB 1744 by Representatives Dolan, Harris, Leavitt, Senn, Ryu, Johnson, J., Chambers, Davis, Macri, Corry, Tharinger, Valdez and Frame

AN ACT Relating to collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care; amending RCW 42.56.010, 43.09.290, 41.40.010, 41.56.030, 41.80.005, 42.30.020, 39.26.010, 41.06.020, and 42.17A.005; reenacting and amending RCW 42.52.010; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

HB 1745 by Representatives Schmick, Dufault and Graham

AN ACT Relating to providing discretion to the director of the department of labor and industries to waive or modify penalties and violations when action is taken to avoid imminent danger of loss of life or serious

injury; amending RCW 49.17.180; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1746 by Representatives Ortiz-Self, Taylor, Davis, Ramel and Santos

AN ACT Relating to updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1747 by Representatives Ortiz-Self, Taylor, Davis, Peterson, Ryu, Orwall, Dolan, Simmons, Ramos, Wicks, Valdez, Fitzgibbon, Morgan, Stonier, Goodman, Ormsby, Macri, Harris-Talley and Frame

AN ACT Relating to supporting relative placements in child welfare proceedings; and amending RCW 13.34.145, 13.34.180, 13.34.210, and 74.13.062.

Referred to Committee on Children, Youth & Families.

HB 1748 by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

AN ACT Relating to aged, blind, or disabled program eligibility for victims of human trafficking; and amending RCW 74.04.805 and 74.62.030.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1749 by Representatives Thai, Stonier, Macri, Ryu, Dolan, Chopp, Wicks, Valdez, Pollet, Fitzgibbon, Ramel, Ortiz-Self, Davis, Slatter, Harris-Talley and Kloba

AN ACT Relating to newborn screening; and adding a new section to chapter 70.83 RCW.

Referred to Committee on Health Care & Wellness.

HB 1750 by Representatives Hoff, Walen, Rude, Ybarra, Klippert, Dent, Corry, Dufault, Goehner, Chambers, Chapman, Eslick, Kraft, Jacobsen and Graham

AN ACT Relating to authorizing an agricultural employer to select any 12 weeks in a calendar year as special circumstance weeks for labor demand, during which in each of the selected 12 weeks, the agricultural employer may employ agricultural employees for up to 50 hours before the requirement to pay overtime applies

under RCW 49.46.130; amending RCW 49.46.130; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1751 by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet

AN ACT Relating to hazing prevention and reduction at institutions of higher education; amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1752 by Representatives Stokesbary, Bergquist, Bateman, Callan, Jacobsen, Ramos, Sullivan and Leavitt

AN ACT Relating to adding a Roth option to deferred compensation plans; amending RCW 41.50.770; and creating a new section.

Referred to Committee on Ways & Means.

HB 1753 by Representatives Lekanoff, Fitzgibbon, Valdez, Bateman, Ramel, Sullivan, Simmons, Ormsby and Young

AN ACT Relating to tribal consultation regarding the use of certain funding authorized by the climate commitment act; and adding a new section to chapter 70A.65 RCW.

Referred to Committee on Appropriations.

HB 1754 by Representatives Hackney, Kirby, Berry, Valdez, Ramel, Simmons, Bergquist and Ormsby

AN ACT Relating to prejudgment interest; and amending RCW 4.56.110.

Referred to Committee on Civil Rights & Judiciary.

HB 1755 by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba

AN ACT Relating to temporary assistance for needy families time limit extensions during times of high unemployment; and amending RCW 74.08A.010.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1756 by Representatives Peterson, Simmons, Johnson, J., Valdez, Bateman, Davis, Macri, Ramel, Santos, Senn, Thai, Pollet, Ormsby, Harris-Talley and Frame

AN ACT Relating to solitary confinement; amending RCW 72.68.010 and 72.09.015; adding new sections to chapter 72.09 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1757 by Representatives Cody, Harris, Santos, Pollet and Riccelli

AN ACT Relating to educational service district participation in health benefit plans offered by the public employees' benefits board; and amending RCW 41.05.011, 41.05.050, 28A.400.350, and 41.05.065.

Referred to Committee on Appropriations.

HB 1758 by Representatives Leavitt, Senn and Berry

AN ACT Relating to increasing the penalty for hazing; amending RCW 28B.10.901, 9.94A.515, and 9.94A.515; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1759 by Representatives Callan, Harris, Berry, Davis, Ramos, Santos, Senn, Sullivan, Valdez, Pollet, Peterson, Goodman, Macri and Dolan

AN ACT Relating to requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Education.

HB 1760 by Representatives Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor

AN ACT Relating to expanding access to dual credit programs; amending RCW 28A.600.287 and 28A.630.600; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; recodifying RCW 28A.630.600; and repealing RCW 28A.320.196, 28A.600.290, and 28B.76.730.

Referred to Committee on Appropriations.

HB 1761 by Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis and Chambers

AN ACT Relating to allowing nurses to dispense opioid overdose reversal medication in the emergency department; amending RCW 70.41.480; and declaring an emergency.

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

HB 1762 by Representative MacEwen

AN ACT Relating to state funding for educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Appropriations.

HB 1763 by Representatives Bronoske, Sells, Berry, Valdez, Goodman, Peterson, Simmons, Pollet, Ormsby, Harris-Talley and Kloba

AN ACT Relating to injured workers' rights during independent medical examinations; and amending RCW 51.36.070.

Referred to Committee on Labor & Workplace Standards.

HB 1764 by Representatives Sells, Berry, Bateman, Bronoske, Macri, Simmons, Slatter, Pollet, Ormsby, Frame and Harris-Talley

AN ACT Relating to collective bargaining for resident and fellow physicians employed by certain institutions of higher education; adding new sections to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1765 by Representatives Chopp, Cody, Macri, Ryu, Simmons, Wylie, Tharinger, Valdez, Pollet, Fitzgibbon, Chapman, Ortiz-Self, Stonier, Goodman, Riccelli, Davis, Taylor and Kloba

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption; and amending RCW 82.04.323.

Referred to Committee on Ways & Means.

HB 1766 by Representatives Ramel, Slatter, Berry, Dolan, Ryu, Wylie, Bateman, Davis, Duerr, Fitzgibbon, Goodman, Macri, Peterson, Valdez, Harris-Talley, Kloba and Frame

AN ACT Relating to modifying the regulation of gas companies to achieve reductions in greenhouse gas emissions; amending RCW 80.28.074, 80.28.385, 80.28.380, 80.28.110, and 80.28.190; adding new

sections to chapter 80.28 RCW; adding a new section to chapter 81.88 RCW; and creating new sections.

Referred to Committee on Environment & Energy.

HB 1767 by Representatives Ramel, Macri, Berry, Dolan, Fitzgibbon, Ryu, Wicks, Wylie, Bateman, Duerr, Shewmake, Chopp, Tharinger, Valdez, Pollet, Stonier, Goodman, Callan, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to the authority of publicly owned electric utilities to engage in targeted electrification through the adoption of plans that establish a finding that utility outreach and investment in the conversion of its customers' end use equipment from fossil fuels to electricity will provide net benefits to the utility; amending RCW 35.92.430 and 54.16.390; amending 2007 c 349 ss 1 and 3 (uncodified); adding a new section to chapter 35.92 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Environment & Energy.

HB 1768 by Representatives Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet and Hackney

AN ACT Relating to updating definitions applicable to energy conservation projects involving public entities; and reenacting and amending RCW 39.35C.010.

Referred to Committee on Environment & Energy.

HB 1769 by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter

AN ACT Relating to community municipal corporations; amending RCW 35.14.060, 35.13.015, 35.13.020, 35.13.030, 35.13.080, 35.13.090, 35.13.100, and 35.13.110; repealing RCW 35.14.020, 35.14.030, 35.14.040, 35.14.050, 35.14.060, 35A.14.025, 35.14.010, and 35.10.540; and providing an effective date.

Referred to Committee on Housing & Local Government.

HB 1770 by Representatives Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame

AN ACT Relating to strengthening energy codes; amending RCW 19.27A.160, 19.27A.015, and 19.27A.020; and creating a new section.

Referred to Committee on Local Government.

HB 1771 by Representatives Berry, Chopp, Fitzgibbon, Ryu, Sells, Bateman, Davis, Goodman, Macri, Ramel, Santos, Senn, Simmons, Bergquist, Valdez, Pollet, Riccelli, Harris-Talley and Frame

AN ACT Relating to permitting family child care providers to collectively bargain defined contribution retirement benefits; and amending RCW 41.56.028.

Referred to Committee on Appropriations.

HB 1772 by Representatives Corry, Chapman, Volz, Stokesbary, Robertson, Abbarno, MacEwen, Boehnke, Sutherland, Vick, Ybarra, Chambers, Dufault, Eslick, Barkis, Gilday, Jacobsen, Mosbrucker, Schmick, Maycumber, Griffey, Dent, Kraft, Graham and Caldier

AN ACT Relating to increasing legislative involvement in gubernatorial proclamations relating to a state of emergency; amending RCW 43.06.210 and 43.06.220; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1773 by Representatives Taylor, Davis, Leavitt, Callan, Cody, Macri, Ormsby and Harris-Talley

AN ACT Relating to assisted outpatient treatment for persons with behavioral health disorders; amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, and 71.24.045; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, and 71.29.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1774 by Representatives Hackney, Ramel, Berry, Dolan, Ryu, Wylie, Bateman, Duerr, Fitzgibbon, Goodman, Macri, Peterson, Slatter, Bergquist, Valdez, Pollet, Stonier, Harris-Talley, Kloba and Frame

AN ACT Relating to reducing greenhouse gas emissions in buildings; amending RCW 19.27A.200; adding new sections to chapter 19.27A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1775 by Representatives McEntire, Fitzgibbon, Walsh, Chapman, Dufault, Eslick, Macri, Sullivan and Young

AN ACT Relating to capital financial assistance to small school districts with demonstrated funding challenges; amending RCW 28A.525.159; adding a

new section to chapter 28A.525 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1776 by Representatives Sells, Berry, Eslick, Ortiz-Self, Simmons, Valdez, Pollet, Ormsby, Harris-Talley and Bronoske

AN ACT Relating to wages for journeypersons in high-hazard facilities; amending RCW 49.80.010; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1777 by Representatives Schmick, Cody, Macri and Riccelli

AN ACT Relating to self-directed care; amending RCW 74.39.007; and repealing RCW 74.39.060.

Referred to Committee on Health Care & Wellness.

HB 1778 by Representatives Klippert, Sutherland and Kraft

AN ACT Relating to ensuring the security and integrity of elections; amending RCW 29A.40.091, 29A.60.235, 29A.04.008, 29A.04.470, 29A.04.611, 29A.12.005, 29A.12.080, 29A.12.120, 29A.36.111, 29A.36.115, 29A.40.070, 29A.40.160, 29A.56.040, 29A.60.090, 29A.60.110, 29A.60.120, 29A.60.170, 29A.60.185, 29A.64.011, 29A.64.021, 29A.84.530, 36.32.245, and 43.07.310; reenacting and amending RCW 29A.40.110; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.04 RCW; and repealing RCW 29A.12.010, 29A.12.085, 29A.12.101, 29A.12.110, 29A.12.130, 29A.12.150, 29A.12.160, 29A.60.060, 29A.60.095, 29A.60.125, 29A.84.545, and 29A.84.560.

Referred to Committee on State Government & Tribal Relations.

HB 1779 by Representatives Callan, Bronoske, Sells, Dolan and Ramos

AN ACT Relating to requiring policies addressing surgical smoke; adding a new section to chapter 49.17 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1780 by Representatives Slatter and Chambers

AN ACT Relating to workforce education investment accountability and oversight board staffing changes; amending RCW 28C.18.200 and 28B.50.925; adding a new section to chapter 28B.77 RCW; and recodifying RCW 28C.18.200.

Referred to Committee on Ways & Means.

HB 1781 by Representatives Tharinger, Leavitt and Callan

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.83B.430; amending 2021 c 332 ss 1008, 1014, 1015, 1018, 1021, 1023, 1025, 1036, 1055, 1059, 1063, 1064, 1066, 1068, 1071, 1075, 1048, 1052, 1084, 1085, 1086, 1092, 1094, 1095, 1096, 1097, 1098, 1101, 1104, 1114, 1120, 1121, 1123, 2002, 2006, 2012, 2014, 2016, 2046, 2047, 2048, 2062, 2063, 2065, 2066, 2068, 2069, 2071, 2072, 2075, 2076, 2080, 2082, 2084, 2085, 2086, 2093, 2095, 2104, 2103, 2106, 2107, 3071, 3084, 3086, 3112, 3129, 3130, 3133, 3134, 3136, 3138, 3143, 3147, 3149, 3151, 3154, 3164, 3165, 3168, 3171, 3173, 3178, 3183, 3184, 3185, 3187, 3188, 3189, 3190, 3195, 3197, 3201, 3221, 3229, 3230, 3232, 3253, 3254, 3255, 3273, 3274, 3281, 3292, 3298, 3305, 3306, 3308, 3313, 3317, 3319, 3326, 3328, 5002, 5005, 5010, 5015, 5018, 5019, 5023, 5038, 5039, 5044, 5051, 5054, 5070, 5071, 5093, 5094, 5096, 5101, 5104, 5107, 5111, 5112, 5115, 5153, 5170, 7001, 7002, 7012, 7020, and 7041 (uncodified); reenacting and amending RCW 43.155.050; adding new sections to 2021 c 332 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1782 by Representatives Bateman, Macri, Berry, Fitzgibbon, Ryu, Dolan, Wicks, Barkis, Davis, Goodman, Gregerson, Morgan, Peterson, Ramel, Simmons, Slatter, Bergquist, Valdez, Thai, Duerr, Stonier, Riccelli, Ormsby, Taylor, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing; amending RCW 36.70A.030 and 43.21C.495; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Appropriations.

HB 1783 by Representatives Walen, Chapman, Kirby, Hoff, Barkis and Fey

AN ACT Relating to clarifying responsibilities for mandatory industrial insurance coverage for persons transporting freight; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1784 by Representative Thai

AN ACT Relating to establishing an exception to the requirement that vehicle license plates be visible at all

times for vehicles using certain cargo carrying devices; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

HB 1785 by Representatives Fey, Barkis, Goodman, Robertson, Rule, Sullivan, Paul and Riccelli

AN ACT Relating to the minimum monthly salary paid to Washington state patrol troopers and sergeants; and amending RCW 43.43.380.

Referred to Committee on Transportation.

HB 1786 by Representatives Fey, Ramos and Wylie

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.060, 70A.65.100, and 46.68.280; amending 2021 c 333 ss 101, 103, 105, 107, 109-111, 201-223, 301-303, 305-311, 401-406, and 502-523 (uncodified); adding new sections to 2021 c 333 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1787 by Representatives Stokesbary, Robertson, Boehnke, Dufault, Volz, Maycumber and Graham

AN ACT Relating to providing funding for the recruitment, retention, and support of law enforcement officers; reenacting and amending RCW 43.101.200; adding new sections to chapter 43.101 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 77.15 RCW; creating new sections; and making appropriations.

Referred to Committee on Public Safety.

HB 1788 by Representatives Robertson, Mosbrucker, Ybarra, Klippert, Chase, Walsh, Rude, Klicker, Chambers, Barkis, Dufault, Jacobsen, Caldwell, Griffey, Kraft, Graham and Young

AN ACT Relating to vehicular pursuits; amending RCW 10.116.060; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1789 by Representatives Ramos, Goehner, Callan, Johnson, J., Senn, Ryu, Chambers, Springer, Eslick, Fey, Goodman, Robertson, Jacobsen, Peterson, Ramel, Rule, Santos, Shewmake, Wylie, Simmons, Slatter, Tharinger, Valdez, Pollet, Graham, Young and Kloba

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1790 by Representatives Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli

AN ACT Relating to the creation, display, and material durability of temporary license plates; amending RCW 46.16A.300 and 46.17.400; reenacting and amending RCW 46.16A.305; adding new sections to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1791 by Representatives Harris and Santos

AN ACT Relating to reprimands for professional educators; adding a new section to chapter 28A.410 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1792 by Representatives Ramel, Orcutt, Abbarno, Fitzgibbon, Goodman, Slatter, Young and Harris-Talley

AN ACT Relating to expanding the production, distribution, and use of hydrogen not produced from a fossil fuel feedstock; amending RCW 82.08.816, 82.12.816, 82.29A.125, 54.04.190, and 35.92.050; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1793 by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet and Kloba

AN ACT Relating to electric vehicle charging stations in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1794 by Representatives Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet and Young

AN ACT Relating to requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment; and amending RCW 49.48.010.

Referred to Committee on Labor & Workplace Standards.

HB 1795 by Representatives Berry, Walen, Sells, Fitzgibbon, Bateman, Davis, Macri, Tharinger, Valdez, Pollet, Ormsby, Hackney and Frame

AN ACT Relating to prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault; adding a new section to chapter 49.44 RCW; creating new sections; repealing RCW 49.44.210; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1796 by Representatives Sutherland, Klippert, Walsh, Kraft, Jacobsen and Young

AN ACT Relating to requiring verification of citizenship for voter registration; amending RCW 29A.08.010, 29A.08.123, 29A.08.210, and 29A.08.350; adding a new section to chapter 29A.08 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1797 by Representatives Sutherland, Klippert, Walsh, Kraft, Graham and Young

AN ACT Relating to the timely processing of updated voter registration information; and amending RCW 29A.08.125, 29A.08.140, 29A.08.330, and 29A.08.340.

Referred to Committee on State Government & Tribal Relations.

HB 1798 by Representatives Ryu, Boehnke and Berry

AN ACT Relating to powers of the legislative committee on economic development and international relations; and amending RCW 43.15.070.

Referred to Committee on Business, Financial Services & Trade.

HB 1799 by Representatives Fitzgibbon, Berry, Duerr, Riccelli and Harris-Talley

AN ACT Relating to organic materials management; amending RCW 70A.205.040, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010, 70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, and 70A.455.100; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections

to chapter 43.19A RCW; adding new sections to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; prescribing penalties; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1800 by Representatives Eslick, Callan, Leavitt, Davis, Dent, Goodman, Ramos, Rule, Santos, Senn, Wylie, Tharinger, Stonier and Frame

AN ACT Relating to increasing access to behavioral health services for minors; amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1801 by Representatives Gregerson, Ryu, Fitzgibbon, Berry, Cody, Macri, Peterson, Ramel, Wylie, Bergquist, Valdez, Pollet, Stonier, Ormsby, Harris-Talley and Kloba

AN ACT Relating to the repair of digital electronic equipment; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1802 by Representatives Pollet, Frame, Wicks, Paul, Bateman, Callan, Davis, Goodman, Leavitt, Taylor, Macri, Peterson, Ramel, Ryu, Orwall, Wylie, Simmons, Valdez, Walen, Dolan, Stonier, Ortiz-Self, Riccelli, Harris-Talley and Kloba

AN ACT Relating to increasing access and representation in policy-making processes for individuals with disabilities; adding new sections to chapter 44.04 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 1803 by Representatives Callan, Harris, Dolan, Davis, Ramos, Santos, Senn, Sullivan, Pollet and Frame

AN ACT Relating to updating school district director compensation through the revision and preservation of a uniform compensation structure and an examination of future needs; amending RCW 28A.343.400 and 28A.320.050; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1804 by Representatives Paul, Griffey, Leavitt, Bronoske, Gilday, Bergquist, Graham and Young

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Ways & Means.

HB 1805 by Representatives Paul, Boehnke and Shewmake

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100.

Referred to Committee on Ways & Means.

HB 1806 by Representatives Riccelli, Walen, Sells, Berry, Ryu, Fitzgibbon, Shewmake, Paul, Leavitt, Senn, Morgan, Bateman, Berg, Bronoske, Callan, Davis, Duerr, Fey, Goodman, Gregerson, Macri, Orwall, Peterson, Ramel, Ramos, Rule, Dolan, Simmons, Chopp, Bergquist, Tharinger, Valdez, Wicks, Pollet, Stonier, Ormsby, Harris-Talley, Hackney, Kloba and Frame

AN ACT Relating to extending collective bargaining rights to employees of the legislative branch of state government; amending RCW 41.80.005 and 41.80.010; and adding new sections to chapter 41.80 RCW.

Referred to Committee on Appropriations.

HB 1807 by Representatives Walsh, Chase, Sutherland, Ybarra, Dufault, Graham and Young

AN ACT Relating to the protection of quality civic education and academic discourse; adding new sections to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Education.

HB 1808 by Representatives Stonier, MacEwen, Dolan, Leavitt, Johnson, J., Callan, Santos, Shewmake, Wylie, Bergquist, Pollet, Harris-Talley and Kloba

AN ACT Relating to pupil transportation funding; amending RCW 28A.160.170, 28A.160.180, 28A.160.192, and 28A.160.193; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.320 RCW; and providing effective dates.

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

HB 1809 by Representatives Simmons, Berry, Wicks, Valdez, Fitzgibbon, Walen, Cody, Macri and Chopp

AN ACT Relating to material changes to the operations and governance structure of participants in the health care marketplace; amending RCW 19.390.010, 19.390.020, 19.390.030, 19.390.040, 19.390.050, 19.390.080, and 19.390.070; adding new sections to chapter 19.390 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1810 by Representatives Gregerson, Chase, Ryu, Berry, Taylor, Fitzgibbon, Cody, Macri, Peterson, Ramel, Paul, Simmons, Bergquist, Valdez, Pollet, Stonier, Ormsby, Harris-Talley, Kloba and Frame

AN ACT Relating to promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1811 by Representative Sells

AN ACT Relating to fire benefit charges imposed by cities and towns; and adding a new chapter to Title 35 RCW.

Referred to Committee on Finance.

HB 1812 by Representatives Fitzgibbon, Wylie, Berry, Valdez, Pollet and Harris-Talley

AN ACT Relating to modernizing the energy facility site evaluation council to meet the state's clean energy goals; amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.175, and 80.50.340; reenacting and amending RCW 80.50.030, 80.50.090, and 43.79A.040; adding new sections to chapter 80.50 RCW; adding a new section to chapter 41.06 RCW; repealing RCW 80.50.190 and 80.50.904; and providing an effective date.

Referred to Committee on Appropriations.

HB 1813 by Representatives Schmick, Macri, Graham and Chambers

AN ACT Relating to freedom of pharmacy choice; amending RCW 48.200.020 and 48.200.280; and adding a new section to chapter 48.200 RCW.

Referred to Committee on Health Care & Wellness.

HB 1814 by Representatives Shewmake, Berry, Bateman, Duerr, Macri, Ramel, Paul, Bergquist, Fitzgibbon, Pollet, Harris-Talley and Kloba

AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects; amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 82.16.110, 82.16.120, 82.16.150, and 82.16.155; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1815 by Representatives Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame

AN ACT Relating to deterring catalytic converter theft; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

HB 1816 by Representatives Ormsby, Gregerson, Macri and Bergquist

AN ACT Relating to fiscal matters; amending RCW 43.31.605, 43.41.450, 43.101.435, 43.216.1368, 43.216.270, 70A.200.140, and 76.04.516; amending 2021 c 334 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 520, 521, 522, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 704, 705, 715, 718, 753, 801, 802, 803, 805, 907, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 928, 929, 930, 932, 933, 934, 935, 936, 940, 941, 942, 943, 945, 946, 947, 948 (uncodified); adding new sections to 2021 c 334 (uncodified); repealing 2021 c 334 ss 749 and 752 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1817 by Representative Goodman

AN ACT Relating to eligibility and requirements for deferred prosecutions; amending RCW 10.05.010, 10.05.015, 10.05.020, 10.05.020, 10.05.030, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.150, 10.05.155, and 10.05.170; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1818 by Representatives Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby

AN ACT Relating to promoting successful reentry and rehabilitation of persons convicted of criminal offenses; amending RCW 9.94A.729, 72.02.100, 9.94A.74504, 9.94A.760, and 9.95.214; creating new

sections; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; and providing an effective date.

Referred to Committee on Appropriations.

HB 1819 by Representatives Leavitt, Walen, Rule, Bronoske and Simmons

AN ACT Relating to increasing the personal property tax exemption; amending RCW 84.36.110; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1820 by Representatives Boehnke, Johnson, J., Shewmake, Ybarra, Leavitt, Walen, Fitzgibbon, Chase, Wicks, Chambers, Callan, Ramel, Slatter and Riccelli

AN ACT Relating to economic development through advanced leadership security; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1821 by Representatives Schmick, Riccelli, Cody and Graham

AN ACT Relating to the definition of established relationship for purposes of audio-only telemedicine; amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1822 by Representatives Dye, Eslick, Goehner, Robertson, Klicker, Graham, Caldier, Chambers and Abbarno

AN ACT Relating to improving Puget Sound water quality; amending RCW 70A.65.100; adding new sections to chapter 90.48 RCW; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1823 by Representatives Dye, Eslick, Goehner, Schmick, Klicker, Ormsby, Graham, Chambers and Abbarno

AN ACT Relating to environmental leadership through outdoor recreation and climate adaptation investments; amending RCW 70A.65.240, 70A.65.270, 70A.65.030, 70A.65.040, 70A.65.100, 70A.65.230, and 70A.65.250; creating a new section; and repealing RCW 70A.65.260.

Referred to Committee on Appropriations.

HB 1824 by Representatives Dye, Eslick, Jacobsen, Shewmake, Schmick, Klicker, Goehner, Graham and Abbarno

AN ACT Relating to outdoor recreation affordability; amending RCW 46.16A.090, 77.15.160, and 77.15.750; creating a new section; and repealing RCW 79A.80.005, 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, 79A.80.110, and 79A.80.120.

Referred to Committee on Community & Economic Development.

HB 1825 by Representatives Dye, Orwall and Graham

AN ACT Relating to continuity of judicial operations in single judge courts; amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW.

Referred to Committee on Law & Justice.

HB 1826 by Representatives Young and Graham

AN ACT Relating to creating the crime of interfering with a firefighter or emergency medical services provider; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1827 by Representatives Morgan, Simmons, Ormsby, Harris-Talley and Kloba

AN ACT Relating to the creation of the community reinvestment account and community reinvestment program; amending RCW 69.50.540, 43.84.092, and 43.84.092; adding a new section to chapter 43.79 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1828 by Representatives Sutherland, McEntire, Chase, McCaslin and Young

AN ACT Relating to requiring quick response codes on ballots; amending RCW 29A.36.111, 29A.40.091, and 29A.12.005; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government & Tribal Relations.

HB 1829 by Representatives Johnson, J., Berg, Callan, Davis, Macri, Valdez, Pollet, Taylor and Harris-Talley

AN ACT Relating to creating the African American studies specialty endorsement; adding a new section to chapter 28A.410 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1830 by Representatives Springer, Vick and Shewmake

AN ACT Relating to clarifying that certain reusable packing materials are exempt from sales and use tax; and reenacting and amending RCW 82.04.050.

Referred to Committee on Finance.

HB 1831 by Representatives Bronoske, Berry, Macri and Ramel

AN ACT Relating to installation, maintenance, and related certification requirements for electric vehicle support equipment; amending RCW 19.28.211; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1832 by Representatives Springer, Vick, Walen and Goehner

AN ACT Relating to code city form of government elections and city manager appointment; and amending RCW 35A.06.040 and 35A.13.050.

Referred to Committee on Housing & Local Government.

HB 1833 by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

AN ACT Relating to establishing an electronic option for the submission of household income information required for participation in school meals and programs; adding a new section to chapter 28A.235 RCW; and adding a new section to chapter 42.56 RCW.

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

HB 1834 by Representatives Callan, Rude, Johnson, J., Davis, Macri, Ramos, Rule, Santos, Senn, Paul, Simmons, Bergquist, Thai, Stonier, Riccelli, Frame and Harris-Talley

AN ACT Relating to student excused absences for mental health reasons; amending RCW 28A.300.046; and creating a new section.

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

HB 1835 by Representatives Hansen, Leavitt, Santos, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet and Ormsby

AN ACT Relating to outreach and completion initiatives to increase postsecondary enrollment; amending RCW 28B.92.200; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.10 RCW; adding new sections to chapter 28B.92 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 1836 by Representatives Shewmake and Pollet

AN ACT Relating to awarding academic scholarships to members of underprivileged or disadvantaged groups; and amending RCW 49.60.400.

Referred to Committee on Civil Rights & Judiciary.

HB 1837 by Representatives Bronoske, Ortiz-Self, Berry and Pollet

AN ACT Relating to restoring the state's ability to address work-related musculoskeletal injuries; creating a new section; and repealing RCW 49.17.360 and 49.17.370.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1838 by Representatives Lekanoff, Fitzgibbon, Bateman, Berry, Macri, Ramel, Simmons, Pollet and Harris-Talley

AN ACT Relating to protecting, restoring, and maintaining habitat for salmon recovery; amending RCW 77.85.160, 36.70A.020, 36.70A.030, 36.70A.172, and 77.55.231; adding a new section to chapter 77.85 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

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

HB 1839 by Representatives Eslick, Barkis, Abbarno, Boehnke, Dent, Chase, Jacobsen, Sutherland and Graham

AN ACT Relating to authorizing commercial motor vehicles to park in chain up and chain off areas that are not in use; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1840 by Representatives Ortiz-Self, Callan, Macri, Santos, Orwall, Simmons, Chopp, Slatter, Bergquist, Ryu, Valdez, Pollet, Riccelli, Davis, Harris-Talley, Taylor and Frame

AN ACT Relating to improving diversity, equity, and mental health at the community and technical colleges; amending RCW 28B.50.930; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1841 by Representatives Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby

AN ACT Relating to incentivizing rental of accessory dwelling units to low-income households; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Finance.

HB 1842 by Representatives Taylor, Ortiz-Self, Gregerson, Bergquist, Pollet and Harris-Talley

AN ACT Relating to qualifications for school board directors; and amending RCW 28A.343.340, 29A.24.031, 29A.24.075, and 42.04.020.

Referred to Committee on Education.

HB 1843 by Representatives Eslick, Dent, Abbarno and Sutherland

AN ACT Relating to licensing requirements for child care centers and indoor early learning programs; and amending RCW 43.216.250 and 43.216.255.

Referred to Committee on Children, Youth & Families.

HB 1844 by Representatives Mosbrucker, Rule and Graham

AN ACT Relating to creating the offense of unlawful branding of another person; amending RCW 9.94A.515 and 9.94A.515; reenacting and amending RCW 9A.04.080; adding a new section to chapter 9A.36 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1845 by Representatives Mosbrucker, Orwall, Jacobsen, Rule, Shewmake and Graham

AN ACT Relating to establishing a body worn camera grant program; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Appropriations.

HB 1846 by Representatives Berg and Ramel

AN ACT Relating to providing a tax preference for rural and nonrural data centers; amending RCW 82.08.986 and 82.12.986; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1847 by Representatives Ortiz-Self, Berry, Davis, Santos, Johnson, J., Ramos, Callan, Chopp, Sells, Valdez, Pollet, Ramel, Macri, Harris-Talley and Taylor

AN ACT Relating to understanding the needs of farmworkers; creating new sections; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 1848 by Representatives Orwall, Mosbrucker, Goodman and Graham

AN ACT Relating to crimes concerning fraud in assisted reproduction; amending RCW 9A.36.031, 9.94A.515, and 9.94A.515; reenacting and amending RCW 9A.04.080; adding a new chapter to Title 9A RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1849 by Representatives Orwall, Boehnke, Dufault, Klippert, Shewmake and Paul

AN ACT Relating to creation of a work group to study and make recommendations on a monument to honor residents who died in the global war on terror; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1850 by Representatives Slatter, Berg, Pollet and Harris-Talley

AN ACT Relating to protecting and enforcing the foundational data privacy rights of Washingtonians; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 1851 by Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby and Harris-Talley

AN ACT Relating to preserving a pregnant individual's ability to access abortion care; amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1852 by Representatives Thai, Cody, Gregerson, Macri, Santos, Slatter, Valdez, Pollet and Riccelli

AN ACT Relating to language requirements for prescription drug labels; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Appropriations.

HB 1853 by Representatives Bateman, Berry, Duerr, Goodman, Macri, Senn, Dolan, Simmons, Ryu, Valdez, Pollet, Berg and Harris-Talley

AN ACT Relating to the use and disclosure of toxic chemicals in cosmetic products; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1854 by Representatives Wicks, Orwall, Davis, Goodman, Gregerson, Macri, Shewmake, Simmons, Slatter, Bergquist, Valdez, Wylie, Fitzgibbon, Pollet, Ortiz-Self, Stonier, Riccelli and Kloba

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

Referred to Committee on Health Care & Wellness.

HB 1855 by Representatives Wicks, Dolan, Macri, Bateman and Harris-Talley

AN ACT Relating to continuing the development of the cannabis market by enacting provisions specific to a craft cannabis endorsement; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 1856 by Representatives Chambers, Springer and Sullivan

AN ACT Relating to adding counties to the voluntary stewardship program; and amending RCW 36.70A.710 and 36.70A.740.

Referred to Committee on Appropriations.

HB 1857 by Representatives Goodman and Abbarno

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending

RCW 7.68.360, 18.85.285, 19.27.190, 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900, 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70A.210, 36.70B.040, 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612, 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205, 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230, 43.63A.275, 43.63A.307, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735, 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010, 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020, 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198, 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030, 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055, 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480, 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, and 64.38.110; reenacting and amending RCW 10.99.080, 28A.300.145, 43.03.305, 46.04.670, 46.68.340, 53.08.370, 54.16.330, 70A.15.3150, 70A.15.3160, 79.64.100, 43.21J.030, and 9A.44.010; reenacting RCW 38.52.530, 46.25.010, 50.20.050, 59.18.230, 66.24.210, 66.24.495, 70.02.230, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300, and 43.280.091; repealing 2011 1st sp. sess. c 35 s 3 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1858 by Representatives Stokesbary, Dufault, Jacobsen, Shewmake, Graham and Young

AN ACT Relating to alleviating consumer inflation by leveraging the state's significant budget surplus to reduce taxes on producers of certain consumer staple goods; amending RCW 82.04.240, 82.04.240, 82.04.2404, 82.04.260, 82.16.020, 82.04.4266, 82.04.4268, 82.04.4269, 82.32.790, 49.04.220, 82.04.250, 82.04.2602, 82.04.261, 82.04.290, 82.04.298, 82.04.334, 82.04.440, 82.04.4463, 82.04.460, 82.08.806, and 82.45.195; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1859 by Representatives Kloba, Chambers, Wylie and Wicks

AN ACT Relating to quality standards for laboratories conducting cannabis analysis; amending RCW 69.50.348, 69.50.348, and 69.50.540; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1860 by Representatives Davis, Eslick, Callan, Jacobsen, Macri, Santos, Shewmake, Orwall, Tharinger, Simmons, Chopp, Bergquist and Valdez

AN ACT Relating to preventing homelessness among persons discharging from inpatient behavioral health settings; amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1861 by Representatives Stonier, Berry, Macri, Harris, Orwall, Wylie, Simmons, Chopp, Johnson, J., Riccelli, Harris-Talley, Bergquist, Ramel and Frame

AN ACT Relating to the creation of the Washington future fund trust fund program; reenacting and amending RCW 43.79A.040; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 43 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1862 by Representatives Macri, Cody, Simmons, Valdez and Harris-Talley

AN ACT Relating to facility fees charged by certain health care providers; and amending RCW 70.01.040.

Referred to Committee on Appropriations.

HB 1863 by Representatives Macri, Goodman and Simmons

AN ACT Relating to authorizing the prescriptive authority of psychologists; amending RCW 18.83.010, 18.83.035, 18.83.050, 18.83.080, 18.83.090, 18.64.011, and 18.79.260; reenacting and amending RCW 69.50.101; adding new sections to chapter 18.83 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1864 by Representative Boehnke

AN ACT Relating to economic development through advanced technology leadership and security; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 1865 by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040 and 43.43.842; reenacting and amending RCW 18.130.175; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1866 by Representatives Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt, Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame

AN ACT Relating to assisting persons receiving community support services through medical assistance programs to receive supportive housing; amending RCW 36.22.176; adding new sections to chapter 74.09 RCW; adding new sections to chapter 43.330 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Housing, Human Services & Veterans..

HB 1867 by Representatives Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier

AN ACT Relating to dual credit program data; amending RCW 28A.600.280, 28A.175.145, 28A.300.560, 28A.320.196, 28A.700.030, and 28C.18.162; and reenacting and amending RCW 28A.600.160.

Referred to Committee on Education.

HB 1868 by Representatives Riccelli, Volz, Berry, Fitzgibbon, Shewmake, Bateman, Berg, Bronoske, Callan, Cody, Davis, Duerr, Goodman, Gregerson, Johnson, J., Kirby, Macri, Peterson, Ramel, Ramos, Ryu, Santos, Sells, Senn, Sullivan, Simmons, Chopp, Bergquist, Graham, Valdez, Wicks, Dolan, Pollet, Ortiz-Self, Paul, Stonier, Donaghy, Ormsby, Slatter, Hackney, Taylor, Harris-Talley, Kloba and Frame

AN ACT Relating to improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement; amending RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; adding a new chapter to Title 49 RCW; recodifying RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; repealing 2017 c 249 s 4 (uncodified); and prescribing penalties.

Referred to Committee on Appropriations.

HB 1869 by Representatives Klicker, Dent, Chase and Graham

AN ACT Relating to encouraging salmon recovery through voluntary stewardship; amending RCW 36.70A.080 and 36.70A.280; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1870 by Representatives Klicker, Walsh, Chambers, Eslick, Dent, Chase, Robertson, Riccelli and Graham

AN ACT Relating to certain wheeled all-terrain vehicles; amending RCW 46.09.455; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

HB 1871 by Representatives Klicker, Dent, Chase, Ybarra and Sutherland

AN ACT Relating to establishing a moratorium on the siting of alternative energy facilities through the energy facility site evaluation council process pending a comprehensive performance report on the effects of the energy independence act and the recommendations of a joint legislative committee; adding a new section to chapter 80.50 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Environment & Energy.

HJM 4002 by Representatives Berry, Hoff, Ryu, Sells, Valdez, Graham, Klicker, Macri, Santos, Pollet and Frame

Supporting the Jones Act.

Referred to Committee on Community & Economic Development.

HJR 4207 by Representatives MacEwen, Corry, Chase and Abbarno

Proposing an amendment to the state Constitution concerning term limits for state legislators and statewide elected officials.

Referred to Committee on State Government & Tribal Relations.

HJR 4208 by Representatives Leavitt, Walen and Rule

Concerning the taxation of personal property.

Referred to Committee on Finance.

HJR 4209 by Representatives Lekanoff and Berry

Adding a new section to the Washington state Constitution regarding the conservation and protection of the state's natural resources.

Referred to Committee on Environment & Energy.

HCR 4405 by Representatives Sullivan, Kretz and Graham

Specifying the status of bills, resolutions, and memorials.

HCR 4406 by Representatives Sullivan, Kretz and Graham

Meeting in Joint Session to receive the Governor's State of the State Address.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4405 and HOUSE CONCURRENT RESOLUTION NO 4406 which were read the first time, and under suspension of the rules, were placed on the third reading calendar.

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

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Sullivan, Kretz and Graham

Specifying the status of bills, resolutions, and memorials.

The concurrent resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4405 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan, Kretz and Graham

Meeting in Joint Session to receive the Governor's State of the State Address.

The concurrent resolution was read the third time.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4406 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4405 and HOUSE CONCURRENT RESOLUTION NO. 4406 were immediately transmitted to the Senate.

There being no objection, the remaining bills, memorials and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1645 and HOUSE BILL NO. 1787 are referred to Appropriations; HOUSE BILL NO. 1800 is referred to Children, Youth & Families; HOUSE BILL NO. 1866 is referred to Health Care & Wellness; HOUSE BILL NO. 1814 is referred to Environment & Energy and HOUSE BILL NO. 1734 is referred to Finance.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were referred to the following committees: SUBSTITUTE HOUSE BILL NO. 1057 is referred to Environment & Energy; HOUSE BILL NO. 1071 and HOUSE BILL NO. 1262 are referred to Public Safety; ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1160 is referred to Health Care & Wellness; SUBSTITUTE HOUSE BILL NO. 1162 and SUBSTITUTE HOUSE BILL NO. 1306 are referred to Education; HOUSE BILL NO. 1165 is referred to Consumer Protection & Business; ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197, SECOND SUBSTITUTE HOUSE BILL NO. 1202, SUBSTITUTE HOUSE BILL NO. 1341 and SECOND SUBSTITUTE HOUSE BILL NO. 1412 are referred to Civil Rights & Judiciary; SUBSTITUTE HOUSE BILL NO. 1210 and SECOND SUBSTITUTE HOUSE BILL NO. 1359 are referred to Commerce & Gaming; ENGROSSED SUBSTITUTE HOUSE BILL NO. 1232, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241 and SUBSTITUTE HOUSE BILL NO. 1298 are referred to Local Government; HOUSE BILL NO. 1284 and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418 are referred to Transportation; and HOUSE BILL NO. 1300 is referred to Housing, Human Services & Veterans.

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

ANNOUNCEMENTS

COMMITTEE APPOINTMENT(S)

The Speaker announced the following changes to committee appointment(s):

Representative Donaghy is appointed to the committee on Housing, Human Services & Veterans – replacing Representative Thai, and is also appointed to the committee on Community & Economic Development and the committee on Transportation.

Representative Thai is appointed to the committee on Public Safety.

Representative Bronoske is appointed to the committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., January 11, 2022, the 2nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SECOND DAY

House Chamber, Olympia, Tuesday, January 11, 2022

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

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

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

MESSAGES FROM THE SENATE

January 10, 2022

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405,
HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

Sarah Bannister, Secretary

January 10, 2022

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 1872 by Representatives Senn, Slatter, Berry, Leavitt, Santos, Sells, Simmons, Bronoske, Shewmake, Taylor, Chopp, Ramel, Callan, Riccelli, Lekanoff, Bateman, Macri, Harris-Talley, Valdez, Duerr and Pollet

AN ACT Relating to establishing the care worker center to promote caregiving professions; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1873 by Representatives Klippert, Gilday, Jacobsen, Corry, Robertson and Young

AN ACT Relating to crimes involving catalytic converter theft; amending RCW 19.290.020, 19.290.030, 19.290.070, 9.94A.515, 9.94A.515, 36.28A.240, and 43.43.885; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1874 by Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young

AN ACT Relating to reducing barriers to professional licensure for individuals with previous arrests or criminal convictions; and amending RCW 18.400.020 and 18.400.030.

Referred to Committee on Business, Financial Services & Trade.

HB 1875 by Representatives Stokesbary, Dufault, Jacobsen, Chase, Corry, MacEwen, Hoff, Graham and Young

AN ACT Relating to restoring funding to the budget stabilization account; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1876 by Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet

AN ACT Relating to public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue; amending RCW 29A.72.050 and 29A.72.290; adding a new section to chapter 29A.72 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1877 by Representatives Chambers, Gilday, Jacobsen, Simmons, Corry, Graham, Dolan, Riccelli, Eslick, Lekanoff and Wicks

AN ACT Relating to expired certifications for certain health professions; amending RCW 18.88A.130; and adding a new section to chapter 18.88B RCW.

Referred to Committee on Health Care & Wellness.

HB 1878 by Representatives Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos, Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez

AN ACT Relating to increasing public school participation in the community eligibility provision of the United States department of agriculture; amending RCW 28A.235.300; and creating a new section.

Referred to Committee on Appropriations.

HB 1879 by Representatives Ryu, Berry, Riccelli, Frame and Macri

AN ACT Relating to providing Washington state convention economy grants; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 1880 by Representatives Ryu, Pollet, Hackney and Valdez

AN ACT Relating to housing benefit districts; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Finance.

HB 1881 by Representatives Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet

AN ACT Relating to creating a new health profession for birth doulas; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1882 by Representatives Boehnke, Dye, Dent and Pollet

AN ACT Relating to better Washington outdoor recreation leadership and development; and creating new sections.

Referred to Committee on Community & Economic Development.

HB 1883 by Representatives Chopp, Ryu, Santos, Simmons, Slatter, Stonier, Wicks, Peterson,

Goodman, Ormsby, Dolan, Ramel, Taylor, Callan, Riccelli, Lekanoff, Davis, Fey, Macri, Valdez and Pollet

AN ACT Relating to establishing a lifeline for youth and young adults who have experienced or are at risk of entering into public systems of care; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1884 by Representatives Klippert, Chase and Young

AN ACT Relating to independent forensic election audits at the direction of the legislature; amending RCW 29A.60.090, 29A.60.095, 29A.60.110, and 29A.60.125; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1885 by Representatives Cody, Bateman, Dolan, Fitzgibbon, Ryu, Sells, Simmons, Stonier, Wicks, Chopp, Ormsby, Ramel, Tharinger, Kloba, Frame, Riccelli, Lekanoff, Macri and Pollet

AN ACT Relating to implementing recommendations A and C from the 2021 dental therapy task force final report to establish the profession of dental therapy statewide; amending RCW 18.32.030, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, 69.41.030, 69.41.030, 70.350.020, 18.29.021, 18.29.120, 18.29.150, 18.29.160, 18.29.170, 18.29.210, 18.260.100, 18.260.140, and 43.70.650; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; repealing RCW 18.29.110; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1886 by Representatives Klippert, Chase, Dent and Young

AN ACT Relating to prohibiting the teaching of critical race theory and related curricula in public schools; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1887 by Representatives Klippert and Chase

AN ACT Relating to removing barriers to children participating in sport practices and competitions; amending RCW 43.06.220; adding a new section to chapter 28A.210 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1888 by Representatives Thai, Berry, Ortiz-Self, Ryu, Peterson, Shewmake, Goodman, Ormsby, Johnson, J., Bronoske, Tharinger, Senn, Ramel, Taylor, Stokesbary, Frame, Riccelli, Lekanoff, Fey, Davis, Bateman, Macri, Harris-Talley and Young

AN ACT Relating to allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels; and amending RCW 82.08.0206.

Referred to Committee on Ways & Means.

HB 1889 by Representatives Cody, Schmick, Tharinger, Riccelli and Macri

AN ACT Relating to network access; amending RCW 48.49.150; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1890 by Representatives Callan, Dent, Berry, Leavitt, Ramos, Slatter, Stonier, Wicks, Rule, Chopp, Goodman, Paul, Orwall, Taylor, Riccelli, Frame, Lekanoff, Davis, Macri, Harris-Talley and Pollet

AN ACT Relating to the children and youth behavioral health work group; and amending RCW 74.09.4951.

Referred to Committee on Appropriations.

HB 1891 by Representatives Dent, Griffey, Graham, Corry, Hoff, Callan and Dufault

AN ACT Relating to a rangeland fire protection association pilot project; adding new sections to chapter 76.04 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1892 by Representatives Rule, Shewmake and Pollet

AN ACT Relating to establishing a statewide database for tracking diversions offered by law enforcement to individuals using or possessing controlled substances, counterfeit substances, and legend drugs; amending RCW 10.31.115; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1893 by Representatives Donaghy, Riccelli, Leavitt, Simmons, Slatter, Tharinger, Berg, Taylor, Frame, Macri, Harris-Talley and Pollet

AN ACT Relating to allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request; and amending RCW 18.73.030.

Referred to Committee on Health Care & Wellness.

HB 1894 by Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet

AN ACT Relating to expanding the period for juvenile diversion agreements; and amending RCW 13.40.080.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1895 by Representatives Harris-Talley, Maycumber, Leavitt, Ramos, Simmons, Steele, Stonier, Peterson, Shewmake, Graham, Berg, Kloba, Callan, Riccelli, Lekanoff, Macri, Valdez and Duerr

AN ACT Relating to developing a plan for conservation, reforestation, and restoration of forests in Washington state; adding a new section to chapter 76.04 RCW; and creating a new section.

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

HB 1896 by Representatives Harris-Talley, Berry, Ryu, Simmons, Slatter, Peterson, Gregerson, Goodman, Ormsby, Ramel, Kloba, Frame, Bateman, Macri, Valdez, Duerr and Pollet

AN ACT Relating to providing for responsible environmental management of batteries; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 70A.500 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1897 by Representatives Harris-Talley, Goodman, Morgan, Simmons, Peterson, Ormsby, Dolan, Fitzgibbon, Shewmake, Walen, Ramel, Kloba, Taylor, Frame, Riccelli, Fey, Davis, Bateman, Macri, Valdez and Pollet

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement in juvenile rehabilitation residential facilities; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.40.220.

Referred to Committee on Children, Youth & Families.

HB 1898 by Representatives Orcutt, Caldier, Dufault, Jacobsen, Corry, Graham and Young

AN ACT Relating to providing property tax relief by reducing both parts of the state school levies based on an amount that approximates the fiscal impact of extraordinary growth in property values that exceeded the valuation growth assumptions of budget writers when part two of the state school levy was enacted; amending RCW 84.52.065 and 84.55.010; and creating new sections.

Referred to Committee on Finance.

HB 1899 by Representatives Kirby, Vick, Graham and Young

AN ACT Relating to confidentiality of certain data shared with the department of financial institutions; reenacting and amending RCW 42.56.400; and adding a new section to chapter 43.320 RCW.

Referred to Committee on Business, Financial Services & Trade.

HB 1900 by Representatives Senn, Thai, Berry, Johnson, J., Slatter, Goodman, Orwall, Lekanoff, Davis, Macri and Pollet

AN ACT Relating to improving school districts' responses to complaints of discrimination, harassment, intimidation, and bullying; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.642 RCW.

Referred to Committee on Education.

HB 1901 by Representatives Goodman, Davis, Taylor and Kloba

AN ACT Relating to updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility; amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.902, 9.41.040, 9.41.801, 4.08.050, 12.04.140, 12.04.150, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting RCW 50.20.050; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1902 by Representatives Schmick and Pollet

AN ACT Relating to providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner; and amending RCW 51.28.040.

Referred to Committee on Labor & Workplace Standards.

HB 1903 by Representatives Davis, Orwall, Simmons, Ormsby, Harris-Talley and Duerr

AN ACT Relating to holding onto hope and preventing family trauma by nurturing relationships between biological parents and their children; amending RCW 13.34.020, 13.34.190, 13.34.210, 26.11.020, 26.11.030, 26.33.295, 71.12.680, 71.12.682, 71.12.684, and 71.12.686; reenacting and amending RCW 26.44.020 and 26.44.020; providing an effective date; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1904 by Representatives Peterson, Morgan, Simmons, Chopp, Ormsby, Johnson, J., Ramel, Hackney, Frame, Riccelli, Lekanoff, Taylor, Bateman, Fitzgibbon, Macri, Harris-Talley and Pollet

AN ACT Relating to protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy, and limiting late fees; amending RCW 59.18.140, 59.18.650, and 59.18.170; reenacting and amending RCW 59.18.230; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing, Human Services & Veterans.

HB 1905 by Representatives Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet

AN ACT Relating to reducing homelessness for youth and young adults discharging from a publicly funded system of care; adding a new section to chapter 43.216 RCW; adding new sections to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1906 by Representatives Steele, Eslick and Young

AN ACT Relating to expanding eligibility for property tax exemptions for nonprofit organizations; amending RCW 84.36.020, 84.36.037, 84.36.805, and 84.36.810; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1907 by Representatives Steele and Jacobsen

AN ACT Relating to scholarship displacement in postsecondary institutions' gift equity packaging policies; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1908 by Representatives Steele, Santos, Eslick, Graham and Macri

AN ACT Relating to surplus public property for affordable housing; and amending RCW 39.33.015.

Referred to Committee on Housing, Human Services & Veterans.

HB 1909 by Representatives Dent, Pollet, Graham, Callan and Young

AN ACT Relating to the misbranding of meat and poultry products; amending RCW 15.130.110; adding a new section to chapter 15.130 RCW; adding a new section to chapter 15.04 RCW; and creating a new section.

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

HB 1910 by Representatives Gregerson, Pollet, Simmons, Fitzgibbon, Peterson, Goodman and Valdez

AN ACT Relating to conservation district elections; amending RCW 89.08.190, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.160, 89.08.200, 89.08.350, and 42.17A.010; creating a new section; repealing 2002 c 43 s 1 (uncodified); and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1911 by Representatives Bronoske, Bergquist, Leavitt, Santos, Goodman, Johnson, J., Riccelli and Pollet

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Appropriations.

HB 1912 by Representatives Dufault, Orcutt, Robertson, Caldier, Dye, Gilday, Hoff, Jacobsen, Chase, MacEwen, McEntire, Walsh, Corry, Boehnke, Eslick, Barkis, Graham, Stokesbary, Dent and Young

AN ACT Relating to repealing the capital gains income tax; creating a new section; repealing RCW 82.87.010, 82.87.020, 82.87.030, 82.87.040, 82.87.050, 82.87.060, 82.87.070, 82.87.080, 82.87.090, 82.87.100, 82.87.110, 82.87.120, 82.87.130, 82.87.140, 82.04.4497, and

82.87.150; and repealing 2021 c 196 ss 18 and 20 (uncodified).

Referred to Committee on Finance.

HB 1913 by Representatives Stokesbary, Chambers, Caldier, Gilday, Hoff, Jacobsen, Schmick, Steele, Corry, Graham, Eslick, Barkis, Dent and Volz

AN ACT Relating to replacing the long-term services and supports trust program with affordable and optional long-term care insurance coverage; reenacting and amending RCW 42.56.400; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1914 by Representatives Riccelli, Orcutt, Berry, Leavitt, McEntire, Ryu, Santos, Walen, Wicks, Ortiz-Self, Stonier, Robertson, Peterson, Rule, Vick, Goodman, Dolan, Orwall, Eslick, Barkis, Graham, Berg, Dent, Bateman and Macri

AN ACT Relating to updating and expanding the motion picture competitiveness program; amending RCW 43.365.005, 43.365.030, 43.365.020, 82.04.4489, 43.365.040, and 43.365.050; and repealing 2017 3rd sp.s. c 37 s 1101 (uncodified).

Referred to Committee on Finance.

HB 1915 by Representatives Riccelli, Ormsby and Macri

AN ACT Relating to authorizing the use of automated traffic safety cameras in hospital and city park speed zones; amending RCW 46.63.170 and 46.63.170; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1916 by Representatives Orwall, Mosbrucker, Santos, Simmons, Ortiz-Self, Walen, Johnson, J., Taylor, Wylie, Rule, Steele, Goodman, Griffey, Wicks, Senn, Graham, Bronoske, Riccelli, Davis, Macri and Valdez

AN ACT Relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system; amending RCW 7.68.170, 7.69.030, 43.101.272, 43.101.276, and 43.101.278; adding a new section to chapter 43.10 RCW; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 70.02 RCW; repealing RCW

43.101.270; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1917 by Representatives Dye, Mosbrucker, Graham and Dent

AN ACT Relating to establishing the Washington state men's commission; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1918 by Representatives Macri, Valdez, Berry, Ryu, Simmons, Peterson, Goodman, Ramel, Kloba, Bateman, Harris-Talley and Pollet

AN ACT Relating to reducing emissions from outdoor power equipment; amending RCW 82.08.020; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 43.19A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1919 by Representatives Valdez, Thai, Ramel and Pollet

AN ACT Relating to recommendations by the public disclosure commission; amending RCW 42.17A.005, 42.17A.105, 42.17A.120, 42.17A.205, 42.17A.207, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.345, 42.17A.405, 42.17A.420, 42.17A.700, 42.17A.705, 42.17A.710, and 42.17A.785; adding a new section to chapter 42.17A RCW; providing effective dates; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1920 by Representatives Wicks and Lekanoff

AN ACT Relating to investigations of child abuse or neglect at residential facilities; amending RCW 26.44.210; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1921 by Representatives Ramel, Boehnke, Fitzgibbon, Shewmake, Kloba and Young

AN ACT Relating to the valuation of property related to renewable energy for the purposes of property tax and providing for a payment in lieu of taxes for renewable energy facilities; adding a new section to chapter 84.04 RCW; adding a new section to chapter

84.40 RCW; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1922 by Representative Rule

AN ACT Relating to criminal penalties for possession of fentanyl; amending RCW 69.50.4013, 69.50.4013, 9.94A.518, 10.31.115, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1892 which was referred to the committee on Public Safety.

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

MOTION

There being no objection, the Committee on Public Safety was relieved of HOUSE BILL NO. 1818, and the bill was referred to the Committee on Housing, Human Services & Veterans.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4405
HOUSE CONCURRENT RESOLUTION NO. 4406

JOINT SESSION

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

The Speaker called upon President Heck to preside.

STATE OF THE STATE

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

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

His Excellency, Governor Jay Inslee was introduced.

“Good afternoon and welcome Washingtonians to a critical year in the state of Washington. For our state, we know that every day of this legislative session is going to be an opportunity to make good on our commitments and to change the course of our future for the better. We have begun a short session with a long list of things to get done. And I can encapsulate the state of our state very simply. We need action. We can wake up every morning the next sixty days, understanding that we need action this day. Which was Churchill’s first order at the beginning of World War Two. And I think it can serve to focus us on the tasks before us.

I’d like to start today by thanking our frontline workers. Our educators. Our child-care providers. And our state employees for all they’ve done the last two years. I want to thank those who administer emergency services and plough the roads to keep Washington moving. Unprecedented weather events have demanded much of you already this year. Including the National guard and we are all grateful. And a special thank you to the health care workers who have worked tirelessly for two years with little time for rest. You are heroes. And we are grateful for your service.

I’m very happy to welcome our new members in the Senate, Yasmin Trudeau and John Lovick. And Brandy Donaghy to the House. And my thoughts are also with the family of former supreme court Chief Justice Mary Fairhurst, who we lost in December. And I know we’d all like to reiterate our condolences to the family of Senator Doug Ericksen. Who we lost after a struggle with COVID in December. He was one of the more than ten thousand Washingtonians lost to this virus. Each of whom, whose lives matter. And while we mourn our losses, let us also realize that because of our joint actions, we have saved thousands of lives.

Now, we still need to contribute to the fight against COVID. And that’s why attendance here today is limited and everyone is socially distanced. We are doing everything possible today to keep people safe statewide. We’re increasing access to testing. We’re masking. We’re helping educators find new ways of doing business. The legislature has been a strong partner in this pandemic. Last session they extended 26 emergency orders through the end of the pandemic. And made laudable investments in our recovery efforts. This has been a long effort. But we are undaunted.

Look at all we’ve done together. If you compare our success to other states, we’ve saved more than 17,000 Washington lives. These people are still with us because of what all Washingtonians have contributed to stay safe and healthy. It is not an accident that our state continues to be named one of the best places anywhere to live, to work, to do business. Since I’ve had the honor of being Governor, we’ve implemented one of the best paid family leave programs in the country. We’ve provided significant new funds to schools under McCleary. We’ve passed the best environmental justice legislation in the nation. And passed a Fair Start For Kids Act to protect child-care options. We’ve successfully created more ways to connect people to careers beyond just college path. We’ve come back from multiple disasters, to Skagit bridge collapse, the Oso landslide, historic wild fires, heat waves, drought and now unprecedented flooding. So you as legislators have a lot to be proud of.

But now we are going to be called upon to do more. Because we face a variety, and a dimension of demands greater than ever as we enter 2022. We must take action this day to keep and strengthen our commitments to those in need right now, and in the future. We must take action this day to fight the homelessness crisis. To reverse social and economic disparities. To educate our children and serve those in foster care. To fund our transportation system. To protect our salmon and orca. And we must take action this day to fight the threat of climate change that is now hitting us so hard across our state.

Last year, I’ve met people experiencing homelessness across our state. In Tacoma, Moses Lake, Walla Walla, Seattle and Spokane. And we have seen what works to improve people’s lives. A private place to live. With a sense of dignity. That’s why my supplemental budget includes an unprecedented 815-million-dollar investment in safe housing for those experiencing homelessness. And to create more options for those struggling with housing availability. This budget also increases behavioral health services. Continuing my administration’s successful investments in these life changing programs. All of us know that wrap around services are critical to helping people out of long-term homelessness. And it is fundamental that people not only get a roof over their heads, but get access to these necessary services.

We simply have to provide rapid supportive, supported housing as soon as possible this year. We also, I think, realize we need more opportunities for everyone when it comes to housing itself. We can’t get more people housed if there is nowhere to build housing. So we must pass legislation that removes antiquated barriers to middle housing options in our cities. Such as duplexes and town homes. And provide more housing supply to make sure it’s available to all income levels. Look, we just can’t tell our constituents we’re fighting homelessness. And yet not provide ways to actually build more housing. So this means we need to allow housing that meets the realities of our tremendous population growth and economic growth this century. I think this is also a generational issue, when you think about it. If our children and grandchildren are ever going to be able to afford rent or a mortgage, we simply need more affordable housing.

And my budget also reflects the need to take direct action to reduce poverty. I created a poverty reduction workgroup made up of people who had lived experiences in poverty so they can inform us. And using their recommendations, my budget would create a 125-million-dollar reinvestment fund to address economic and social disparities across decades that are the legacy of federal policies that have hurt communities of color. And our communities are suffering in other ways as well.

Like in our classrooms. We know students have lost opportunities during remote learning. Despite the incredible efforts of our educators. Now to keep schools open, we have to invest more to deal with COVID and address learning opportunity loss. We are committed to having our schools open this year. But the impacts of necessary closures linger. And to help make sure educators and students have what they need, I proposed reinvesting 900 million dollars to help schools address student’s critical needs. This proposal further empowers educators so that

they can innovate to address what kids have suffered because of COVID. Just as they have done throughout the pandemic. Educators when empowers, can develop solutions to overcome opportunity gaps. We also propose increasing the number of school counselors, nurses, psychologists, and social workers available to serve K-12 students. Anyone who works with kids will tell you these services are needed now. More than ever.

Young people in foster care and their families also have been uniquely impacted by the pandemic.

So we offer 80 million dollars to pay providers more for housing and support foster youth with complex needs. To help young people transition out of foster care or juvenile justice to a successful future.

Now while we put the pieces together to address these current needs that confront our communities, we also have to take action this day to address the long-term existential threats to this state. In December, I spoke with astronaut Kayla Baron. She's a Richland high school graduate. I was in my home. Kayla was aboard the International Space Station. She's a long way from home right now. She's traveling 17,500 miles per hour above us. And she's orbiting the earth once every ninety minutes. So I was pretty honored that she took my call. And I asked her what perspective this experience gave her about our collective home, this planet. And she said something that really has stuck with me. She told me she was amazed by how thin our atmosphere is. How at night there is a burnt orange glow at its edge. Revealing just how paper thin the layer is between a livable world and the nothingness of space. She said the most important thing we need to survive is the ability to breathe clean air. Our planet's fragile state is pretty clear from right here on the ground as well. Climate change is not merely a graph on a slide deck, with an arrow pointed at calamity. It is found in the eyes of the people who saw floods go through their windows in Everson last month. In the evacuees who returned to see the charred ruins of their homes in Malden. Or the people of the Colville tribes who lost 600,000 acres of commercial timber to wildfires. And when I look into the eyes of people who have lost their home, and I see the pain they have, that's the pain of climate change. And we have to do everything we can to fight it. Every corner of our state faces climate related disasters today. Not tomorrow. Right now. This is the fight for the future of our state. And we need to take action this day.

My budget bills and the work we've done previously and put 626 million dollars toward this noble effort. Legislators can be proud of the policies they've put to work here in our state already. And it's good to know we're not alone in this work. The world looks to our state as leaders in climate innovation. This was reaffirmed in November at the COP26 in Glasgow, Scotland. Where I led a coalition of 68 state and local governments to commit to drastically reduce emissions. Together we're charting a path to fight climate change by cutting greenhouse gas emissions in half by 2030. And to get to net zero by 2050. It is our state's legal obligation as well to reduce emissions. But it's also a practical and most importantly, a moral obligation. Legislators can be proud that their work have already created policies that will remove 43.5 million metric tons of pollution annually. But to meet our statutory commitment that we have made to the people of this state, we have to

reduce emissions by six million more metric tons per year to reach our 2030 emission limits. That's the equivalent to the annual emissions of one point three million vehicles on the road.

So through legislation, we can rev up this future. And make new and existing buildings perform better.

We can modernize regulations and incentivize industry to ensure clean energy projects are built here in Washington. With living wage jobs. And make electric vehicles more affordable by giving families thousands of dollars in rebates. Now buildings are our state's second largest source of emissions. And many of them are energy inefficient. Wasting resources and costing consumers thousands over the years. With buildings lasting anywhere from 50 to 100 years, we must act now to give Washingtonians more efficiencies. And to decarbonize our homes, apartments, offices, retail spaces, and more. So to accomplish this, we have to require gas utilities to chart a path to decarbonize under the Climate Commitment Act. We can improve conditions for developers to grow clean energy resources here in our state.

Look, there is a lot of good news in our state here. We see the future's promise already burgeoning in Washington at companies like Eviation in Arlington, where they're making the world's first all-electric commuter airplane. And Vicinity Motor Corporation in Ferndale, where they're manufacturing electric buses. At the new solar farms popping up like dandelions in eastern Washington. And net zero buildings like the Climate Pledge Arena in Seattle and the Catalyst Building in Spokane. We see clean energy projects built with strong labor standards. Creating a broad range of union jobs and apprenticeship opportunities in their local communities. Like at the Rattlesnake Flats wind farm in Adams County.

Now, with all of the multiple challenges we face right now, why do I believe this legislature is up to the job of fighting carbon pollution this year? It's because this is the legislature that has in its hands the most beautiful place on the planet. And the health of more than seven million people in their hands. And I know you won't let the people down.

The same goes for salmon. As the future of salmon goes, so goes the future of our state. Our region's salmon are threatened by climate change, pollution and habitat loss. So we would invest 187 million dollars towards salmon recovery. And we also need to restore the green corridors along rivers and streams known as repairing habitat which keeps the water clean and cool. So our legislation sets a unique ecological blueprint for each river and stream habitat. To conserve and restore these critical lands. This plan includes the Lorraine Lumas Act. It's named for the Swinomish leader and tribal salmon manager, who we lost in August. I'll tell you, Lorraine was such an inspiration to us, young and old. She brought us together in favor of salmon. Our salmon cannot wait. They need action this day. And to realize this future, we must do it together with our partners. Fewer is critical in this effort is Washington state's tribal communities. So I'm introducing legislation that provides a stronger, clear consultation process for projects that get funding through the Climate Commitment Act. We know we make progress when we work together.

We also need to invest in our aging transportation system. In a way that meets the demands of the future.

While aggressively decreasing the impacts of climate change from the same system. We need more transportation. And less pollution at the same time. That's why my 2022 transportation budget is no ordinary supplemental proposal. We have a unique opportunity with one time and new federal funds, along with state money to provide nearly one billion dollars to fund transportation and clean transportation programs. And activities that reduce greenhouse gas emissions from the transportation sector that preserve the infrastructure we have. And it needs help. And support critical investments to improve ferry service reliability. This includes 324 million dollars to support ferry electrification. But we desperately need boats. Cleaner boats. To give Washingtonians reliable ferry service.

Now, to legislators. If you have bigger ambitions or boulder ideas in transportation, and I'm encouraged that some of you do, I am really ready to engage and discuss and support your further efforts. My budget also imports increased diversity inclusion in the transportation sector. By addressing disparities in hiring and recruiting a diverse workforce at these entities. The broader transportation system remains our number one emitter of greenhouse gases. That pollute our air and water and drive climate change. Last session, this legislature passed historic laws to reduce emissions, including the Climate Commitment Act. And we must not hesitate to take action, this day, to implement these laws. And we need a clean fuel standard as well. These laws have to go in effect in concert with our transportation budget. And I look forward to working with legislators to do this. We've proposed necessary and prudent investments this session. But we also have to invest in our financial stability. To assure financial stability, our plan would build the reserve back to pre-pandemic levels in just four years from now. So my budget puts 2.5 billion toward our financial resilience this biennium. Putting this money in our rainy-day fund and reserve funds will place our state on better footing for the next emergency.

Now, we just marked the one-year anniversary of the insurrection at our nation's capital. That insurrection continues to this day, under the banner of the big lie. A lie that our election was somehow not fair in the last election. The right to representative government today is under attack in this country. And unfortunately, I must say also in our own state. I'm pro democracy. And I think all elected officials and others who care about our state & nation should be pro-democracy too. Former Secretary of State Kim Wyman, republican, deserves our respect for the exemplary and non-partisan way she carried out her duties in the face of these same threats. And that's why I am happy to welcome former Senator Steve Hobbs as our new Secretary of State. Like Kim Wyman, he will help keep our state and local elections safe and secure.

It is time that we stand up to those who challenge the integrity of our elections. Who undermine the basic democratic principles. And who would do away with the rule of law. And I am calling on all legislators, democrat and republican, to acknowledge forcefully and vocally that the 2020 elections were won fair and square under our constitution. And to denounce those officials who spread deception that strikes at the very foundation of our democracy. I believe we should outlaw efforts by politicians to knowingly spread lies about elections, when those lies result in violence. Violence we have already seen in our state capitals. Our state capital and a year ago in our nation's capital.

As we close today, I want to reiterate that this may be a short session, but it is unlike any perhaps in our state's history. And we must act according to what this moment demands. We must be big. We must be bold. We must act at a scale commensurate to our challenges because of the multiple urgent crises facing our state. Too much is at stake to do otherwise. And I am confident we can do this. Because I have seen the legislature rise to the moment before. But we must take action, this day. We will continue to build our resiliency against COVID. We will meet the challenge of climate change while building the clean energy future with good jobs here in Washington. We will restore our children's opportunities. We will make necessary revisions to our long-term care bill and our police accountability measures. We will protect salmon and bring back our orca. And we will house those impacted by homelessness and behavior health conditions and provide more housing, affordable housing options for everyone. This is our charge. We can do this, if we act together. There is no time to lose. We can start now by taking action, this day.

Thank you."

The President thanked the Governor for his remarks.

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

The Speaker assumed the chair.

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

There being no objection, the House adjourned until 9:55 a.m., January 12, 2022, the 3rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 12, 2022

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

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

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

MESSAGE FROM THE SENATE

January 11, 2022

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4405,
HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READINGHB 1923 by Representatives Chase, Dent and Sutherland

AN ACT Relating to protecting the parent-child relationship; amending RCW 13.34.050, 13.34.060, and 26.44.056; reenacting and amending RCW 13.34.065; and providing an effective date.

Referred to Committee on Children, Youth & Families.

HB 1924 by Representatives Tharinger, Chapman and Fey

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities; amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates.

Referred to Committee on Environment, Energy & Technology.

HB 1925 by Representatives Volz, Riccelli and Graham

AN ACT Relating to authorizing the issuance of civil infractions for violations of rules or regulations in county parks; and amending RCW 36.68.080.

Referred to Committee on Local Government.

HB 1926 by Representatives Shewmake, Paul, Goodman, Ramel and Pollet

AN ACT Relating to using ranked choice voting in the presidential primary; amending RCW 29A.56.040, 29A.56.050, and 29A.12.080; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1927 by Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey

AN ACT Relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1928 by Representatives Schmick, Stokesbary, Sutherland, Wicks and Dent

AN ACT Relating to equine industry support; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1929 by Representatives Abbarno, Griffey, Sutherland, Dent, Graham and Orcutt

AN ACT Relating to capital projects for the provision of fire protection services; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1930 by Representatives Jacobsen, Sutherland, Dolan, Dent, Griffey, Chase, Riccelli, Chambers, Ryu and Graham

AN ACT Relating to license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians; and amending RCW 18.16.110.

Referred to Committee on Consumer Protection & Business.

HB 1931 by Representative Fey

AN ACT Relating to sustaining hydropower license fees; and amending RCW 90.16.050.

Referred to Committee on Ways & Means.

HB 1932 by Representatives Fey, Santos, Duerr, Slatter and Pollet

AN ACT Relating to the recyclability of products and packaging; amending RCW 70A.245.010, 70A.245.020, and 70A.245.030; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1933 by Representatives Wicks, Eslick and Pollet

AN ACT Relating to authorizing smaller local governments with a scarcity of manufacturing and industrial lands to establish a tax on cannabis producers and processors; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

HB 1934 by Representatives Fey, Robertson and Taylor

AN ACT Relating to the participation of tribal governments in exchange agreements; and amending RCW 47.12.370.

Referred to Committee on Transportation.

HB 1935 by Representatives Wicks, Berg, Berry, Dolan, Johnson, J., Ryu, Simmons, Goodman, Morgan, Pollet, Taylor and Fey

AN ACT Relating to addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1936 by Representatives Dent, Eslick, Sutherland, Wicks, Robertson and Chase

AN ACT Relating to the membership and subcommittees of the oversight board for children, youth, and families; and amending RCW 43.216.015.

Referred to Committee on Children, Youth & Families.

HB 1937 by Representatives Mosbrucker, Dye, Young, Graham and Gilday

AN ACT Relating to fentanyl; amending RCW 69.50.4013, 69.50.4013, 9.94A.518, and 13.40.0357; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1938 by Representatives Stonier, Hoff, Davis, Ryu, Santos, Senn, Sutherland, Tharinger, Gilday and Ormsby

AN ACT Relating to student financial education; amending RCW 28A.300.450, 28A.300.460, 28A.300.462, 28A.300.464, and 28A.300.468; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.300 RCW; and providing expiration dates.

Referred to Committee on Education.

HB 1939 by Representatives Rude, Bronoske, Valdez, Riccelli, Ormsby, Pollet and Kloba

AN ACT Relating to requiring health plans to cover, with no cost sharing, colonoscopies performed as a result of a positive screening; and amending RCW 48.43.043.

Referred to Committee on Health Care & Wellness.

HB 1940 by Representatives Klippert, Sutherland and Chase

AN ACT Relating to the general powers and duties of the attorney general; and amending RCW 43.10.030.

Referred to Committee on State Government & Tribal Relations.

HB 1941 by Representative Walen

AN ACT Relating to prohibiting active shooter scenarios for school safety-related drills; and amending RCW 28A.320.125.

Referred to Committee on Education.

HB 1942 by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba

AN ACT Relating to the provision of the paraeducator fundamental course of study; and amending RCW 28A.413.060.

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

HB 1943 by Representatives Entenman, Boehnke and Paul

AN ACT Relating to including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010 and 43.88C.050; and creating a new section.

Referred to Committee on Appropriations.

HB 1944 by Representatives Walsh and Graham

AN ACT Relating to increasing the time period that certain parents receive supervision after reunification during child welfare court proceedings; amending RCW 13.34.145; and reenacting and amending RCW 13.34.138.

Referred to Committee on Children, Youth & Families.

HB 1945 by Representatives Dent, Sutherland, Wicks and Robertson

AN ACT Relating to improving communication between the department of children, youth, and families and caregivers; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Children, Youth & Families.

HB 1946 by Representative Walsh

AN ACT Relating to restricting the use of public moneys for legislators to attend certain nongovernmental events; amending RCW 44.04.120; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1947 by Representatives Frame, Johnson, J., Berry, Fitzgibbon, Senn, Simmons, Valdez, Rule, Goodman, Thai, Dolan, Ramel, Bergquist, Shewmake, Peterson, Riccelli, Wicks, Leavitt, Callan, Slatter, Ryu, Abbarno, Ormsby, Pollet, Macri, Bateman, Taylor, Kloba and Harris-Talley

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1948 by Representative Steele

AN ACT Relating to failing water system receivership and rehabilitation; and amending RCW 43.70.195 and 70A.125.180.

Referred to Committee on Local Government.

HB 1949 by Representative Caldier

AN ACT Relating to the prioritization of higher education capital projects; amending RCW 28B.77.070, 43.88D.010, and 28C.18.060; adding a new section to chapter 43.88 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1950 by Representatives Caldier and Walen

AN ACT Relating to protecting patients from certain unsafe dental practices; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care & Wellness.

HB 1951 by Representatives Morgan, Fitzgibbon, Orwall, McEntire, Ryu, Ormsby, Kloba and Harris-Talley

AN ACT Relating to seller disclosure statements; amending RCW 64.06.013, 64.06.015, and 64.06.050; and reenacting and amending RCW 64.06.020.

Referred to Committee on Consumer Protection & Business.

HB 1952 by Representative Caldier

AN ACT Relating to the location of housing and associated services that provide aid and assistance to homeless individuals and families; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1953 by Representatives Valdez, Volz, Sutherland and Ramel

AN ACT Relating to exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure; amending RCW 42.56.420; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

HB 1954 by Representatives Kirby and Barkis

AN ACT Relating to credit and debit card transaction fees; and amending RCW 46.55.035.

Referred to Committee on Consumer Protection & Business.

HB 1955 by Representatives Rule, Ramel, Ormsby and Taylor

AN ACT Relating to creating uniformity in education requirements for students who are the subject of a dependency proceeding; amending RCW 28A.150.510, 28A.225.023, 28A.225.330, 28A.225.350, 28A.320.148, 28A.320.192, 28B.117.020, 74.13.550, and 74.13.631; and reenacting and amending RCW 74.13.560.

Referred to Committee on Education.

HB 1956 by Representatives Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri

AN ACT Relating to exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety; amending RCW 42.56.080, 42.56.210, and 70.02.250; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1957 by Representatives Rule, Walen, Chapman, Santos, Simmons, Ramel, Johnson, J., Riccelli, Frame, Ormsby and Harris-Talley

AN ACT Relating to establishing a small business disaster recovery financial assistance program; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1958 by Representatives Berg, Boehnke, Chapman, Ryu, Paul, Peterson, Frame and Taylor

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants; amending RCW 43.160.060; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1959 by Representatives Schmick and Sutherland

AN ACT Relating to managed health care system rate review; and amending RCW 74.09.522.

Referred to Committee on Health Care & Wellness.

HJR 4210 by Representatives Boehnke, Sutherland and Dent

Concerning the individual right of the people to hunt and to fish using traditional methods.

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

SCR 8404 by Senators Pedersen, Short and Wilson, C.

Establishing cutoff dates for the consideration of legislation during the 2022 regular session of the sixty-seventh legislature.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8404 which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1052
HOUSE BILL NO. 1172
SUBSTITUTE HOUSE BILL NO. 1508
SUBSTITUTE HOUSE BILL NO. 1333
HOUSE BILL NO. 1430
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329
HOUSE BILL NO. 1122
SUBSTITUTE HOUSE BILL NO. 1357
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141
SUBSTITUTE HOUSE BILL NO. 1124

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Emily Wicks, 38th Legislative District.

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Pedersen, Short and Wilson, C.

Establishing cutoff dates for the consideration of legislation during the 2022 regular session of the sixty-seventh legislature.

The concurrent resolution was read the third time.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8404 was adopted.

SUBSTITUTE HOUSE BILL NO. 1124, by House Committee on Health Care & Wellness (originally sponsored by Cody)

Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.

The bill was read the third time.

Representatives Cody and Harris spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Hackney was excused.

On motion of Representative Griffey, Representatives Kretz and Schmick were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1124, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chandler.

Excused: Representatives Hackney, Kretz and Schmick.

SUBSTITUTE HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141, by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, Johnson, J., Bateman, Simmons, Fitzgibbon and Valdez)

Increasing access to the death with dignity act.

The bill was read the third time.

Representatives Rude and Macri spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1141.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1141, and the bill passed the House by the following vote: Yeas, 58; Nays, 37; Absent, 0; Excused, 3.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Robertson, Rule, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Hackney, Kretz and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Local Government (originally sponsored by Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson)

Concerning public meeting accessibility and participation.

The bill was read the third time.

Representative Wicks spoke in favor of the passage of the bill.

Representatives Goehner and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 79; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Corry, Dent, Dufault, Goehner, Graham, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Sutherland and Walsh.

Excused: Representatives Hackney, Kretz and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1122, by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

Concerning the retirement age for state guard members.

The bill was read the third time.

Representatives Peterson and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1122.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1122, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor,

Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Hackney, Kretz and Schmick.

HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on State Government & Tribal Relations (originally sponsored by Mosbrucker, Gregerson, Chase and Berry)

Concerning voters' pamphlets for overseas and service voters.

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1357 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Mosbrucker moved the adoption of amendment (768):

On page 3, line 14, after "June 30," strike "2021" and insert "2022"

Representative Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (768) was adopted.

The bill was ordered engrossed.

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

Representatives Mosbrucker and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri,

Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Hackney, Kretz and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 13, 2022, the 4th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 13, 2022

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

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

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

MESSAGE FROM THE SENATE

January 12, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5148,
SENATE BILL NO. 5201,
SECOND SUBSTITUTE SENATE BILL NO. 5241,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5245,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5268,
SENATE BILL NO. 5312,
SENATE BILL NO. 5354,
SUBSTITUTE SENATE BILL NO. 5376,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 1960 by Representatives Klippert, Jacobsen, Eslick and Graham

AN ACT Relating to the housing of inmates in state correctional facilities; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Public Safety.

HB 1961 by Representatives Peterson and Ramel

AN ACT Relating to the authority of the courts to waive auditor's fees for filing and recording name change orders; amending RCW 4.24.130 and 36.18.010; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1962 by Representatives Entenman, Dolan, Chapman, Corry, Lekanoff, Springer, Walen, Rule, Gilday and Bateman

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

Referred to Committee on Education.

HB 1963 by Representatives McCaslin, McEntire, Eslick, Volz, Graham, Barkis, Young and Sutherland

AN ACT Relating to improving safety and preservation by allowing the Washington state department of transportation to either hire or rehire maintenance and preservation employees that have acquired immunities to COVID-19; adding a new section to chapter 47.04 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1964 by Representative Corry

AN ACT Relating to the decommissioning of alternative energy facilities; and adding a new chapter to Title 64 RCW.

Referred to Committee on Environment & Energy.

HB 1965 by Representatives Chapman, Caldier, Johnson, J., Taylor, Lekanoff, Springer, Klicker, Bateman and Leavitt

AN ACT Relating to providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs; amending RCW 71.20.110, 73.08.080, 84.52.043, 84.52.043, 84.52.010, 84.52.010, and 84.55.005; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1966 by Representatives Steele, Barkis, Gilday and Leavitt

AN ACT Relating to creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and

revitalization efforts; and adding a new chapter to Title 39 RCW.

Referred to Committee on Finance.

HB 1967 by Representatives Steele, Riccelli, Berry, Lekanoff, Santos and Duerr

AN ACT Relating to property tax exemptions for nonprofits; amending RCW 84.36.020, 84.36.037, and 84.36.805; and creating new sections.

Referred to Committee on Appropriations.

HB 1968 by Representatives Klippert and Graham

AN ACT Relating to preserving medical autonomy in schools and promoting local authority; amending RCW 28A.210.080, 28A.210.090, 28A.210.090, 28A.210.100, 28A.210.120, 28A.210.130, 28A.210.140, 28A.705.010, and 43.06.220; reenacting and amending RCW 28A.210.070; creating a new section; repealing RCW 28A.210.060; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 1969 by Representatives Fey, Pollet and Bronoske

AN ACT Relating to authorizing the limited use of automated traffic safety cameras for speed violations outside of school speed zones; amending RCW 46.63.170 and 46.63.170; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1970 by Representatives Young and Leavitt

AN ACT Relating to eliminating certain supervision-related fees charged to convicted persons; amending RCW 9.94A.74504, 9.94A.760, and 9.95.214; creating a new section; repealing RCW 9.94A.780, 72.04A.120, and 72.11.040; and providing an effective date.

Referred to Committee on Public Safety.

HB 1971 by Representatives Robertson, Senn, Eslick and Leavitt

AN ACT Relating to installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers; amending RCW 19.27.720, 19.27.730, and 43.43.944; adding new sections to chapter 19.27 RCW; creating a new section; repealing RCW 19.27.710 and 19.27.740; prescribing penalties; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1972 by Representatives Harris and Santos

AN ACT Relating to imposing criminal penalties for negligent driving involving the death of a vulnerable user victim; amending RCW 46.61.526, 46.20.342, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205; adding a new section to chapter 46.61 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1973 by Representatives Rude, Dolan, Eslick, Sutherland and Gilday

AN ACT Relating to the recording of school board meetings; amending RCW 42.56.080 and 42.30.035; adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1974 by Representatives Ybarra and Callan

AN ACT Relating to moving state board of education and educational service district elections to the Washington state school directors' association; and amending RCW 28A.305.021, 28A.345.030, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.080, 28A.310.090, and 28A.310.100.

Referred to Committee on Education.

HB 1975 by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

AN ACT Relating to property management services provided to housing authority properties; amending RCW 35.82.070; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

HB 1976 by Representatives Corry, Caldier, Stokesbary and Young

AN ACT Relating to prohibiting public schools from requiring students to eat or drink outside school buildings; adding a new section to chapter 28A.210 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1977 by Representatives Chase and Young

AN ACT Relating to the public disclosure of guardianship training curriculum and materials; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1978 by Representatives Duerr and Pollet

AN ACT Relating to shoreline master program review schedules; amending RCW 90.58.080 and 90.58.080; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

HB 1979 by Representatives Kirby and Leavitt

AN ACT Relating to the appraisal clause found in motor vehicle insurance policies; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1980 by Representatives Taylor, Caldier, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp

AN ACT Relating to removing the prohibition on providing employment services and community access services concurrently; amending RCW 71A.12.290; and creating a new section.

Referred to Committee on Appropriations.

HB 1981 by Representatives Pollet, Ryu and Santos

AN ACT Relating to local government planning; amending RCW 36.70A.190, 36.70A.030, 36.70A.070, 36.70A.215, 36.70A.215, 58.17.030, 84.55.005, 84.55.010, and 84.55.092; adding a new section to chapter 64.38 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 82.45 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.46 RCW; creating new sections; repealing RCW 84.55.0101; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 1982 by Representatives Volz, Caldier, Wylie and Graham

AN ACT Relating to clarifying the applicability of penalty and interest on personal property taxes; reenacting and amending RCW 84.56.020; and declaring an emergency.

Referred to Committee on Finance.

HB 1983 by Representatives Rude, Caldier, Dufault, Eslick, Sutherland, Volz, Graham and Gilday

AN ACT Relating to a hospital patient's right to visitors; and adding new sections to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 1984 by Representatives Jacobsen and Graham

AN ACT Relating to protecting privacy of addresses related to vehicle registration certificates; adding a new section to chapter 46.09 RCW; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1985 by Representatives Dolan, Berry, Callan, Lekanoff, Ryu, Sells, Senn, Frame, Eslick, Ramel, Wicks, Stonier, Goodman, Duerr, Bateman and Pollet

AN ACT Relating to prototypical school formulas for physical, social, and emotional support in schools; amending RCW 28A.400.007; reenacting and amending RCW 28A.150.260 and 28A.150.260; providing effective dates; and providing an expiration date.

Referred to Committee on Education.

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

There being no objection, the House adjourned until 9:55 a.m., January 14, 2022, the 5th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 14, 2022

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

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

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

INTRODUCTION & FIRST READING

HB 1986 by Representatives Klippert, Sutherland and Jacobsen

AN ACT Relating to empowering school district boards of directors; amending RCW 28A.150.290 and 28A.300.040; and creating a new section.

Referred to Committee on Education.

HB 1987 by Representatives Morgan, Macri, Berry, Fitzgibbon, Gregerson, Ryu, Wicks, Santos, Pollet, Bateman and Valdez

AN ACT Relating to a task force on creating a new state housing and homelessness department; creating new sections; and providing an expiration date.

Referred to Committee on Housing, Human Services & Veterans.

HB 1988 by Representatives Shewmake, Berry and Paul

AN ACT Relating to tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage; amending RCW 82.08.816 and 82.12.816; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1989 by Representatives Orwall, Taylor, Berry, Johnson, J., Shewmake, Sutherland and Pollet

AN ACT Relating to commercially sexually exploited children and adults; amending RCW 7.68.380 and 43.185C.260; and adding a new section to chapter 7.68 RCW.

Referred to Committee on Appropriations.

HB 1990 by Representatives Duerr, Slatter, Kloba, Walen and Fey

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor; adding a new section to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1991 by Representatives Taylor, Hansen, Fitzgibbon, Gregerson, Johnson, J., Senn and Bateman

AN ACT Relating to body worn cameras; and amending RCW 42.56.240.

Referred to Committee on Civil Rights & Judiciary.

HB 1992 by Representatives Bateman, Leavitt, Berry, Macri, Frame, Pollet, Bronoske, Taylor, Valdez, Slatter, Kloba and MacEwen

AN ACT Relating to vacation leave accrual for public employees; amending RCW 43.01.044, 41.32.010, 41.40.010, 43.43.120, and 28A.400.300; reenacting and amending RCW 43.01.040; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1993 by Representatives Dent and Chapman

AN ACT Relating to creating the pesticide advisory board; adding a new section to chapter 17.21 RCW; and creating a new section.

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

HB 1994 by Representatives Young, Sutherland and Jacobsen

AN ACT Relating to crimes involving catalytic converter theft; amending RCW 9A.56.040, 9.94A.515, and 9.94A.515; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 1995 by Representatives Stokesbary, Riccelli, Shewmake, Jacobsen, Santos, Dufault and Macri

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1996 by Representative MacEwen

AN ACT Relating to stormwater control facilities and county jurisdiction; and amending RCW 36.89.050 and 36.89.080.

Referred to Committee on Local Government.

HB 1997 by Representatives Valdez and Dolan

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on Appropriations.

HB 1998 by Representative Sutherland

AN ACT Relating to only permitting the return and count of ballots that contain an official watermark; amending RCW 29A.36.111, 29A.40.070, 29A.36.115, 29A.60.195, 29A.60.125, 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.40.110; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1999 by Representatives Walsh, Caldier, Sutherland, Jacobsen, Chambers, Dufault and Young

AN ACT Relating to reestablishing a state expenditure limit; amending RCW 43.135.025; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Appropriations.

SSB 5148 by Senate Committee on Law & Justice (originally sponsored by Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon and Wilson, C.)

AN ACT Relating to the harassment of election officials; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Public Safety.

SB 5201 by Senators Van De Wege and Das

AN ACT Related to department of natural resources' timber and land sales; amending RCW 79.15.070, 79.15.080, and 79.15.150; and reenacting and amending RCW 79.11.130.

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

2SSB 5241 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford and Wilson, C.)

AN ACT Relating to promoting economic inclusion for people experiencing poverty; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5245 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Brown, Wilson, L., Rolfes and Wagoner)

AN ACT Relating to the safety of crime victims; and amending RCW 72.09.712.

Referred to Committee on Public Safety.

ESSB 5268 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

AN ACT Relating to transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities; amending RCW 43.88C.010; adding a new section to chapter 71A.18 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

SB 5312 by Senators Mullet, Liias and Van De Wege

AN ACT Relating to facilitating transit-oriented development and increasing housing inventory; and amending RCW 36.70A.500.

Referred to Committee on Environment & Energy.

SB 5354 by Senators Saldaña, King and Nguyen

AN ACT Relating to traffic control in large cities; and amending RCW 46.61.050.

Referred to Committee on Transportation.

SSB 5376 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña)

AN ACT Relating to promoting awareness of the governor's office of the education ombuds; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

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

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Vicki Kraft, 17th Legislative District.

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

MESSAGES FROM THE SENATE

January 12, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5202,
SECOND ENGROSSED SUBSTITUTE SENATE
BILL NO. 5441,

and the same are herewith transmitted.

Sarah Bannister, Secretary

January 13, 2022

Mme. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8404,
and the same is herewith transmitted.

Sarah Bannister, Secretary

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1333, by House Committee on Finance (originally sponsored by Tharinger, Steele, Hackney and Lekanoff)

Providing an extension to the local sales and use tax for public facilities in rural counties.

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1333 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Tharinger moved the adoption of the amendment (769):

On page 3, line 13, after "tax" strike all material through "percent" and insert "~~(at the rate of 0.09 percent)~~"

On page 3, line 14, after "and" strike "met" and insert "meeting"

Representatives Tharinger and Dye spoke in favor of the adoption of the amendment.

Amendment (769) was adopted.

The bill was ordered engrossed.

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

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Klippert and Kretz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1333.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1333, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri,

Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin and Sutherland.

Excused: Representatives Klippert and Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman and Pollet)

Concerning the sanitary control of shellfish.

The bill was read the third time.

Representatives Chapman and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1508.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1508, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Kretz.

SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Cody, Kloba and Macri)

Concerning group insurance contract performance standards.

The bill was read the third time.

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1052.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Kretz.

SUBSTITUTE HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1430, by Representatives Kloba and Klicker

Concerning the duration of state upland leases for lands managed by the department of natural resources.

The bill was read the third time.

Representatives Kloba and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1430.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Klippert and Kretz.

HOUSE BILL NO. 1430, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1172, by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources.

The bill was read the third time.

Representatives Lekanoff and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1172.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1172, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Kretz.

HOUSE BILL NO. 1172, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Stonier congratulated Representative Bronoske on presiding over his first set of bills off the House floor.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

SENATE CONCURRENT RESOLUTION NO. 8404

The Speaker called upon Representative Bronoske to preside.

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

REPORTS OF STANDING COMMITTEES

January 13, 2022

HB 1622 Prime Sponsor, Representative Mosbrucker: Increasing the availability of sexual assault nurse examiner education in rural and underserved areas. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 12, 2022

HB 1648 Prime Sponsor, Representative Vick: Replacing an inactive certificate status with an inactive license designation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 13, 2022

HB 1704 Prime Sponsor, Representative Kirby:
Regulating service contracts and protection
product guarantees. Reported by
Committee on Consumer Protection &
Business

January 13, 2022

MAJORITY recommendation: Do pass. Signed by
Representatives Kirby, Chair; Walen, Vice Chair; Vick,
Ranking Minority Member; Dufault, Assistant Ranking
Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 13, 2022

HB 1732 Prime Sponsor, Representative Sullivan:
Delaying the implementation of the long-
term services and supports trust program by
18 months. Reported by Committee on
Appropriations

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Ormsby, Chair; Bergquist,
Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair;
Stokesbary, Ranking Minority Member; Chambers,
Assistant Ranking Minority Member; Corry, Assistant
Ranking Minority Member; MacEwen, Assistant
Ranking Minority Member; Boehnke; Caldier; Chopp;
Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris;
Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu;
Schmick; Senn; Springer; Steele; Stonier; Sullivan and
Tharinger.

MINORITY recommendation: Do not pass. Signed by
Representatives Chandler and Hoff.

Referred to Committee on Rules for second reading.

HB 1733 Prime Sponsor, Representative Paul:
Establishing voluntary exemptions to the
long-term services and supports trust
program for certain populations. Reported
by Committee on Appropriations

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Ormsby, Chair; Bergquist,
Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair;
MacEwen, Assistant Ranking Minority Member;
Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame;
Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude;
Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without
recommendation. Signed by Representative Jacobsen.

MINORITY recommendation: Do not pass. Signed by
Representatives Stokesbary, Ranking Minority Member;
Chambers, Assistant Ranking Minority Member; Corry,
Assistant Ranking Minority Member; Boehnke;
Chandler; Dye; Hoff; Schmick and Steele.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's
committee reports under the fifth order of business were
referred to the committees so designated.

There being no objection, the House adjourned until
8:30 a.m., January 17, 2022, the 8th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 17, 2022

The House was called to order at 8:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative April Berg, 44th Legislative District.

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4635, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, On the third Monday in January, the people of Washington state join the nation in remembering the life and legacy of Reverend Doctor Martin Luther King, Junior; and

WHEREAS, Martin Luther King, Junior was born on January 15, 1929, in Atlanta, Georgia, and attended a segregated public school before receiving a Bachelor of Arts from Morehouse College at the age of 19; and

WHEREAS, In November of 1955, Dr. King mobilized the Black residents of Montgomery to protest the segregated transportation system, which persisted for 381 days until the Supreme Court ultimately ruled this system to be unconstitutional on November 13, 1956; and

WHEREAS, While leading the boycott, Dr. King was arrested and his house bombed by segregationists, yet he maintained a message of nonviolence and love in the face of hatred; and

WHEREAS, In 1963, he addressed a crowd of more than a quarter million people at the historic March on Washington and proclaimed, "Now is the time to lift our nation from the

quicksands of racial injustice to the solid rock of brotherhood"; and

WHEREAS, Through bold actions and valiant leadership, Dr. King advocated for and ultimately achieved transformational pieces of legislation in the form of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, More than five decades later, his legacy endures and inspires, though it still requires our vigilance to protect his lessons and achievements; and

WHEREAS, Dr. King's memory remains a beacon, calling us to bear witness and reject all acts of hate; and

WHEREAS, His words ring evermore true, that "We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. . . This may well be mankind's last chance to choose between chaos or community";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives, in recognition of the work to which Dr. King's life and death call us, and in service of his vision, honor his memory by urging all citizens of our great state to take up his call to bring forth community and justice, both in the lives we lead and in the legislation we support.

Representative Chambers moved adoption of HOUSE RESOLUTION NO. 4635

Representatives Chambers and Taylor spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4635 was adopted.

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

INTRODUCTION & FIRST READING

HB 2000 by Representatives Ybarra, Graham, Jacobsen, Walsh and Caldier

AN ACT Relating to the duty of the superintendent of public instruction to distribute federal and state basic education funds; amending RCW 28A.150.250, 28A.150.290, 28A.300.040, and 28A.505.120; adding new sections to chapter 28A.150 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2001 by Representatives McCaslin, Graham, Jacobsen, Chase and Sutherland

AN ACT Relating to expanding the ability to build tiny houses; amending RCW 36.70A.540; and creating new sections.

Referred to Committee on Local Government.

HB 2002 by Representatives Fitzgibbon, Berry, Duerr, Peterson, Ryu, Tharinger, Bateman and Lekanoff

AN ACT Relating to the siting of energy infrastructure necessary for the fulfillment of the state's decarbonization goals; amending RCW 43.21C.033, 43.21B.160, 90.58.180, 90.58.190, and 42.56.420; adding a new section to chapter 36.70B RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2003 by Representatives Donaghy, Berry, Duerr, Fitzgibbon, Johnson, J., Leavitt, Peterson, Ramel, Ryu, Simmons, Macri, Bateman, Ormsby, Davis, Riccelli, Lekanoff and Pollet

AN ACT Relating to renewing Washington's recycling system and reducing waste; amending RCW 70A.245.010, 70A.245.020, 70A.245.030, 70A.205.005, 70A.205.010, 70A.205.115, 70A.205.045, 70A.205.070, 81.77.030, 81.77.040, 81.77.160, and 81.77.185; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 2004 by Representatives Dufault and Schmick

AN ACT Relating to providing spoken language interpreters for medical appointments when the original spoken language interpreter fails to appear; and amending RCW 39.26.300.

Referred to Committee on Health Care & Wellness.

HB 2005 by Representatives Young, Chase and Sutherland

AN ACT Relating to video recording of specified election activities; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2006 by Representatives McEntire, Jacobsen, Chase, Stokesbary, Sutherland and Walsh

AN ACT Relating to incorporating working families fiscal impacts in fiscal notes; amending RCW 43.88A.010; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Appropriations.

HB 2007 by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet

AN ACT Relating to establishing a nurse educator loan repayment program under the Washington health corps; and amending RCW 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.110, and 28B.115.130.

Referred to Committee on Ways & Means.

HB 2008 by Representatives Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet

AN ACT Relating to eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities; amending RCW 71A.16.020; reenacting and amending RCW 71A.10.020; adding a new section to chapter 71A.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2009 by Representatives Berry, Peterson, Ramel, Ryu, Macri, Bateman, Hackney, Ormsby, Frame and Pollet

AN ACT Relating to creating the evergreen basic income trust; amending RCW 74.04.005, 43.185C.220, and 43.216.1368; reenacting and amending RCW 10.101.010; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

HB 2010 by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby

AN ACT Relating to eliminating unnecessary homeless funding budget and auditing requirements; amending RCW 36.22.179; and reenacting and amending RCW 43.185C.060.

Referred to Committee on Housing & Local Government.

HB 2011 by Representatives Rule, Gilday, Graham, Leavitt, Ramel, Santos, Sutherland and Shewmake

AN ACT Relating to funding for skill center students for classes in sending school districts with less than 3,000 students and significant participation in skill centers; and amending RCW 28A.245.020.

Referred to Committee on Appropriations.

HB 2012 by Representatives Young, Graham and Sutherland

AN ACT Relating to establishing an exemption from the payment of premiums to the long-term services and supports trust program based on certain veterans' benefits; amending RCW 50B.04.080; adding new sections to chapter 50B.04 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2013 by Representatives Young, Boehnke, Graham, Leavitt, Sutherland and Walsh

AN ACT Relating to protecting personal and identity information held by the department of licensing; adding a new section to chapter 46.08 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2014 by Representatives Rule, Bergquist, Berry, Johnson, J., Leavitt, Ramel, Ryu, Senn, Valdez, Shewmake, Riccelli and Pollet

AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790 and 28A.320.173; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2015 by Representatives Stokesbary, Corry, Chapman, Graham and Walsh

AN ACT Relating to providing sales tax relief by expanding the working families' tax credit; and amending RCW 82.08.0206.

Referred to Committee on Finance.

HB 2016 by Representatives Morgan, Davis, Bergquist, Duerr, Peterson, Ryu, Valdez, Shewmake and Ormsby

AN ACT Relating to teaching students how to prevent, and avoid being recruited into, sex trafficking; and amending RCW 28A.300.475.

Referred to Committee on Education.

HB 2017 by Representatives Davis, Simmons, Goodman, Johnson, J., Peterson, Ramel, Ryu, Sells, Macri, Frame and Lekanoff

AN ACT Relating to addressing housing concerns for individuals impacted by the criminal legal system; amending RCW 59.18.257; reenacting and amending

RCW 59.18.030; adding a new section to chapter 59.18 RCW; and creating new sections.

Referred to Committee on Housing, Human Services & Veterans.

HB 2018 by Representatives Paul, Rule, Bergquist, Bronoske, Chapman, Leavitt, Ramel, Ryu, Sutherland, Berg, Callan, Frame, Riccelli and Lekanoff

AN ACT Relating to creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2019 by Representatives Boehnke, Graham, Johnson, J., Leavitt and Sutherland

AN ACT Relating to increasing educational and training opportunities for careers in retail; adding a new section to chapter 28C.18 RCW; creating a new section; and providing an expiration date.

Referred to Committee on College & Workforce Development.

HB 2020 by Representatives Walen, Fitzgibbon, Leavitt, Ramel, Ryu, Macri, Bateman, Lekanoff and Pollet

AN ACT Relating to the creation of affordable and sustainable housing in the state; adding new sections to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2021 by Representatives Klippert and Graham

AN ACT Relating to penalties for offenses related to driving or being in physical control of a motor vehicle while under the influence of more than one intoxicating substance; amending RCW 46.61.5055 and 46.20.720; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2022 by Representatives Wicks, Johnson, J., Berry, Taylor, Riccelli, Ryu, Sells, Macri, Bateman, Orwall, Ormsby, Lekanoff and Pollet

AN ACT Relating to social equity in the cannabis industry; amending RCW 69.50.335, 69.50.331, 69.50.331, 69.50.345, 69.50.540, and 43.330.540; reenacting and amending RCW 69.50.345; adding a

new section to chapter 69.50 RCW; providing effective dates; and providing expiration dates.

January 13, 2022

Referred to Committee on Appropriations.

HB 2023 by Representatives Hackney, Macri, Berry, Fitzgibbon, Johnson, J., Peterson, Ramel, Chopp, Bateman and Pollet

AN ACT Relating to streamlining enforcement of tenant protections; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; adding a new chapter to Title 59 RCW; and repealing RCW 59.18.080 and 59.20.240.

Referred to Committee on Housing, Human Services & Veterans.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2014 which was referred to Education.

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

REPORTS OF STANDING COMMITTEES

January 13, 2022

HB 1165 Prime Sponsor, Representative Ryu: Concerning the Washington credit union act. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 13, 2022

HB 1518 Prime Sponsor, Representative Stonier: Concerning environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

HB 1601 Prime Sponsor, Representative Leavitt: Expanding the students experiencing homelessness and foster youth pilot program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Chandler; Hoff and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Appropriations.

January 13, 2022

HB 1617 Prime Sponsor, Representative Morgan: Aligning state and school holidays. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan; Graham and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 14, 2022

HB 1638 Prime Sponsor, Representative McEntire: Concerning fireworks prohibitions adopted by cities or counties. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

January 14, 2022

HB 1857 Prime Sponsor, Representative Goodman:
Making technical corrections and removing
obsolete language from the Revised Code
of Washington pursuant to RCW 1.08.025.
Reported by Committee on Civil Rights &
Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Hansen, Chair; Simmons, Vice Chair;
Gilday, Assistant Ranking Minority Member; Abbarno;
Davis; Entenman; Goodman; Kirby; Klippert; Orwall;
Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without
recommendation. Signed by Representatives Walsh,
Ranking Minority Member; Graham, Assistant Ranking
Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's
committee reports under the fifth order of business were
referred to the committees so designated.

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

MOTIONS

There being no objection, HOUSE BILL NO. 1483 is
moved from the Rules X file to Rules Review.

There being no objection, the Committee on Rules was
relieved of the following bills and the bills were placed on
the second reading calendar:

HOUSE BILL NO. 1732
HOUSE BILL NO. 1733
HOUSE BILL NO. 1486
HOUSE BILL NO. 1648
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1015
HOUSE BILL NO. 1280
SUBSTITUTE HOUSE BILL NO. 1074
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041
HOUSE BILL NO. 1376
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1099

There being no objection, the House adjourned until
9:55 a.m., January 18, 2022, the 9th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 18, 2022

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

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

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

INTRODUCTION & FIRST READING

HB 2024 by Representatives Fey, Valdez, Macri and Pollet

AN ACT Relating to a sales and use tax deferral for projects to improve the state route number 520 corridor; amending RCW 47.01.412; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2025 by Representative Chambers

AN ACT Relating to amending types of nonprofit organizations qualified to engage in certain bingo gambling activities and changes to the number of occurrences for unlicensed bingo activities; and amending RCW 9.46.0209 and 9.46.0321.

Referred to Committee on Commerce & Gaming.

HB 2026 by Representatives Wicks, Fitzgibbon, Sells, Ramel, Dolan and Macri

AN ACT Relating to implementing a per mile charge on vehicles; amending RCW 46.17.323, 46.17.324, and 42.56.330; adding new sections to chapter 46.17 RCW; adding a new section to chapter 46.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2027 by Representatives Fitzgibbon, Chapman and Tharinger

AN ACT Relating to the governance structure of the department of fish and wildlife; adding a new section to chapter 77.04 RCW; creating a new section; and providing an expiration date.

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

HB 2028 by Representatives Young, Barkis, Orcutt and Sutherland

AN ACT Relating to making full payment of deferred sales taxes regarding the Tacoma Narrows toll bridge project; adding a new section to chapter 82.32 RCW; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 2029 by Representatives Robertson, Chambers and Sutherland

AN ACT Relating to the safety and security of retail cannabis outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Public Safety.

HB 2030 by Representatives Walsh, Klippert, Chase, Sutherland, Jacobsen, Eslick and Young

AN ACT Relating to prohibiting the use of involuntary quarantine and isolation; amending RCW 43.20.050, 43.70.130, 43.70.210, 70.05.050, 70.05.060, 70.05.120, and 70.28.035; and reenacting and amending RCW 70.28.031.

Referred to Committee on Health Care & Wellness.

HB 2031 by Representatives Berg, Sells, Berry, Ryu, Wicks, Stonier, Paul, Simmons, Walen, Dolan, Callan, Chambers and Harris-Talley

AN ACT Relating to unemployment insurance, family leave, and medical leave premiums; amending RCW 50.29.025, 50.29.070, and 50A.10.030; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2032 by Representatives Wicks, Berry, Sells, Senn and Eslick

AN ACT Relating to protecting the interests of minor children featured on for-profit family vlogs; amending RCW 63.60.020 and 63.60.040; adding new sections to chapter 63.60 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2033 by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli

AN ACT Relating to safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones; amending RCW 46.37.184 and 46.61.212; and prescribing penalties.

Referred to Committee on Transportation.

HB 2034 by Representatives Frame, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Chase and Macri

AN ACT Relating to juvenile records; amending RCW 13.50.260 and 13.50.270; adding a new section to chapter 13.50 RCW; and creating a new section.

Referred to Committee on Children, Youth & Families.

HB 2035 by Representatives Davis, Valdez, Ortiz-Self, Orwall, Senn, Taylor, Wicks, Harris, Ryu, Simmons, Walen, Dolan and Callan

AN ACT Relating to establishing a behavioral health prevention and equity impact framework for the Washington state liquor and cannabis board; amending RCW 34.05.030; reenacting and amending RCW 43.376.020; adding a new chapter to Title 66 RCW; and creating a new section.

Referred to Committee on Commerce & Gaming.

HB 2036 by Representatives Klippert, Sutherland and Jacobsen

AN ACT Relating to modifying the restrictions on the use and acquisition of certain equipment by law enforcement agencies; amending RCW 10.116.040; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2037 by Representatives Goodman and Sutherland

AN ACT Relating to modifying the standard for use of force by peace officers, but only with respect to providing that physical force may be used to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, clarifying that physical force may be used to protect against a criminal offense when there is probable cause that a person has committed or is committing the offense, authorizing the use of physical force to prevent a person from fleeing a temporary investigative detention, authorizing the use of physical force to take a person into custody when authorized or directed by statute, providing that the standard does not permit violations to the United States Constitution or state Constitution, and defining deadly force, physical force, necessary, and totality of the circumstances; amending RCW 10.120.010 and

10.120.020; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2038 by Representatives Caldier and Eslick

AN ACT Relating to supporting children involved with child welfare services; amending RCW 74.13.031 and 74.14B.010; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Appropriations.

HB 2039 by Representatives Pollet, Callan, Ortiz-Self, Wicks, Valdez, Walen, Ramel, Davis and Dolan

AN ACT Relating to protecting public health and safety by enhancing the regulation of vapor products; amending RCW 70.345.010 and 70.345.075; and adding new sections to chapter 70.345 RCW.

Referred to Committee on Commerce & Gaming.

ESB 5202 by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

AN ACT Relating to establishing school district depreciation subfunds for the purposes of preventative maintenance; and reenacting and amending RCW 28A.320.330.

Referred to Committee on Education.

2ESSB 5441 by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Cleveland, Das and Lovelett)

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

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

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

REPORTS OF STANDING COMMITTEES

January 14, 2022

SHB 1210 Prime Sponsor, Committee on Commerce & Gaming: Replacing the term "marijuana" with the term "cannabis" throughout the

Revised Code of Washington. Reported by Committee on Commerce & Gaming

Vice Chair; Dye, Ranking Minority Member; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 14, 2022

January 14, 2022

ESHB 1241 Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Local Government

HB 1620 Prime Sponsor, Representative Leavitt: Addressing the response to extreme weather events. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Donaghy; Frame; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member; Kraft and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations.

Referred to Committee on Appropriations.

January 14, 2022

January 14, 2022

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Civil Rights & Judiciary

HB 1623 Prime Sponsor, Representative Mosbrucker: Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events. Reported by Committee on Environment & Energy

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

Referred to Committee on Appropriations.

January 14, 2022

January 14, 2022

HB 1619 Prime Sponsor, Representative Fitzgibbon: Concerning appliance efficiency standards. Reported by Committee on Environment & Energy

HB 1673 Prime Sponsor, Representative Ryu: Concerning broadband infrastructure loans and grants made by the public works board. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr,

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant

Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule and Taylor.

January 14, 2022

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft and Sutherland.

Referred to Committee on Capital Budget.

January 14, 2022

HB 1703 Prime Sponsor, Representative Orwall: Modernizing the statewide 911 emergency communications system. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

HB 1717

Prime Sponsor, Representative Pollet: Concerning tribal participation in planning under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 19, 2022, the 10th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 19, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4634, by Representative Wylie

WHEREAS, Washington State has a rich history of prominent artists who contribute to the culture, economic development, and enrichment of many lives; and

WHEREAS, It is important to recognize the value of our history and indigenous ancient arts, as well as modern contributions; and

WHEREAS, In 1943, after graduating from Vancouver High School, James Lee Hansen enlisted in the United States Navy and served on Destroyer USS Preston in the Pacific for three years; and

WHEREAS, James Lee Hansen, a lifelong resident of Washington, has been a leader of the Northwest master artists, teaching sculpture for over 26 years at Portland State University, Oregon State University, the University of Oregon, and the University of California at Berkeley; and

WHEREAS, As sculptor and poet, James Lee Hansen made a unique contribution to history by preserving and honoring the past while producing a large body of contemporary bronze sculptures and teaching others the craft of bronze casting; and

WHEREAS, James Lee Hansen, before the damming of the Columbia and John Day rivers, made castings of the ancient petroglyphs that became submerged and destroyed by the resulting reservoirs; and

WHEREAS, In 1959 James Lee Hansen organized a collaborative of regional artists to create major architectural art commissions throughout the Northwest; and

WHEREAS, James Lee Hansen designed large concrete panels for the Clark County Title Company in Vancouver, Washington, which the city has reclaimed, preserved, and moved to adorn an entrance to their new waterfront park; and

WHEREAS, The body of work that James Lee Hansen, the artist, produced over a lifetime is represented by major public works in Olympia, Vancouver, and other cities and towns in Washington State, as well as other cities and museums across the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and appreciate James Lee Hansen and his unique contribution to preserving, honoring, and celebrating the creativity, innovation, and richness of the arts of the past, the present, and the future.

There being no objection, HOUSE RESOLUTION NO. 4634 was adopted.

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

INTRODUCTION & FIRST READING

HB 2040 by Representatives Callan, Eslick, Macri, Simmons, Duerr and Harris-Talley

AN ACT Relating to streamlining licensing requirements for certain behavioral health professionals; amending RCW 18.225.090; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2041 by Representatives Walsh, Abbarno, Chase, McCaslin, Jacobsen, Sutherland and Eslick

AN ACT Relating to greater consistency in the provision of health care services for minors under the age of 16; amending RCW 70.24.110, 71.34.500, 71.34.510, 71.34.520, and 71.34.530; adding a new section to chapter 9.02 RCW; and adding a new section to chapter 26.28 RCW.

Referred to Committee on Health Care & Wellness.

HB 2042 by Representatives Kraft, Chase, McCaslin, Jacobsen, Sutherland and Eslick

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the K-12 education scholarship program; amending RCW 83.100.230; adding a new section to chapter 28B.76 RCW; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Education.

HB 2043 by Representatives Kraft, Leavitt, Klippert, Orwall, Chase, Eslick and Graham

AN ACT Relating to fees charged to persons who commit offenses involving the sexual exploitation of children; amending RCW 9.68A.105 and 9.68A.106; prescribing penalties; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2044 by Representatives Boehnke, Hackney, Fitzgibbon, Kloba, Ormsby, Sutherland, Ramel and Young

AN ACT Relating to the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities; amending RCW 43.105.054 and 43.105.220; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; adding a new section to chapter 42.56 RCW; creating new sections; and making an appropriation.

Referred to Committee on Appropriations.

HB 2045 by Representatives Bronoske, Leavitt and Fey

AN ACT Relating to equitable geographic distribution of community placements for persons releasing from a state hospital to a less restrictive placement after committing acts constituting a violent felony; amending RCW 71.05.365; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2046 by Representatives Stonier, Abbarno and Senn

AN ACT Relating to ethics in public service rules governing certain legislative activity; and amending RCW 42.52.070, 42.52.160, 42.52.180, and 42.52.185.

Referred to Committee on State Government & Tribal Relations.

HB 2047 by Representatives Entenman, Orwall, Ormsby, Macri, Peterson, Simmons and Pollet

AN ACT Relating to fair housing training for officers or board members in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2048 by Representatives Peterson, Ortiz-Self, Senn, Santos, Ormsby, Bergquist, Macri, Ramel, Simmons, Pollet and Harris-Talley

AN ACT Relating to temporary assistance for needy families time limit extensions; and amending RCW 74.08A.010.

Referred to Committee on Appropriations.

HB 2049 by Representatives Barkis, Bateman, Boehnke, Gilday, Hoff, Robertson, Rude, Shewmake, Walen, Wicks, Dufault, Sutherland, Eslick, Macri, Peterson, Simmons and Young

AN ACT Relating to encouraging construction of affordable housing by eliminating redundancies and streamlining the permitting process; amending RCW 19.27.095, 36.70B.030, 36.70B.050, 36.70B.080, 36.70B.120, and 36.70B.140; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2050 by Representatives Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks

AN ACT Relating to repealing requirements for parent payment of the cost of their child's support, treatment, and confinement; amending RCW 43.20B.095; creating new sections; and repealing RCW 13.16.085 and 13.40.220.

Referred to Committee on Appropriations.

HB 2051 by Representatives Rule, Shewmake, Ormsby and Ramel

AN ACT Relating to providing short-term disaster recovery financial assistance to agricultural producers; adding a new section to chapter 89.08 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2052 by Representatives Orwall, Santos, Eslick and Simmons

AN ACT Relating to contracts with community service organizations for public improvements; and amending RCW 35.21.278.

Referred to Committee on Local Government.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Ed Orcutt, 20th Legislative District.

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

MOTIONS

Representative Abbarno moved that the Appropriations committee be relieved of HOUSE BILL NO. 1594 and the bill be placed on the second reading calendar.

Representative Abbarno spoke in favor of the motion.

Representative Sullivan spoke against the motion.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to relieve the Appropriations committee of House Bill No. 1594 and place the bill on the second reading calendar was not adopted by the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

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

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

Representative Stokesbary moved that the Appropriations committee be relieved of HOUSE BILL NO. 1913 and the bill be placed on the second reading calendar.

Representative Stokesbary spoke in favor of the motion.

Representative Sullivan spoke against the motion.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to relieve the Appropriations committee of House Bill No. 1913 and place the bill on the second reading calendar was not adopted by

the following vote: Yeas: 40; Nays: 57; Absent: 0; Excused: 1

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

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

Excused: Representative Chandler

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

SECOND READING

HOUSE BILL NO. 1732, by Representatives Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

Delaying the implementation of the long-term services and supports trust program by 18 months.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1732 was substituted for House Bill No. 1732 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1732 was read the second time.

With the consent of the House, amendment (780) was withdrawn.

Representative Corry moved the adoption of amendment (776):

On page 1, after line 9, insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds:

(a) Persons born before January 1, 1968, may be struggling to make ends meet and adding additional financial burden may cause extreme harm;

(b) These individuals born before January 1, 1968, may have to leave their jobs to avoid paying this tax, removing their ability to become qualified individuals and receive the benefit of this program; and

(c) An exemption based on hardship allows individuals born before January 1, 1968, and others to continue to vest during financial hardship, thereby protecting these individuals from having to quit their jobs and risk never becoming eligible beneficiaries.

(2) The legislature, therefore, intends to modify the conditions to become a qualified individual by extending the opportunity for those born before January 1, 1968, and others to become qualified individuals through the use of an exemption based on hardship."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, line 30, after "(1)" strike "~~((The))~~ Except as provided in subsection (2) of this section" and insert "(a) ~~((The))~~ Except as provided in subsection (2) of this section and section 4 of this act"

On page 7, at the beginning of line 35, strike "(a)" and insert "~~((a))~~(i)"

On page 7, at the beginning of line 37, strike "(b)" and insert "~~((b))~~(ii)"

On page 7, after line 38, insert the following:

"(b) When determining the number of years worked under (a) of this subsection, the employment security department shall consider each year that a person held an approved exemption based on hardship under section 4 of this act as the equivalent of one year toward meeting the minimum number of years of premium payments in either (a)(i) or (a)(ii) of this subsection."

On page 8, after line 25, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 50B.04 RCW to read as follows:

(1) Beginning January 1, 2023, the employment security department shall accept and approve applications for exemptions from the premium assessment under RCW 50B.04.080 for those individuals who meet the criteria for an

exemption based upon hardship, as provided in this section.

(2) An individual may demonstrate hardship by establishing that the income of the individual's household does not exceed 300 percent of the federal poverty guidelines, as adjusted for family size, as determined annually by the department of health and human services. The commission may recommend other circumstances that constitute hardship for the employment security department to consider. The employment security department may establish standards for any additional exemption based upon hardship upon recommendation by the commission.

(3) The employment security department shall determine standards and time periods for renewing an exemption based on hardship. The renewal period may not be less than two years.

(4) An individual with an exemption based upon hardship may, at any time, cancel the exemption and resume payment of the premium assessment under RCW 50B.04.080.

(5) Each year that an individual holds an exemption based on hardship qualifies as a year toward meeting the minimum requirement to become a qualified individual under RCW 50B.04.050.

(6) Approved exemptions will take effect on the first day of the quarter immediately following the approval of the exemption.

(7) Exempt employees are not entitled to a refund of any premium deductions made before the effective date of an approved exemption.

(8) An exempt employee must provide written notification to all employers with whom the employee is employed during the period of the exemption based on hardship.

(9) If an exempt employee fails to notify an employer of an exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification is provided.

(10) Employers must not deduct premiums after being notified by an employee of an approved exemption issued under this section.

(a) Employers must retain written notifications of exemptions received from employees.

(b) An employer who deducts premiums after being notified by the employee of an exemption is solely responsible for refunding to the employee any premiums deducted after the notification.

(c) The employer is not entitled to a refund from the employment security department for any premiums remitted to the employment security department that were deducted from exempt employees.

(11) The employment security department must adopt rules necessary to implement and administer the activities specified in this section related to the program, including rules on the submission and processing of applications under this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, line 21, after "(1)" strike "Beginning ((~~January 1, 2022~~))" and insert "((Beginning January 1, 2022)) Unless otherwise exempted pursuant to this chapter, beginning"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (776).

SPEAKER'S RULING

"The title of the bill defines its scope as delaying the implementation of the long-term services and supports trust program by 18 months to allow for the extension of benefits to persons born before January 1, 1968, by modifying conditions for becoming a qualified individual and eligible beneficiary and allowing for the refunding of prematurely collected premiums.

Amendment (776) modifies the conditions to become a qualified individual by establishing a hardship exemption for individuals who meet certain criteria whether born before or after January 1, 1968.

The Speaker therefore finds that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (770):

On page 3, beginning on line 18, after "50B.04.050" strike all material through "50B.04.050(2)" on line 20

On page 8, beginning on line 7, after "receive" strike all material through "receiving" on line 16

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (770) was not adopted.

Representative MacEwen moved the adoption of amendment (777):

On page 3, line 25, after "(a)" insert "(i) By April 1, 2023, perform and submit to the council and the legislature an actuarial analysis of the program to determine whether the program is able to maintain solvency, including the effects of extending partial benefits, for a period of 75 years from the beginning of the collection of the premium assessment under RCW 50B.04.080 while maintaining a premium assessment rate of .58 percent without reducing the value of benefit units. The analysis must consider the effects of other legislation related to the program as a whole, updates to the investment policy related to the program, and actual experience with exemptions for persons with private long-term care insurance. If the actuarial analysis finds that the program is not able to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units, the collection of premiums must be delayed for 18 months beyond July 1, 2023.

(ii) If the program is delayed for 18 months under (i) of this subsection, the office of the state actuary must submit to the council and the legislature a new actuarial analysis of the program using the same criteria three months before the premium assessment is to take effect. If the new actuarial analysis finds that the program is not able to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units, the collection of premiums must be delayed for an additional 18 months. The 18 month delay based upon an actuarial analysis submitted three months prior to the premium taking effect must be repeated until the actuarial analysis finds that the program is able to maintain solvency for 75 years from the beginning of the collection of the premium assessment at

a rate of .58 percent without reducing the value of benefit units;

(b)"

On page 3, at the beginning of line 30, strike "(b)" and insert "~~((b))~~(c)"

On page 3, at the beginning of line 35, strike "(c)" and insert "~~((c))~~(d)"

On page 8, line 1, after "(2)" strike "A" and insert "(a) Subject to (b) of this subsection, a"

On page 8, after line 17, insert the following:

"(b) The provisions of (a) of this subsection must be suspended for 18 months if the results of the actuarial analysis in RCW 50B.04.020(5)(a) find that the program is unable to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units. The delay must be repeated in accordance with the provisions of RCW 50B.04.020(5)(a)."

On page 9, line 21, after "(1)" strike "Beginning ((January 1, 2022))" and insert "(a) (~~Beginning January 1, 2022~~) Subject to (b) of this subsection, beginning"

On page 9, after line 36, insert the following:

"(b) The premium assessment under (a) of this subsection must be suspended for 18 months if the results of the actuarial analysis in RCW 50B.04.020(5)(a) find that the program is unable to maintain solvency for 75 years from the beginning of the collection of the premium assessment at a rate of .58 percent without reducing the value of benefit units. The delay must be repeated in accordance with the provisions of RCW 50B.04.020(5)(a)."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (777).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (777) requires an actuarial analysis of the Long-Term Services and Supports Trust program and requires an additional 18-month delay of the collection of premiums, and, as necessary thereafter, in 18-month intervals until the analysis demonstrates certain conditions are met.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

Representative MacEwen moved the adoption of amendment (778):

On page 9, line 21, after "(1)" strike "Beginning ((January 1, 2022))" and insert "((Beginning January 1, 2022))(a) Subject to the provisions of (b) of this subsection, beginning"

On page 9, after line 36, insert the following:

"(b) The premium assessment may only begin on July 1, 2023, if at the statewide special election immediately preceding the date of the commencement of the collection of the premium assessment, voters approve a measure expressly ratifying the implementation of the program. If the voters reject the measure, the collection of the premium assessment must be delayed an additional 18 months and, at the statewide special election immediately preceding the delayed date of the commencement of the collection of the premium assessment, the voters must approve a subsequent measure expressly ratifying the implementation of the program in order for the collection to take effect on that date. The delayed collection of the premium assessment shall continue in 18 month increments until the voters approve a measure to expressly ratify the implementation of the program."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (778).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (778) conditions the collection of premium assessments on approval of a statewide ballot measure ratifying implementation of the entire Long-Term Services

and Trust Support Program and continues the delay of collection of premium assessments in 18-month intervals until such ratification.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

Representative Abbarno moved the adoption of amendment (779):

On page 9, line 21, after "(1)" strike "Beginning ((January 1, 2022))" and insert "(a) ((Beginning January 1, 2022))" Subject to (b) of this subsection, beginning"

On page 9, after line 36, insert the following:

"(b) The premium assessment under (a) of this subsection must be suspended for 18 months if the legislature has not passed legislation signed by the governor that establishes an annual exemption period of at least six weeks for employees born before January 1, 1968, as well as other employees, who attest that they have purchased long-term care insurance. If, by the end of the 18 month suspension, the legislature has not passed legislation signed by the governor to exempt employees born before January 1, 1968, as well as other employees, who attest that they have purchased long-term care insurance, an additional suspension of the premium assessment for 18 months must occur. The delay must be repeated in 18 month increments until the legislature has passed legislation signed by the governor to exempt employees born before January 1, 1968, as well as other employees, who attest that they have purchased long-term care insurance."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (779).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (779) suspends the collection of premium assessments for an initial 18-month period, and, as necessary thereafter, in 18-month intervals until legislation is passed and signed into law establishing an

annual six-week exemption period for any employee who attests to having purchased long-term care insurance.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

Representative Maycumber moved the adoption of amendment (774):

On page 12, after line 14, insert the following:

"NEW SECTION. **Sec. 9.** A new section is added to chapter 50B.04 RCW to read as follows:

(1) By October 1, 2022, the employment security department shall send educational materials to the primary residence of each employee in Washington regarding the program.

(2) The educational materials must contain comprehensive information about the program to allow employees to make informed financial planning decisions and understand how the program may impact their current and future financial planning. At a minimum, the educational materials must include:

(a) A summary of the history of the program and the need for delaying its implementation, including information related to relevant bills, tax advisory votes, proposed constitutional amendments, voting records, and election results, by county;

(b) A benefit guide regarding the costs and benefits to consumers, including an explanation of how the premium is collected, the rate of the premium, the number of years that an employee must work to become a qualified individual, the number of hours that an employee must work each year for a year to qualify, the criteria for becoming an eligible beneficiary, the approved services that benefit units may purchase, the approximate value of approved services expressed as benefit units, and available exemptions. The benefit guide must include illustrative examples that are useful to employees of diverse incomes;

(c) Information about the operation of the program, including agency and commission responsibilities and contact information, procedures for accessing benefits, and procedures for disputing program decisions;

(d) Information about the financial operations of the program, including information about the financial projections for the program, anticipated program solvency, expected need for increases in premiums, over time, and expected need for reductions in benefit units, over time; and

(e) Information for consumers about supplementing program coverage with additional private sector long-term care insurance options that provide additional benefits, such as higher monetary benefits and the ability to use benefits in states other than Washington; and

(f) Information about opportunities for public involvement in ongoing monitoring and input with respect to program policy and program financial stability.

(3) The educational materials must be printed in clear, readable type of a size, quality, and weight of paper that best serves the employee as a reference guide to understanding the program."

Re-number the remaining section consecutively and correct any internal references accordingly.

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (774).

SPEAKER'S RULING

"The bill before us delays the collection of premium assessments and services available under the Long-Term Services and Supports Trust Program to dates certain, allows persons born before January 1, 1968 to receive partial benefits under this public program, and directs the refunding of prematurely collected premiums.

Amendment (774) directs the Employment Security Department to send educational materials to each employee in the Long-Term Services and Support Trust program, including information about private sector long-term care insurance options and measures placed on the ballot.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the underlying bill.

The point of order is well taken."

Representative Maycumber moved the adoption of amendment (773):

On page 12, after line 14, insert the following:

"NEW SECTION. **Sec. 9.** A new section is added to chapter 50B.04 RCW to read as follows:

(1) By October 1, 2022, the employment security department shall send educational materials to the primary residence of each employee in Washington regarding the program.

(2) The educational materials must contain comprehensive information about the program to allow employees to make informed financial planning decisions and understand how the program may impact their current and future financial planning. At a minimum, the educational materials must include:

(a) A brief history of the program and the need for delaying its implementation;

(b) A benefit guide regarding the costs and benefits to consumers, including an explanation of how the premium is collected, the rate of the premium, the number of years that an employee must work to become a qualified individual, the number of hours that an employee must work each year for a year to qualify, the criteria for becoming an eligible beneficiary, the approved services that benefit units may purchase, the approximate value of approved services expressed as benefit units, and available exemptions. The benefit guide must include illustrative examples that are useful to employees of diverse incomes;

(c) Information about the operation of the program, including agency and commission responsibilities and contact information, procedures for accessing benefits, and procedures for disputing program decisions; and

(d) Information about the financial operations of the program, including information about the financial projections for the program, anticipated program solvency, expected need for increases in premiums, over time, and expected need for reductions in benefit units, over time.

(3) The educational materials must be printed in clear, readable type of a size, quality, and weight of paper that best serves the employee as a reference guide to understanding the program."

Re-number the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Representative Maycumber spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (773) was not adopted.

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

Representatives Sullivan, Schmick and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1732.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1732, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Hoff, McCaslin, McEntire and Walsh.

Excused: Representative Chandler.

SUBSTITUTE HOUSE BILL NO. 1732, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1733, by Representatives Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame

Establishing voluntary exemptions to the long-term services and supports trust program for certain populations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1733 was read the second time.

Representative Walsh moved the adoption of amendment (771):

On page 3, line 16, after "Washington;" strike "and"

On page 3, line 19, after "residence" insert "; or

(e) An employee who demonstrates to the employment security department that the employee has purchased a long-term care insurance policy, regardless of the date of purchase of the policy"

On page 6, after line 37, insert the following:

"NEW SECTION. Sec. 4. RCW 50B.04.085 (Premium assessment-Exemptions) and 2021 c 113 s 5 & 2020 c 98 s 7 are each repealed."

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (771).

SPEAKER'S RULING

"The title of the bill defines its scope as establishing voluntary exemptions from the payment of premiums under the long-term services and supports trust program specifically for certain disabled veterans, spouses and registered domestic partners of military service members, nonimmigrant temporary workers, and employees who work in Washington and maintain a primary residence outside of Washington.

Amendment (771) establishes an exemption for an additional class of individuals, namely, employees who demonstrate they have purchased a long-term care policy, regardless of the date of purchase of the policy.

The Speaker therefore finds that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Harris moved the adoption of amendment (775):

On page 3, line 16, after "Washington;" strike "and"

On page 3, line 19, after "residence" insert "; or

(e) An employee who was born before January 1, 1968, and attests to the employment security department that the employee intends to retire before accumulating the ten years of premium payments necessary to become a qualified individual pursuant to RCW 50B.04.050(1)(a) "

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (775).

SPEAKER'S RULING

"The title of the bill defines its scope as establishing voluntary exemptions from the payment of premiums under the long-term services and supports trust program specifically for certain disabled veterans, spouses and registered domestic partners of military service members, nonimmigrant temporary workers, and employees who work in Washington and maintain a primary residence outside of Washington.

Amendment (775) establishes an exemption for an additional class of individuals, namely, employees born before a certain date who attest they will retire before accumulating ten years of premium payments necessary to qualify for program benefits/services.

The Speaker therefore finds that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Paul moved the adoption of amendment (772):

On page 3, line 16, after "Washington;" strike "and" and insert "or "

Representatives Paul and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (772) was adopted.

The bill was ordered engrossed.

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

Representatives Paul, Kraft, Stonier and Macri spoke in favor of the passage of the bill.

Representatives Stokesbary, Walsh, Hoff and Abbarno spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1733.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1733, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Hoff, Jacobsen, Klicker, Kretz, McCaslin, McEntire, Mosbrucker, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Ybarra.

Excused: Representatives Chandler and Klippert.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 20, 2022, the 11th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 20, 2022

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

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

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

INTRODUCTION & FIRST READING

HB 2053 by Representatives Dent, Callan, Chase, Shewmake, Gilday, Graham, Harris-Talley, Klippert, Sutherland, Schmick, Eslick, Barkis and Lekanoff

AN ACT Relating to creating a behavioral health work group to study the root causes of rising behavioral health issues in Washington communities; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2054 by Representatives Jacobsen, Walsh, Graham, Sutherland, Eslick and Dent

AN ACT Relating to video recording devices for school buses; adding a new section to chapter 28A.160 RCW; and creating a new section.

Referred to Committee on Education.

HB 2055 by Representatives Steele, Leavitt, Simmons, Graham, Sutherland and Eslick

AN ACT Relating to capital budget matching grants to independent higher education institutions; and adding a new section to chapter 28B.07 RCW.

Referred to Committee on Capital Budget.

HB 2056 by Representatives Steele, Dufault, Graham, Sutherland, Jacobsen and Eslick

AN ACT Relating to promoting academic transparency in public schools; adding a new section to chapter 28A.605 RCW; and creating a new section.

Referred to Committee on Education.

HB 2057 by Representatives Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet

AN ACT Relating to strengthening diversity, equity, and inclusion in the state patrol workforce; adding a new section to chapter 43.43 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

HB 2058 by Representatives Tharinger, Leavitt, Santos, Shewmake, Harris-Talley, Eslick and Lekanoff

AN ACT Relating to the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places; amending RCW 82.29A.130; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2059 by Representatives Gregerson, Leavitt, Morgan, Vick, Gilday, Rude, Chapman, Barkis and Lekanoff

AN ACT Relating to real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate; and amending RCW 18.86.010 and 18.86.030.

Referred to Committee on Consumer Protection & Business.

HB 2060 by Representatives Lekanoff and Shewmake

AN ACT Relating to medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes; and amending RCW 74.39A.090, 74.39A.095, 74.39A.515, 74.09.520, and 74.39A.009.

Referred to Committee on Health Care & Wellness.

HB 2061 by Representatives Ormsby, Santos, Valdez, Morgan, Chopp, Pollet, Harris-Talley, Bergquist and Lekanoff

AN ACT Relating to adding permanently affordable housing to the definition of public improvements; and reenacting and amending RCW 39.89.020.

Referred to Committee on Housing & Local Government.

HB 2062 by Representatives Hackney, Berry, Fitzgibbon, Ryu, Valdez, Wicks, Chopp, Pollet, Bergquist, Macri and Lekanoff

AN ACT Relating to the imposition of additive revenue sources within a regional transit authority area; amending RCW 81.104.160; and adding new sections to chapter 81.112 RCW.

Referred to Committee on Transportation.

HB 2063 by Representatives Fey, Morgan and Lekanoff

AN ACT Relating to the number of inhabitants required for incorporation as a city or town; and amending RCW 35.02.010.

Referred to Committee on Local Government.

HB 2064 by Representatives Peterson, Simmons, Chopp, Lekanoff and Taylor

AN ACT Relating to security deposits and damages arising out of residential tenancies; reenacting and amending RCW 59.18.030; adding a new section to chapter 59.18 RCW; and repealing RCW 59.18.080.

Referred to Committee on Housing, Human Services & Veterans.

HB 2065 by Representatives Kraft, Chase, Graham, Sutherland and Eslick

AN ACT Relating to authorizing health care providers to use their professional judgment and known remedies in treating and preventing COVID-19; adding a new section to chapter 18.130 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2066 by Representatives Barkis, Klicker, Dufault, Gilday, Sutherland, Eslick and Dent

AN ACT Relating to exemptions for infill development under the state environmental policy act; and amending RCW 43.21C.229.

Referred to Committee on Environment & Energy.

HB 2067 by Representatives Kraft, Chase, Sutherland, Jacobsen and Eslick

AN ACT Relating to the allocation of water that has been relinquished pursuant to chapter 90.14 RCW; amending RCW 90.14.180; and creating a new section.

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

HB 2068 by Representatives Stonier, Abbarno, Bronoske, Dolan, Ryu, Santos, Sells, Wylie, Orwall, Rule, Harris-Talley, Wicks, Gilday, Valdez, Bateman, Taylor and Kloba

AN ACT Relating to creating the imagination library of Washington program; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Appropriations.

HB 2069 by Representatives Boehnke, Sutherland and Jacobsen

AN ACT Relating to increasing flexibility for bona fide charitable or nonprofit organizations to conduct raffles; amending RCW 9.46.0277; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2070 by Representatives Boehnke, Bronoske and Sutherland

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010; and providing an effective date.

Referred to Committee on Transportation.

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

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

REPORTS OF STANDING COMMITTEES

January 17, 2022

HB 1614 Prime Sponsor, Representative Kirby: Concerning online marketplace consumer product theft and safety protection. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1621 Prime Sponsor, Representative Mosbrucker: Creating programs to

encourage sexual assault nurse examiner training. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

January 19, 2022

HB 1651 Prime Sponsor, Representative Thai: Allowing providers to bill separately for immediate postpartum contraception. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1675 Prime Sponsor, Representative Bateman: Exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 18, 2022

HB 1707 Prime Sponsor, Representative Ryu: Requiring the wearing of personal flotation devices on kayaks, canoes, and stand-up paddleboards. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Donaghy; Frame; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Jacobsen and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1708 Prime Sponsor, Representative Cody: Concerning facility fees for audio-only telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 17, 2022

HB 1716 Prime Sponsor, Representative Valdez: Concerning locations at which ballots may be cast. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 18, 2022

HB 1723 Prime Sponsor, Representative Gregerson: Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Donaghy; Frame; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; Corry; Jacobsen and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

January 19, 2022

HB 1739 Prime Sponsor, Representative Maycumber: Modernizing hospital policies related to pathogens of epidemiological concern. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1761 Prime Sponsor, Representative Schmick: Allowing nurses to dispense opioid overdose reversal medication in the emergency department. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair;

Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 17, 2022

HB 1802 Prime Sponsor, Representative Pollet: Increasing access and representation in policy-making processes for individuals with disabilities. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 21, 2022, the 12th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 21, 2022

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

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

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

INTRODUCTION & FIRST READING

HB 2071 by Representative MacEwen

AN ACT Relating to tort modernization; amending RCW 4.24.005; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2072 by Representatives Steele and Sutherland

AN ACT Relating to the classification of manufactured homes as real property; amending RCW 65.20.010, 65.20.020, 65.20.030, 65.20.040, 65.20.900, and 46.12.700; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 2073 by Representatives Steele and Tharinger

AN ACT Relating to establishing the state capitol committee as an advisory entity of state government; amending RCW 43.34.010, 43.34.015, 43.34.080, 43.34.090, 79.24.030, 79.24.060, 79.24.087, 79.24.300, 79.24.530, 79.24.560, 79.24.570, 79.24.650, 43.17.070, 79.24.710, 79.24.720, 47.02.010, and 79.24.600; adding a new section to chapter 43.34 RCW; adding a new section to chapter 43.19 RCW; recodifying RCW 79.24.300; and repealing RCW 43.34.040, 43.82.020, 79.24.085, 79.24.310, 79.24.320, 79.24.330, 79.24.340, 79.24.410, 79.24.450, 79.24.500, 79.24.510, 79.24.520, 79.24.540, and 79.24.550.

Referred to Committee on State Government & Elections.

HB 2074 by Representative Wylie

AN ACT Relating to fees collected from out-of-state residents who register off-road vehicles in Washington; and amending RCW 46.09.410 and 46.09.442.

Referred to Committee on Transportation.

HB 2075 by Representatives Peterson, Fitzgibbon, Simmons, Morgan, Chopp, Walen, Macri and Sutherland

AN ACT Relating to establishing service requirements for the department of social and health services; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2076 by Representatives Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Macri

AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies; amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, 50A.10.010, 48.177.010, and 81.68.015; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 46 RCW; and recodifying RCW 48.177.010.

Referred to Committee on Transportation.

HB 2077 by Representatives Griffey, Orwall, Rude, Simmons, Taylor, Davis, Klippert, Leavitt, Berg, Senn, Wicks, Kraft, Dent, Santos, Mosbrucker, Morgan, Paul, Chambers, Jacobsen, Robertson, Pollet and Sutherland

AN ACT Relating to the placement of human trafficking informational posters in rest areas; amending RCW 47.38.080; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2078 by Representatives Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet

AN ACT Relating to establishing the outdoor school for all program; amending RCW 28A.300.790 and 28A.320.173; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Appropriations.

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

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

REPORTS OF STANDING COMMITTEES

January 19, 2022

HB 1615 Prime Sponsor, Representative Walen: Concerning the sale of cosmetics tested on animals. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Vick, Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1616 Prime Sponsor, Representative Simmons: Concerning the charity care act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1646 Prime Sponsor, Representative Bateman: Continuing the work of the dementia action collaborative. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 19, 2022

HB 1728 Prime Sponsor, Representative Maycumber: Reauthorizing and amending dates for the total cost of insulin work group. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

January 19, 2022

HB 1810 Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Dufault, Assistant Ranking Minority Member; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member and Corry.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Mari Leavitt, 28th Legislative District.

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

MESSAGES FROM THE SENATE

January 19, 2022

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5002,
 SUBSTITUTE SENATE BILL NO. 5127,
 SENATE BILL NO. 5196,
 SECOND SUBSTITUTE SENATE BILL NO. 5342,
 SENATE BILL NO. 5519,
 SENATE BILL NO. 5653,

and the same are herewith transmitted.

Sarah Bannister, Secretary

January 19, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5004,
 ENGROSSED SENATE BILL NO. 5017,
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5155,
 ENGROSSED SENATE BILL NO. 5264,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1648, by Representatives Vick, Kirby and Dufault

Replacing an inactive certificate status with an inactive license designation.

The bill was read the second time.

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

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1648.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1648, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1648, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis)

Improving the state's climate response through updates to the state's comprehensive planning framework.

The bill was read the third time.

Representatives Duerr, Ryu, Walen and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Dye, Boehnke, Abbarno, Chase, Eslick, Sutherland, Walsh, Ybarra and Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1099.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1099, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J.

Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1280, by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

Concerning greenhouse gas emissions reductions in the design of public facilities.

The bill was read the third time.

Representatives Ramel and Fitzgibbon spoke in favor of the passage of the bill.

Representatives Dye, Dufault and Barkis spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Frame was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1280, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Frame.

HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on State Government & Tribal Relations (originally sponsored by Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen)

Concerning sunshine committee recommendations regarding juveniles.

The bill was read the third time.

Representatives Springer and Volz spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1041.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1041, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Frame.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1376, by Representative Fey

Concerning registration of land titles.

The bill was read the third time.

Representative Fey spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1376.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Dufault, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Walsh and Young.

Excused: Representative Frame.

HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1074, by House Committee on Health Care & Wellness (originally sponsored by Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet)

Concerning overdose and suicide fatality reviews. (Revised for 1st Substitute: Concerning overdose and suicide fatality reviews.)

The bill was read the third time.

Representatives Peterson and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Frame.

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, by House Committee on Finance (originally sponsored by Maycumber, Chapman, Tharinger, Graham, Santos and Macri)

Creating the Washington equitable access to credit act.

The bill was read the third time.

Representatives Maycumber, Berg and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Frame.

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1015, having received the necessary
constitutional majority, was declared passed.

There being no objection, the House adjourned until
9:55 a.m., January 24, 2022, the 15th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 24, 2022

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

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

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

INTRODUCTION & FIRST READING

HB 2079 by Representatives Rude, Macri, Simmons, Ormsby, Slatter, Walen, Davis, Valdez, Santos, Pollet and Kloba

AN ACT Relating to medicaid coverage for HIV antiviral drugs; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2080 by Representatives Vick and Sutherland

AN ACT Relating to creating a license endorsement allowing domestic licensed alcohol manufacturers to provide contract packaging services to other alcohol manufacturing licensees within this state; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2081 by Representatives Young, Chase, Sutherland and Graham

AN ACT Relating to expanding voter registration and elections access; amending RCW 29A.08.350; adding a new section to chapter 29A.08 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2082 by Representatives Klippert, Sutherland and Graham

AN ACT Relating to child care access; creating new sections; and providing expiration dates.

Referred to Committee on Children, Youth & Families.

HB 2083 by Representatives Macri, Harris, Santos and Gilday

AN ACT Relating to addressing consent to long-term care placement and services; amending RCW 70.41.310, 11.130.585, and 11.130.590; and adding a new section to chapter 11.130 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2084 by Representatives Vick, Hoff, Sutherland and Kraft

AN ACT Relating to studying the construction of a third bridge over the Columbia river between southwest Washington and Oregon; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

HB 2085 by Representatives Wicks and Morgan

AN ACT Relating to temporary emergency shelters; amending RCW 19.27.042; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

HB 2086 by Representatives Dye, Sutherland and Graham

AN ACT Relating to aviation assurance funding in response to wildland fires; amending RCW 76.04.511; and adding a new chapter to Title 89 RCW.

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

SB 5002 by Senators Hunt, Carlyle, Conway, Dhingra, Hasegawa, Hawkins, Mullet, Rivers and Wilson, C.

AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.230, and 43.09.420; amending 2012 c 164 s 709 (uncodified); repealing RCW 43.09.265, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, and 43.88.162; and repealing 2005 c 385 s 1 (uncodified).

Referred to Committee on State Government & Tribal Relations.

ESSB 5004 by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick,

Conway, Das, King, Kuderer, Saldaña and Wilson, C.)

AN ACT Relating to providing a tax exemption for medical marijuana patients; amending RCW 69.50.535; creating a new section; and providing an effective date.

Referred to Committee on Finance.

ESB 5017 by Senators Wellman, Honeyford, Mullet and Wilson, C.

AN ACT Relating to clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning; amending RCW 28A.335.190; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5127 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick and Wilson, C.)

AN ACT Relating to courthouse facility dogs; amending RCW 10.52.110; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5155 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Wellman, Das and Pedersen)

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; and repealing RCW 4.56.111.

Referred to Committee on Appropriations.

SB 5196 by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner and Wilson, C.

AN ACT Relating to how the legislature may convene a special session; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

ESB 5264 by Senators Wagoner, Brown, Conway, Das, Dhingra, Hasegawa, Honeyford, Kuderer, Lovelett, Pedersen, Rivers, Schoesler, Stanford, Warnick and Wilson, C.

AN ACT Relating to declaring January as Chinese American history month and encouraging public schools to commemorate the month; and adding a new section to chapter 43.117 RCW.

Referred to Committee on State Government & Tribal Relations.

2SSB 5342 by Senate Committee on Housing & Local Government (originally sponsored by Schoesler, Dozier, Hunt and Mullet)

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

SB 5519 by Senators Dozier, Mullet, Brown, Gildon, Rivers, Wilson, J. and Wilson, L.

AN ACT Relating to replacing an inactive certificate status with an inactive license designation; amending RCW 18.04.015, 18.04.025, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.195, 18.04.195, 18.04.215, 18.04.215, 18.04.295, 18.04.320, 18.04.335, 18.04.345, 18.04.345, 18.04.350, 18.04.350, 18.04.370, 18.04.405, and 18.04.430; providing an effective date; and providing an expiration date.

Referred to Committee on Consumer Protection & Business.

SB 5653 by Senators Rolfes, Van De Wege and Warnick

AN ACT Relating to changing the name of the commission on pesticide registration to the commission on integrated pest management; and amending RCW 15.92.090, 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

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

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

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

REPORTS OF STANDING COMMITTEES

January 21, 2022

HB 1048

Prime Sponsor, Representative Wicks: Concerning the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday,

Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1629 Prime Sponsor, Representative Dolan: Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1650 Prime Sponsor, Representative Leavitt: Concerning commercial solicitation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1659 Prime Sponsor, Representative Slatter: Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 20, 2022

HB 1663 Prime Sponsor, Representative Duerr: Reducing methane emissions from landfills. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representative Dye, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

January 19, 2022

HB 1670 Prime Sponsor, Representative Thai: Concerning the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1687 Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1691 Prime Sponsor, Representative Gregerson: Concerning financial responsibility requirements related to oil spills. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Berry; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno and Boehnke.

Referred to Committee on Appropriations.

January 19, 2022

HB 1697 Prime Sponsor, Representative Leavitt: Concerning privacy rights for Washington minors. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Appropriations.

January 20, 2022

HB 1700 Prime Sponsor, Representative Paul: Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1705 Prime Sponsor, Representative Berry: Concerning ghost guns. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1711 Prime Sponsor, Representative Pollet: Concerning accessory dwelling units. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1715 Prime Sponsor, Representative Mosbrucker: Concerning the membership of the sentencing guidelines commission. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice

Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 21, 2022

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1719 Prime Sponsor, Representative Bronoske: Concerning use and acquisition of military equipment by law enforcement agencies. Reported by Committee on Public Safety

HB 1729 Prime Sponsor, Representative Senn: Establishing the Washington blockchain work group. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member and Kraft.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 20, 2022

January 20, 2022

HB 1721 Prime Sponsor, Representative Stokesbary: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

HB 1736 Prime Sponsor, Representative Sullivan: Establishing a state student loan program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Rules for second reading.

Referred to Committee on Appropriations.

January 20, 2022

January 20, 2022

HB 1725 Prime Sponsor, Representative Lekanoff: Concerning the creation of an endangered missing person advisory designation for missing indigenous persons. Reported by Committee on Public Safety

HB 1746 Prime Sponsor, Representative Ortiz-Self: Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Assistant Ranking Minority Member.

January 20, 2022

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

Referred to Committee on Appropriations.

January 20, 2022

HB 1748 Prime Sponsor, Representative Entenman: Concerning aged, blind, or disabled program eligibility for victims of human trafficking. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 20, 2022

HB 1751 Prime Sponsor, Representative Leavitt: Concerning hazing prevention and reduction at institutions of higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Appropriations.

January 20, 2022

HB 1752 Prime Sponsor, Representative Stokesbary: Adding a Roth option to deferred compensation plans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

HB 1755 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions during times of high unemployment. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier, Ranking Minority Member.

Referred to Committee on Appropriations.

January 21, 2022

HB 1770 Prime Sponsor, Representative Duerr: Strengthening energy codes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1798 Prime Sponsor, Representative Ryu: Concerning powers of the legislative committee on economic development and international relations. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1800 Prime Sponsor, Representative Eslick: Increasing access to behavioral health services for minors. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Young.

Referred to Committee on Appropriations.

January 21, 2022

HB 1825 Prime Sponsor, Representative Dye: Concerning continuity of judicial operations in single judge courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1849 Prime Sponsor, Representative Orwall: Creating a work group to study and make recommendations on a monument to honor residents who died in the global war on terror. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1874 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1890 Prime Sponsor, Representative Callan: Concerning the children and youth behavioral health work group. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member McCaslin, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 20, 2022

HB 1899 Prime Sponsor, Representative Kirby: Concerning confidentiality of certain data shared with the department of financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1961 Prime Sponsor, Representative Peterson: Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Graham, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1978 Prime Sponsor, Representative Duerr: Concerning shoreline master program review schedules. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 21, 2022

HJM 4002 Prime Sponsor, Representative Berry: Supporting the Jones Act. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Donaghy; Frame; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 25, 2022, the 16th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

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

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

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

INTRODUCTION & FIRST READING

HB 2087 by Representatives Klippert, Jacobsen, Chase, Sutherland, Graham and Young

AN ACT Relating to establishing parents' bill of rights related to their child's public education; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 28A.345 RCW.

Referred to Committee on Education.

HB 2088 by Representatives Orwall, Ryu, Fitzgibbon, Santos, Sutherland and Ramel

AN ACT Relating to protecting homeowners navigating the foreclosure process; and amending RCW 61.24.008, 61.24.030, and 61.24.163.

Referred to Committee on Civil Rights & Judiciary.

HB 2089 by Representatives Slatter, Duerr, Ryu, Fey, Bergquist and Kloba

AN ACT Relating to modifying the bond authorization for the Interstate 405 and state route number 167 corridor and the Puget Sound Gateway facility; and amending RCW 47.10.886 and 47.10.906.

Referred to Committee on Transportation.

HB 2090 by Representatives Lekanoff, Ryu, Santos, Sutherland, Davis, Ramel and Pollet

AN ACT Relating to establishing a process for students to earn academic credit by participating in activities of federally recognized Indian tribes; and adding a new section to chapter 28A.715 RCW.

Referred to Committee on Education.

HB 2091 by Representatives Davis, Berg, Ryu, Santos, Bergquist, Ramel, Kloba and Pollet

House Chamber, Olympia, Tuesday, January 25, 2022

AN ACT Relating to creating pathways to recovery from addiction by eliminating an obsolete tax preference for the warehousing of opioids and other drugs; amending RCW 82.04.272; adding a new section to chapter 71.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2092 by Representatives Klicker, Chase, Sutherland and Chambers

AN ACT Relating to incorporating product lead time into competitive solicitation standards for state and local procurement; amending RCW 39.26.090, 39.26.160, 35.23.352, 35A.40.210, 36.32.245, and 54.04.070; adding a new section to chapter 39.26 RCW; and adding a new section to chapter 35.22 RCW.

Referred to Committee on State Government & Tribal Relations.

HJR 4211 by Representatives Volz, Harris, Stonier, Ryu, Chase, Graham and Ormsby

Authorizing investment of funds benefiting persons experiencing persistent poverty.

Referred to Committee on Housing, Human Services & Veterans.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE JOINT RESOLUTION NO. 4211 which was referred to the committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

January 20, 2022

HB 1300 Prime Sponsor, Representative Thai: Addressing documentation and processes governing landlords' claims for damage to residential premises. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Ranking Minority Member Barkis, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1497 Prime Sponsor, Representative Mosbrucker: Concerning commercial telephone solicitation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Corry; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Vick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1571 Prime Sponsor, Representative Mosbrucker: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Appropriations.

January 20, 2022

HB 1593 Prime Sponsor, Representative Leavitt: Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1612 Prime Sponsor, Representative Sells: Making technical cross-reference corrections in statutes governing unemployment insurance. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1613 Prime Sponsor, Representative Sells: Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1625 Prime Sponsor, Representative Bronoske: Specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Assistant Ranking Minority Member and Harris.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1630 Prime Sponsor, Representative Senn: Establishing restrictions on the possession of weapons in certain locations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1660 Prime Sponsor, Representative Shewmake: Concerning accessory dwelling units. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member and Robertson.

MINORITY recommendation: Do not pass. Signed by Representative Goehner, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1664 Prime Sponsor, Representative Rule: Concerning prototypical school formulas for physical, social, and emotional support

in schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Callan; McCaslin; Ortiz-Self; Rude and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist; McEntire and Stonier.

Referred to Committee on Appropriations.

January 21, 2022

HB 1710 Prime Sponsor, Representative Shewmake: Establishing a Washington state cannabis commission. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; Kirby; Morgan and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers and Vick.

Referred to Committee on Appropriations.

January 20, 2022

HB 1724 Prime Sponsor, Representative Macri: Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 20, 2022

HB 1735 Prime Sponsor, Representative Johnson, J.: Modifying the standard for use of force by

peace officers. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1744 Prime Sponsor, Representative Dolan: Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1756 Prime Sponsor, Representative Peterson: Concerning solitary confinement. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member and Graham.

Referred to Committee on Appropriations.

January 20, 2022

HB 1767 Prime Sponsor, Representative Ramel: Concerning the authority of publicly owned electric utilities to engage in

targeted electrification through the adoption of plans that establish a finding that utility outreach and investment in the conversion of its customers' end use equipment from fossil fuels to electricity will provide net benefits to the utility. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1768 Prime Sponsor, Representative Duerr: Updating definitions applicable to energy conservation projects involving public entities. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1771 Prime Sponsor, Representative Berry: Permitting family child care providers to collectively bargain defined contribution retirement benefits. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

January 21, 2022

HB 1779 Prime Sponsor, Representative Callan: Requiring policies addressing surgical smoke. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1785 Prime Sponsor, Representative Fey: Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Entenman.

Referred to Committee on Rules for second reading.

January 21, 2022

HB 1792 Prime Sponsor, Representative Ramel: Expanding the production, distribution, and use of hydrogen not produced from a fossil fuel feedstock. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Finance.

January 21, 2022

HB 1794 Prime Sponsor, Representative Hoff: Requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1808 Prime Sponsor, Representative Stonier: Concerning pupil transportation funding. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1067
HOUSE BILL NO. 1183
HOUSE BILL NO. 1261
HOUSE BILL NO. 1283
HOUSE BILL NO. 1518
HOUSE BILL NO. 1615
HOUSE BILL NO. 1622
HOUSE BILL NO. 1623
HOUSE BILL NO. 1646
HOUSE BILL NO. 1705

HOUSE BILL NO. 1707
HOUSE BILL NO. 1708
HOUSE BILL NO. 1715
HOUSE BILL NO. 1716
HOUSE BILL NO. 1721
HOUSE BILL NO. 1739
HOUSE BILL NO. 1752
HOUSE BILL NO. 1761
HOUSE BILL NO. 1798
HOUSE BILL NO. 1961
HOUSE BILL NO. 1978
HOUSE BILL NO. 1165
HOUSE BILL NO. 1616
HOUSE BILL NO. 1650
HOUSE BILL NO. 1651
HOUSE BILL NO. 1675
HOUSE BILL NO. 1719
HOUSE BILL NO. 1700
HOUSE BILL NO. 1725

HOUSE BILL NO. 1735
HOUSE BILL NO. 1874

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1105
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1117
ENGROSSED HOUSE BILL NO. 1453

There being no objection, the House adjourned until 9:55 a.m., January 26, 2022, the 17th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 26, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4638, by Representatives Slatter, Wicks, Robertson, Boehnke, Rule, Ryu, Sells, Pollet, Ramel, Callan, Orwall, Berry, Santos, Bronoske, Fitzgibbon, Walen, Leavitt, Young, Taylor, Senn, Klippert, Berg, Kloba, Shewmake, Paul, Morgan, and Simmons

WHEREAS, January 26, 2022, marks the 73rd Republic Day in India, celebrating the adoption of the Constitution of the world's largest democracy; and

WHEREAS, India achieved independence from British rule through peaceful and nonviolent resistance; and

WHEREAS, India's Constitution asserts equality before law, and declares "that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"; and

WHEREAS, India has a strong tradition of maintaining democratic ideals through robust checks on those in power; and

WHEREAS, Washington state has many cultural and economic ties to India, including more than 100,000 Indian Americans living in the state; and

WHEREAS, Indian Americans are small business owners, entrepreneurs, and CEOs of Washington companies, including the founding officers of many Washington-based tech companies; and

WHEREAS, These businesses provide useful services, resources, and jobs to the people of this state; and

WHEREAS, Indian Americans have been emigrating to the West Coast since the 19th century, working in our most vital industries including agriculture, lodging, and trade; and

WHEREAS, Indian Americans reflect the values of inclusion and pluralism through their many cultural and religious identities, including Muslim, Sikh, and Hindu; and

WHEREAS, Indian Americans serve selflessly in our armed forces and in law enforcement, and contribute profoundly to the health care industry and Washington's institutions of higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Republic Day 2022 as a symbol of the shared values of democracy, diversity, and inclusion between the nation of India and both the State of Washington and the United States of America.

There being no objection, HOUSE RESOLUTION NO. 4638 was adopted.

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

INTRODUCTION & FIRST READING

HB 2093 by Representatives Abbarno, Volz, Sutherland, Graham, Walsh and Gilday

AN ACT Relating to increasing county timber tax distributions by reducing the charge for administrative and collection costs; amending RCW 84.33.051 and 84.33.081; and creating a new section.

Referred to Committee on Appropriations.

HB 2094 by Representatives Graham, Volz, Boehnke, Robertson, Walsh, Jacobsen, Sutherland, Klippert, McCaslin and Gilday

AN ACT Relating to prohibiting persons convicted of violent offenses with firearm enhancements from receiving earned early release credits; and amending RCW 9.94A.729.

Referred to Committee on Public Safety.

HB 2095 by Representatives Pollet, Berry, Ryu, Chapman, Wicks, Callan, Shewmake, Leavitt, Santos, Ramel, Paul, Frame and Valdez

AN ACT Relating to establishing a school seismic safety grant program; adding a new section to chapter 28A.525 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing a contingent effective date; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

HB 2096 by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet

AN ACT Relating to the working families' tax exemption, also known as the working families tax

credit; and amending RCW 82.08.0206, 82.32.050, and 82.32.290.

Referred to Committee on Ways & Means.

HB 2097 by Representatives Donaghy, Ryu, Macri, Ramel, Walen, Paul, Frame and Taylor

AN ACT Relating to changing the definition of first-time home buyer; and amending RCW 43.185A.010.

Referred to Committee on Ways & Means.

HB 2098 by Representatives Shewmake, Ramel, Frame and Sutherland

AN ACT Relating to modifying the interest rate for the low-income home rehabilitation revolving loan program; amending RCW 43.330.482; and creating a new section.

Referred to Committee on Ways & Means.

HB 2099 by Representatives Berg, Frame and Sutherland

AN ACT Relating to improving tax administration by waiving penalties and imposing interest in certain situations involving delayed tax payments, and by extending a statute of limitations period for certain egregious tax crimes; amending RCW 82.32.050; reenacting and amending RCW 9A.04.080; adding new sections to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

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

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

REPORTS OF STANDING COMMITTEES

January 21, 2022

SHB 1162 Prime Sponsor, Committee on Education: Concerning high school graduation credit and pathway options. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 24, 2022

HB 1641

Prime Sponsor, Representative Hoff: Restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

January 24, 2022

HB 1765

Prime Sponsor, Representative Chopp: Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

January 20, 2022

HB 1835

Prime Sponsor, Representative Hansen: Creating outreach and completion initiatives to increase postsecondary enrollment. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft and Sutherland.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Chris Corry, 14th Legislative District.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4639, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, The Washington National Guard is a vital tool for helping Washington state manage and respond to the emergencies and natural disasters at home and abroad. A strong National Guard ensures an operational resource and a strategic reserve for our active duty military branches in roles overseas, as well as adapting to complex missions domestically; and

WHEREAS, The Washington National Guard is made up of more than 8,000 citizen soldiers and airmen who continuously strive in their efforts to protect the property and economy of Washington State and her citizens; and

WHEREAS, These citizen soldiers and airmen, who reside in every legislative district, exemplify leadership through their sacrifice of time and energy, in service to the protection of Washington State, her citizens, and their property, and in doing so these dedicated people demonstrate the vitality of the great tradition of sacrifice and service to State and Nation that characterize the Washington National Guard; and

WHEREAS, The National Guard continues to answer the state's call-in response to domestic emergency relief efforts, providing flood relief for the citizens of Western Washington, fighting wildfires in Eastern Washington, providing needed assistance following snowstorms in Leavenworth, supporting citizens during the continued COVID-19 pandemic, and protecting the public and property from undue harm; and

WHEREAS, The National Guard continues to improve the lives of Washington's young adults through its Washington Youth Challenge Academy, and empowers at-risk youth to improve their educational levels and employment potential to become responsible and productive citizens of the State of Washington; and

WHEREAS, The National Guard continues to provide support and community outreach to those who have been victims of drug abuse, working with law enforcement and community-based organizations through the Washington National Guard CounterDrug Program; and

WHEREAS, The National Guard continues to promote honor and respect for those who have given the ultimate sacrifice serving our nation or have passed in peacetime, through their continued maintenance of the Military in Lasting Tribute memorial; and

WHEREAS, The National Guard continues to support active duty military forces in responding to humanitarian disasters and threats; and

WHEREAS, The National Guard continues to bravely respond to military operations overseas;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the continued dedication of the Washington National Guard to ensure safety and stability to our great State of Washington with the utmost economic sustainability; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representatives Klippert, Bronoske, McEntire and Donaghy spoke in favor of the adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4639 was adopted.

The Speaker assumed the chair.

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

MESSAGES FROM THE SENATE

January 26, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1732,

and the same is herewith transmitted.

Sarah Bannister, Secretary

January 26, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1733,

and the same is herewith transmitted.

Sarah Bannister, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1732
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733

The Speaker called upon Representative Orwall to
preside.

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

THIRD READING

**ENGROSSED HOUSE BILL NO. 1453, by
Representatives Bergquist, Volz, Valdez, Lekanoff,
Shewmake, Sutherland and Riccelli**

Concerning voters' pamphlets.

The bill was read the third time.

Representatives Bergquist and Volz spoke in favor of the
passage of the bill.

MOTION

On motion of Representative Griffey, Representative
Hoff was excused.

The Speaker (Representative Orwall presiding) stated
the question before the House to be the final passage of
Engrossed House Bill No. 1453.

ROLL CALL

The Clerk called the roll on the final passage of
Engrossed House Bill No. 1453, and the bill passed the
House by the following vote: Yeas, 70; Nays, 27; Absent,
0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg,
Bergquist, Berry, Bronoske, Caldier, Callan, Chapman,
Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman,
Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman,
Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J.
Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri,
McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul,
Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule,
Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons,

Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan,
Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh,
Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke,
Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye,
Eslick, Graham, Harris, Jacobsen, Klicker, Klippert, Kraft,
Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude,
Sutherland, Vick, Wilcox, Ybarra and Young.

Excused: Representative Hoff.

ENGROSSED HOUSE BILL NO. 1453, having
received the necessary constitutional majority, was declared
passed.

**ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1117, by House Committee on Appropriations
(originally sponsored by Lekanoff, Fitzgibbon, Bateman,
Simmons, Ramel, Peterson, Goodman, Ryu, Kloba,
Chopp, Pollet, Macri and Davis)**

**Promoting salmon recovery through revisions to the
state's comprehensive planning framework.**

The bill was read the third time.

Representatives Lekanoff and Shewmake spoke in favor of
the passage of the bill.

Representatives Dye and Boehnke spoke against the
passage of the bill.

The Speaker (Representative Orwall presiding) stated
the question before the House to be the final passage of
Engrossed Second Substitute House Bill No. 1117.

ROLL CALL

The Clerk called the roll on the final passage of
Engrossed Second Substitute House Bill No. 1117, and the
bill passed the House by the following vote: Yeas, 57; Nays,
40; Absent, 0; Excused, 1.

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

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

Excused: Representative Hoff.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1117, having received the necessary constitutional
majority, was declared passed.

HOUSE BILL NO. 1105, by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

Concerning arrest protections for the medical use of cannabis.

The bill was read the third time.

Representative Kloba spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1105.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gilday, Graham, Harris, Klicker, Klippert, Kraft, Leavitt, McCaslin, Mosbrucker, Robertson, Schmick, Sutherland, Vick, Volz, Wilcox and Ybarra.

Excused: Representative Hoff.

HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1165, by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

Concerning the Washington credit union act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Consumer Protection & Business was

adopted. (For Committee amendment, see Journal, Day 8, January 17, 2022).

The bill was ordered engrossed.

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

Representatives Ryu and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1165.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1165 and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Chambers, Goehner, Harris, Jacobsen, Klicker, Kraft, Maycumber, Schmick, Steele, Sutherland, Wilcox and Ybarra.

Excused: Representative Hoff.

ENGROSSED HOUSE BILL NO. 1165, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1646, by Representatives Bateman, Harris, Leavitt, Walen, Dolan, Bronoske, Callan, Eslick, Goodman, Macri, Simmons, Tharinger, Kloba, Stonier, Davis, Riccelli and Ormsby

Continuing the work of the dementia action collaborative.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1646 was substituted for House Bill No. 1646 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1646 was read the second time.

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

Representatives Bateman, Harris and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1646.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1646, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Hoff.

SUBSTITUTE HOUSE BILL NO. 1646, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1651, by Representatives Thai, Macri, Bateman, Ryu, Berry, Ramel, Duerr, Valdez, Callan, Cody, Davis, Simmons, Bergquist, Kloba, Pollet, Frame, Harris-Talley and Taylor

Allowing providers to bill separately for immediate postpartum contraception.

The bill was read the second time.

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

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1651.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1651, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Klicker and Walsh.

Excused: Representative Hoff.

HOUSE BILL NO. 1651, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1651.

Representative Kraft, 17th District

SECOND READING

HOUSE BILL NO. 1675, by Representatives Bateman, Maycumber, Leavitt, Graham, Dolan, Cody, Griffey and Riccelli

Exempting a manufacturer of certain dialysate and dialysis devices used by home dialysis patients or a manufacturer's agent from the pharmacy practices act and legend drug act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1675 was substituted for House Bill No. 1675 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1675 was read the second time.

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

Representatives Bateman and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1675.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1675, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Hoff.

SUBSTITUTE HOUSE BILL NO. 1675, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1708, by Representatives Cody, Riccelli, Bateman, Macri, Tharinger and Pollet

Concerning facility fees for audio-only telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1708 was substituted for House Bill No. 1708 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1708 was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1708.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1708, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Hoff.

SUBSTITUTE HOUSE BILL NO. 1708, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1961, by Representatives Peterson and Ramel

Concerning the authority of the courts to waive auditor's fees for filing and recording name change orders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1961 was substituted for House Bill No. 1961 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1961 was read the second time.

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

Representatives Peterson and Abbarno spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1961.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1961, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dufault, Eslick, Goehner, Graham, Jacobsen, Klippert, Kraft, McCaslin, Sutherland, Walsh and Ybarra.

Excused: Representative Hoff.

SUBSTITUTE HOUSE BILL NO. 1961, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1874, by Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young

Reducing barriers to professional licensure for individuals with previous arrests or criminal convictions.

The bill was read the second time.

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

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1874.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1874, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Hoff.

HOUSE BILL NO. 1874, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

HOUSE BILL NO. 1622, by Representatives Mosbrucker, Orwall, Duerr, Chase, Graham, Wicks, Johnson, J., Walen, Valdez, Bronoske, Callan, Davis, Goodman, Rule, Simmons, Kloba, Pollet, Maycumber, Jacobsen, Riccelli, Caldier, Chambers and Taylor

Increasing the availability of sexual assault nurse examiner education in rural and underserved areas.

The bill was read the second time.

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

Representatives Mosbrucker and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1622.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Hoff.

HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 27, 2022, the 18th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 27, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4636, by Representatives Bateman, J. Johnson, Dolan, Slatter, Taylor, Sells, Santos, Wicks, Ryu, Walen, Simmons, Callan, Rule, and Orwall

WHEREAS, When The Evergreen State College's first class entered in 1971, the college was seen by many as a grand experiment; and

WHEREAS, Former Governor and United States Senator Daniel J. Evans signed legislation authorizing the formation of the college and played a key role in shaping the college as Evergreen President; and

WHEREAS, The creation of a four-year public college without grades or majors signaled that the people were ready to explore new possibilities for their educational institutions—to see what would happen if we gave people more freedom to formally pursue what they were most passionate about; and

WHEREAS, Evergreen's unique design put students and faculty in close collaboration with each other, and the college quickly became a place bursting with creativity and innovation; and

WHEREAS, Ever-evolving to meet the needs of students, Evergreen continues to carry that spirit for learning as it celebrates its 50th anniversary; and

WHEREAS, Famous Evergreen graduates include Ben Haggerty (known as Macklemore), Matt Groening, Joyce McConnell (first female president of Colorado State University), and Elizabeth Furse (first African-born naturalized citizen elected to Congress); and

WHEREAS, The way that Evergreen teaches people to work together has played a big role in the success of its alumni; and

WHEREAS, From the beginning, Evergreen has sought to bolster access to its dynamic learning model, especially for populations who have historically been excluded from higher education; and

WHEREAS, Evergreen welcomes those who seek an affordable education that will launch them into the future they envision for themselves, and the college does everything in its power to help them achieve success; and

WHEREAS, Evergreen has always been about giving people the support they need, whether it is an advisor showing a first-generation student how to navigate their career opportunities, a faculty member empowering someone to overcome their fear of math, or a tutor encouraging a fellow student to dig deeper into their ideas; and

WHEREAS, Evergreen has prepared people to meet their futures with confidence, equipping graduates for careers in public service, science, entrepreneurship, education, and the arts; and

WHEREAS, If the past 50 years have taught us anything, it is that the experiment worked; and

WHEREAS, This year, Evergreen honors its past, celebrates the present, and projects its strengths as an institution looking toward the future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate The Evergreen State College and its 50 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to President John Carmichael and the Board of Trustees of The Evergreen State College.

There being no objection, HOUSE RESOLUTION NO. 4636 was adopted.

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

MESSAGE FROM THE SENATE

January 26, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1732,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1733,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2100 by Representatives Boehnke, Bronoske and Eslick

AN ACT Relating to the autonomous vehicle self-certification testing pilot program; amending RCW 46.92.010; and providing an effective date.

Referred to Committee on Transportation.

HB 2101 by Representatives Goehner, Eslick and Sutherland

AN ACT Relating to modifying the scope of locations to which a water right established as a family farm permit may be transferred; and amending RCW 90.66.065 and 36.70A.360.

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

HB 2102 by Representatives Ortiz-Self, Valdez, Santos, Taylor, Berry, Pollet, Ramel, Ryu and Johnson, J.

AN ACT Relating to commissioning a study and audits to examine current laws applicable to farmworkers related to workplace health and safety, housing needs, and harassment, discrimination, and retaliation; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

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

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

REPORTS OF STANDING COMMITTEES

January 25, 2022

HB 1626 Prime Sponsor, Representative Chapman: Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

HB 1631

Prime Sponsor, Representative Shewmake: Supporting Washington's food production system by providing technical assistance in support of improved voluntary environmental stewardship. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon; Kloba; Lekanoff; Morgan; Ramos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Assistant Ranking Minority Member; Klicker; Kretz; McEntire; Orcutt and Schmick.

Referred to Committee on Appropriations.

January 26, 2022

HB 1642

Prime Sponsor, Representative Leavitt: Concerning the Washington national guard postsecondary education grant program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1647

Prime Sponsor, Representative Tharinger: Concerning the building for the arts program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Leavitt; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

January 25, 2022

January 26, 2022

HB 1649 Prime Sponsor, Representative Shewmake:
Concerning the advisory committee on
hunters and fishers with disabilities.
Reported by Committee on Rural
Development, Agriculture & Natural
Resources

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Chapman, Chair; Shewmake,
Vice Chair; Chandler, Ranking Minority Member; Dent,
Assistant Ranking Minority Member; Fitzgibbon;
Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan;
Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1653 Prime Sponsor, Representative Lekanoff:
Improving statewide coordination in
support of anadromous fish recovery.
Reported by Committee on State
Government & Tribal Relations

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Valdez, Chair; Lekanoff,
Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by
Representatives Volz, Ranking Minority Member;
Walsh, Assistant Ranking Minority Member and
Graham.

Referred to Committee on Appropriations.

January 25, 2022

HB 1661 Prime Sponsor, Representative Shewmake:
Conserving and restoring kelp forests and
eelgrass meadows in Washington state.
Reported by Committee on Rural
Development, Agriculture & Natural
Resources

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Chapman, Chair; Shewmake,
Vice Chair; Chandler, Ranking Minority Member; Dent,
Assistant Ranking Minority Member; Fitzgibbon;
Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan;
Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

January 25, 2022

HB 1668 Prime Sponsor, Representative Kloba:
Expanding regulatory authority over
cannabinoids that may be impairing and
providing for enhanced product safety and

consumer information disclosure about
marijuana products. Reported by
Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Kloba, Chair; Wicks, Vice
Chair; Kirby; Morgan and Wylie.

MINORITY recommendation: Without
recommendation. Signed by Representatives MacEwen,
Ranking Minority Member; Robertson, Assistant
Ranking Minority Member and Chambers.

MINORITY recommendation: Do not pass. Signed by
Representative Vick.

Referred to Committee on Appropriations.

January 25, 2022

HB 1669 Prime Sponsor, Representative Stokesbary:
Concerning disability benefits in the public
safety employees' retirement system.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by
Representatives Ormsby, Chair; Bergquist, Vice Chair;
Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,
Ranking Minority Member; Chambers, Assistant
Ranking Minority Member; Corry, Assistant Ranking
Minority Member; MacEwen, Assistant Ranking
Minority Member; Boehnke; Caldier; Chandler; Chopp;
Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris;
Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu;
Schmick; Senn; Springer; Steele; Stonier; Sullivan and
Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1685 Prime Sponsor, Representative Eslick:
Increasing the cap on gross sales for cottage
food operations. Reported by Committee
on Rural Development, Agriculture &
Natural Resources

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Chapman, Chair; Shewmake,
Vice Chair; Dent, Assistant Ranking Minority Member;
Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire;
Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

January 26, 2022

HB 1689 Prime Sponsor, Representative Walen:
Exempting biomarker testing from prior
authorization for patients with late stage

cancer. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1743 Prime Sponsor, Representative Schmick: Concerning the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1789 Prime Sponsor, Representative Ramos: Establishing a property tax exemption for adult family homes serving people with intellectual or developmental disabilities and owned by a nonprofit. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1821 Prime Sponsor, Representative Schmick: Concerning the definition of established relationship for purposes of audio-only telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1845 Prime Sponsor, Representative Mosbrucker: Establishing a body worn camera grant program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1851 Prime Sponsor, Representative Thai: Preserving a pregnant individual's ability to access abortion care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1872 Prime Sponsor, Representative Senn: Establishing the care worker center to promote caregiving professions. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 26, 2022

HB 1877 Prime Sponsor, Representative Chambers: Addressing expired certifications for certain health professions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1905 Prime Sponsor, Representative Senn: Reducing homelessness for youth and

young adults discharging from a publicly funded system of care. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., January 28, 2022, the 19th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 28, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4637, by Representatives Leavitt, Taylor, Robertson, J. Johnson, Bronoske, Jacobsen, MacEwen, Ryu, Walen, Slatter, Goehner, Ramel, Orwall, Young, Wylie, and Dolan

WHEREAS, Dr. John Utendale broke barriers throughout his life, first in professional hockey, and then in higher education in Washington state; and

WHEREAS, Dr. Utendale was the first black man to sign an NHL contract, and played for years for a number of teams such as the Quebec Aces and the Edmonton Flyers; and

WHEREAS, During his playing days, he began his studies and earned his teaching certificate, later teaching junior high math, science, and physical education; and

WHEREAS, While playing full time for the Spokane Jets, Dr. Utendale earned his master's degree from Eastern Washington University; and

WHEREAS, Washington State University recruited Dr. Utendale to serve as Assistant Dean of Students, and during his time there he earned his doctorate in education while teaching, coaching Little League Baseball, and serving on the Washington State Human Rights Commission; and

WHEREAS, He then joined Western Washington University as its first black faculty member of the College of Education, leading the university's Student Personnel Administration graduate program for more than 25 years as well as serving other roles such as head of the Higher Education Administration; and

WHEREAS, Dr. Utendale helped create the Bellingham Area Minor Hockey Association, coached the WWU Vikings hockey club, and served as an assistant training coach to the United States Olympic hockey team that won gold at the Lake Placid Olympics; and

WHEREAS, Dr. Utendale died of cancer in 2006, but his life serves as an example of how one person can make a difference in many areas including as a teacher, coach, mentor, and trailblazer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the life and legacy of Dr. John Utendale; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Dr. John Utendale.

There being no objection, HOUSE RESOLUTION NO. 4637 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4640, by Representatives Cody, Bronoske, Simmons, Harris, and Macri

WHEREAS, Thyroid Eye Disease (TED) is a serious, progressive, and rare autoimmune condition in which the body's immune system mistakenly attacks healthy muscle and fat tissue behind the eye, causing inflammation and scar tissue to form; and

WHEREAS, People living with TED often have debilitating symptoms of eye bulging, double vision, blurred vision, and pain and facial disfigurement, which, in severe cases, can lead to blindness; and

WHEREAS, People living with TED often experience long-term impacts on functional, psychosocial, and economic burdens, including the inability to work or perform activities of daily living; and

WHEREAS, The exact underlying process by which TED occurs is not fully understood and TED is a serious, vision threatening condition that can get worse over time; and

WHEREAS, TED is a rare disease and is estimated to have a prevalence of 16 per 100,000 women in the general population, and 2.9 per 100,000 men in the general population; and

WHEREAS, A diagnosis of TED is based upon identification of characteristic symptoms, a detailed patient history, a thorough clinical evaluation, and a variety of specialized tests; and

WHEREAS, There is a genetic component to the condition and people who have a family member with the disease or a family member with an autoimmune disease are at a greater risk of developing the condition; and

WHEREAS, TED Awareness Week has been established through a collaboration among advocacy organizations, including the Autoimmune Association and Prevent Blindness; and

WHEREAS, The patient groups are engaged in disease awareness and patient support and the third week of

November 2022, is recognized as Thyroid Eye Disease Week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the third week of November 2022, as TED Awareness Week.

There being no objection, HOUSE RESOLUTION NO. 4640 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4642, by Representatives Kloba, Slatter, Berg, Fitzgibbon, Donaghy, Callan, and Boehnke

WHEREAS, On the 28th of January, Washingtonians join the nation and over fifty countries in commemorating a day to promote data privacy and data protection practices and awareness; and

WHEREAS, Today, nearly everything in our modern world is accessed online; and

WHEREAS, Not only do we use the internet to inform and entertain, we rely on the internet to access education, the marketplace, government services, our jobs, and telemedicine; and

WHEREAS, Many people do not understand the ways in which their private activities on their computers, phones, and connected devices generate data that is being used and stored digitally, with or without their knowledge; and

WHEREAS, Preserved in the Washington state Constitution in Article I, section 7, privacy is stated to be a foundational right of individuals; and

WHEREAS, Vast amounts of data about consumers are harvested daily around the globe, and with the collection and processing of this data comes great responsibility; and

WHEREAS, Public agencies in Washington state are accountable for the responsible care and protection of private personal information that they collect and process; and implement principles such as lawful use, purpose limitation, and data minimization to best protect the privacy of Washingtonians; and

WHEREAS, Governor Jay Inslee has proclaimed January 28th as Data Privacy Day in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join in commemorating a day to promote data privacy that will encourage Washingtonians to be aware of and take steps to protect their privacy interests and personal information.

There being no objection, HOUSE RESOLUTION NO. 4642 was adopted.

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

INTRODUCTION & FIRST READING

HB 2103 by Representative Kirby

AN ACT Relating to addressing the enforceability of, and available remedies relating to, contracts affected by commercial bribery; and amending RCW 9A.68.060.

Referred to Committee on Civil Rights & Judiciary.

HB 2104 by Representative Kirby

AN ACT Relating to the auction of abandoned vehicles and payment of sales tax; amending RCW 82.04.040; amending 2019 c 357 s 3 (uncodified); reenacting and amending RCW 82.04.050; and providing expiration dates.

Referred to Committee on Finance.

HB 2105 by Representatives Gilday, Chapman, Walen, Barkis and Sutherland

AN ACT Relating to service of notice on landlords and tenants; and amending RCW 59.20.150.

Referred to Committee on Housing, Human Services & Veterans.

HB 2106 by Representatives Klicker, Dent, Klippert and Sutherland

AN ACT Relating to clarifying the existence of riparian stock watering rights; amending RCW 90.03.010; and creating a new section.

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

HB 2107 by Representatives Kloba, Donaghy, Pollet, Chase and Ramel

AN ACT Relating to creating an excise tax on the collection of consumer data by commercial data collectors; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2108 by Representatives Fey, Barkis, Jacobsen, Robertson and Sutherland

AN ACT Relating to forgiving the first two payments due under the sales and use tax deferral for historic auto museums in response to operational delays caused by the COVID-19 pandemic; amending RCW 82.32.580; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Finance.

HCR 4407 by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4407 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

January 27, 2022

HB 1025 Prime Sponsor, Representative Wicks:
Concerning local parks funding options.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase and Young.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1699 Prime Sponsor, Representative Bergquist:
Permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1714 Prime Sponsor, Representative Duerr:
Concerning impact fee deferrals. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member and Berg.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1727 Prime Sponsor, Representative Gregerson:
Concerning odd-numbered year elections.
Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1741 Prime Sponsor, Representative Cody:
Addressing affordability through health care provider contracting. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Appropriations.

January 26, 2022

HB 1764 Prime Sponsor, Representative Sells:
Concerning collective bargaining for
resident and fellow physicians employed
by certain institutions of higher education.
Reported by Committee on Labor &
Workplace Standards

January 25, 2022

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 26, 2022

HB 1780 Prime Sponsor, Representative Slatter:
Concerning workforce education
investment accountability and oversight
board staffing changes. Reported by
Committee on College & Workforce
Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1795 Prime Sponsor, Representative Berry:
Prohibiting nondisclosure and
nondisparagement provisions from
employers regarding illegal acts of
discrimination, harassment, retaliation,
wage and hour violations, and sexual
assault. Reported by Committee on Labor
& Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

HB 1804 Prime Sponsor, Representative Paul:
Concerning interruptive military service
credit for members of the state retirement
systems. Reported by Committee on
Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1805 Prime Sponsor, Representative Paul:
Concerning the opportunity scholarship
program. Reported by Committee on
College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

January 25, 2022

HB 1837 Prime Sponsor, Representative Bronoske:
Restoring the state's ability to address
work-related musculoskeletal injuries.
Reported by Committee on Labor &
Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1860 Prime Sponsor, Representative Davis: Preventing homelessness among persons discharging from inpatient behavioral health settings. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Appropriations.

January 26, 2022

HB 1876 Prime Sponsor, Representative Gregerson: Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1888 Prime Sponsor, Representative Thai: Allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Chase.

Referred to Committee on Rules for second reading.

January 25, 2022

HB 1911 Prime Sponsor, Representative Bronoske: Concerning participating in insurance plans and contracts by separated plan 2 members of certain retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member and Caldier.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Dye and Schmick.

Referred to Committee on Rules for second reading.

January 26, 2022

HB 1918 Prime Sponsor, Representative Macri: Reducing emissions from outdoor power equipment. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Finance.

January 26, 2022

HB 1936 Prime Sponsor, Representative Dent: Concerning the membership and subcommittees of the oversight board for children, youth, and families. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1953 Prime Sponsor, Representative Valdez: Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1982 Prime Sponsor, Representative Volz: Clarifying the applicability of penalty and interest on personal property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Walen, Vice Chair; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1997 Prime Sponsor, Representative Valdez: Reestablishing the productivity board. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh,

Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Appropriations.

January 27, 2022

HB 2050 Prime Sponsor, Representative Harris-Talley: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Tana Senn, 41st Legislative District.

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

MESSAGE FROM THE SENATE

January 26, 2022

Mme. SPEAKER:

The Senate has passed:

- SENATE BILL NO. 5042,
- SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5490,
- SUBSTITUTE SENATE BILL NO. 5496,
- SENATE BILL NO. 5499,
- SENATE BILL NO. 5508,
- ENGROSSED SENATE BILL NO. 5512,
- SENATE BILL NO. 5514,
- SENATE BILL NO. 5529,
- SUBSTITUTE SENATE BILL NO. 5548,

SENATE BILL NO. 5634,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1735, by Representatives Johnson, J., Rule, Wicks, Bateman, Callan, Goodman, Macri, Orwall, Ramel, Ramos, Santos, Shewmake, Wylie, Simmons and Stonier

Modifying the standard for use of force by peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1735 was substituted for House Bill No. 1735 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1735 was read the second time.

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

Representatives J. Johnson, Mosbrucker, Griffey, Maycumber, Goodman and Klippert spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Ramel, Representative Simmons was excused.

On motion of Representative Harris, Representatives Hoff and Barkis were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1735.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1735, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri,

Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Kraft, McCaslin, McEntire and Walsh.

Excused: Representatives Barkis, Hoff and Simmons.

SUBSTITUTE HOUSE BILL NO. 1735, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1735.

Representative Kraft, 17th District

SECOND READING

HOUSE BILL NO. 1719, by Representatives Bronoske, Johnson, J., Bateman, Wicks, Callan, Goodman, Paul, Ramel, Ramos, Santos and Simmons

Concerning use and acquisition of military equipment by law enforcement agencies.

The bill was read the second time.

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

Representatives Bronoske and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1719.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1719, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff and Simmons.

HOUSE BILL NO. 1719, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1183, by Representatives Caldier and Johnson, J.

Creating the home sharing support grant program.

The bill was read the second time.

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

Representatives Caldier and J. Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1183.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1183, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff and Simmons.

HOUSE BILL NO. 1183, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1716, by Representatives Valdez, Dolan and Pollet

Concerning locations at which ballots may be cast.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1716 was substituted for House Bill No. 1716 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1716 was read the second time.

Representative Volz moved the adoption of amendment (791):

On page 6, after line 9, insert the following:

"(5) Nothing in this section may be construed to limit or otherwise restrict the access of an authorized political party observer to a voting center, student engagement hub, or ballot drop box for the purpose of observing the election process."

Representatives Volz and Valdez spoke in favor of the adoption of the amendment.

Amendment (791) was adopted.

The bill was ordered engrossed.

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

Representatives Valdez and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1716.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1716, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Kraft and Rude.

Excused: Representatives Barkis, Hoff and Simmons.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1725, by Representatives Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame

Concerning the creation of an endangered missing person advisory designation for missing indigenous persons.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1725 was substituted for House Bill No. 1725 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1725 was read the second time.

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

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1725.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1725, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff and Simmons.

SUBSTITUTE HOUSE BILL NO. 1725, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

HOUSE BILL NO. 1615, by Representatives Walen, Ryu, Leavitt, Fitzgibbon, Wicks, Bateman, Simmons,

Duerr, Chase, Ramel, Springer, Berg, Goodman, Macri, Peterson, Slatter, Bergquist, Riccelli and Ormsby

Concerning the sale of cosmetics tested on animals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1615 was substituted for House Bill No. 1615 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1615 was read the second time.

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

Representatives Walen and Vick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Kloba was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1615.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1615, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Jacobsen, Kraft, McCaslin and Walsh.

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

SUBSTITUTE HOUSE BILL NO. 1615, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1700, by Representatives Paul, Griffey, Fitzgibbon, Ryu, Ramel, Leavitt, Wicks,

Shewmake, Duerr, Bateman, Bronoske, Peterson, Rule, Simmons and Tharinger

Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax.

The bill was read the second time.

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

Representatives Paul and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1700.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1700, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

HOUSE BILL NO. 1700, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1978, by Representatives Duerr and Pollet

Concerning shoreline master program review schedules.

The bill was read the second time.

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

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1978.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1978, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

HOUSE BILL NO. 1978, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1518, by Representatives Stonier and Ormsby

Concerning environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1518 was substituted for House Bill No. 1518 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1518 was read the second time.

Representative Stonier moved the adoption of amendment (796):

On page 1, beginning on line 10, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 3, line 8, after "purchase" strike "one hundred percent" and insert "for use in office printers and copiers, (a) one hundred percent postconsumer"

On page 3, beginning on line 9, after "bond paper" strike all material through "copiers" on line 12 and insert "~~((used in office printers and copiers))~~ or (b) paper that has at least 30 percent recycled content and is certified as responsibly-sourced by a third-party certification entity approved by the department of enterprise services under subsection (4) of this section"

On page 3, beginning on line 20, after "content" strike all material through "dioxide" on line 21

On page 3, beginning on line 24, after "utilize" strike all material through "paper" on line 27 and insert "~~((one hundred percent recycled content white cut sheet bond paper))~~ paper that complies with subsection (1) of this section"

On page 3, beginning on line 31, after "content" strike all material through "agencies" on line 37 and insert "white cut sheet bond paper standard, but must ~~((utilize the highest recycled content that can be utilized efficiently by such equipment and not impede the business of agencies))~~ still comply with subsection (1)(b) of this section"

On page 3, beginning on line 39, after "agencies" strike all material through "and" on page 4, line 2 and insert "~~((one hundred percent recycled))~~ paper products that comply with subsection (1) of this section, and"

On page 4, line 4, after "agencies." insert "The department shall also identify, and approve, organizations that can certify paper as responsibly-sourced."

Correct the title.

Representatives Stonier and Volz spoke in favor of the adoption of the amendment.

Amendment (796) was adopted.

The bill was ordered engrossed.

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

Representatives Stonier and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1518, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1761, by Representatives Schmick, Bateman, Bronoske, Cody, Dufault, Jacobsen, Macri, Pollet, Donaghy, Graham, Davis and Chambers

Allowing nurses to dispense opioid overdose reversal medication in the emergency department.

The bill was read the second time.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1761.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1761, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri,

Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

HOUSE BILL NO. 1761, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1798, by Representatives Ryu, Boehnke and Berry

Concerning powers of the legislative committee on economic development and international relations.

The bill was read the second time.

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

Representatives Ryu and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1798.

The Clerk called the roll on the final passage of House Bill No. 1798, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Barkis, Hoff, Kloba and Simmons.

HOUSE BILL NO. 1798, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 31, 2022, the 22nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

ROLL CALL

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, January 31, 2022

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

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

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

MESSAGE FROM THE SENATE

January 28, 2022

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5489,
SENATE BILL NO. 5504,
SENATE BILL NO. 5506,
SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5572,
SENATE BILL NO. 5602,
SENATE BILL NO. 5612,
SENATE BILL NO. 5617,
SENATE BILL NO. 5624,
SENATE BILL NO. 5641,
SENATE BILL NO. 5787,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READINGHB 2109 by Representatives Volz and Walsh

AN ACT Relating to the length of legislative sessions; and amending RCW 44.04.010.

Referred to Committee on State Government & Tribal Relations.

HB 2110 by Representatives Walsh and McEntire

AN ACT Relating to fish and wildlife enforcement; amending RCW 77.04.012; and creating a new section.

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

HB 2111 by Representative Pollet

AN ACT Relating to exempting newspapers from business and occupation tax; amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

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

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

REPORTS OF STANDING COMMITTEES

January 27, 2022

HB 1389 Prime Sponsor, Representative Corry: Concerning transportation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1538 Prime Sponsor, Representative Dent: Establishing an aviation and aerospace advisory committee. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Appropriations.

January 27, 2022

HB 1592 Prime Sponsor, Representative Leavitt:
Concerning military spouse employment.
Reported by Committee on Housing,
Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by
Representatives Peterson, Chair; Taylor, Vice Chair;
Gilday, Assistant Ranking Minority Member; Barkis;
Bateman; Donaghy and Leavitt.

MINORITY recommendation: Without
recommendation. Signed by Representative Caldier,
Ranking Minority Member.

Referred to Committee on Appropriations.

January 27, 2022

HB 1620 Prime Sponsor, Representative Leavitt:
Addressing the response to extreme
weather events. Reported by Committee
on Appropriations

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Ormsby, Chair; Bergquist,
Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair;
Corry, Assistant Ranking Minority Member; Cody;
Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.;
Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan
and Tharinger.

MINORITY recommendation: Without
recommendation. Signed by Representatives MacEwen,
Assistant Ranking Minority Member; Caldier and Rude.

MINORITY recommendation: Do not pass. Signed by
Representatives Stokesbary, Ranking Minority Member;
Chambers, Assistant Ranking Minority Member;
Chandler; Dye; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1627 Prime Sponsor, Representative Goehner:
Making it possible for more properties to
have access to water, storm drains, and
sanitary sewage systems. Reported by
Committee on Local Government

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Pollet, Chair; Goehner,
Ranking Minority Member; Griffey, Assistant Ranking
Minority Member and Robertson.

MINORITY recommendation: Without
recommendation. Signed by Representative Berg.

MINORITY recommendation: Do not pass. Signed by
Representatives Duerr, Vice Chair and Senn.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1637 Prime Sponsor, Representative Simmons:
Allowing a court to mitigate a criminal
sentence when the defendant was
experiencing mental illness at the time of
the offense. Reported by Committee on
Public Safety

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Goodman, Chair; Johnson, J.,
Vice Chair; Davis; Hackney; Orwall; Ramos; Simmons
and Thai.

MINORITY recommendation: Do not pass. Signed by
Representative Young.

MINORITY recommendation: Without
recommendation. Signed by Representatives
Mosbrucker, Ranking Minority Member; Klippert,
Assistant Ranking Minority Member; Graham and
Griffey.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1681 Prime Sponsor, Representative Simmons:
Modifying the requirements for vacating
conviction records. Reported by
Committee on Public Safety

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Goodman, Chair; Johnson, J.,
Vice Chair; Davis; Hackney; Orwall; Ramos; Simmons
and Thai.

MINORITY recommendation: Without
recommendation. Signed by Representatives
Mosbrucker, Ranking Minority Member; Klippert,
Assistant Ranking Minority Member and Griffey.

MINORITY recommendation: Do not pass. Signed by
Representatives Graham and Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1684 Prime Sponsor, Representative Harris:
Concerning public health and fluoridation
of drinking water. Reported by Committee
on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Appropriations.

January 26, 2022

HB 1688 Prime Sponsor, Representative Cody: Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Caldier, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 27, 2022

HB 1694 Prime Sponsor, Representative Berry: Concerning logistical processes for the regulation of priority chemicals in consumer products. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

January 27, 2022

HB 1738 Prime Sponsor, Representative Peterson: Changing the total amount of outstanding indebtedness of the Washington state

housing finance commission. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Donaghy and Leavitt.

Referred to Committee on Capital Budget.

January 27, 2022

HB 1747 Prime Sponsor, Representative Ortiz-Self: Supporting relative placements in child welfare proceedings. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1753 Prime Sponsor, Representative Lekanoff: Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Abbarno.

Referred to Committee on Appropriations.

January 27, 2022

HB 1759 Prime Sponsor, Representative Callan: Requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter

medications, and firearms and ammunition, available through their websites and other communication resources. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1760 Prime Sponsor, Representative Paul: Expanding access to dual credit programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Appropriations.

January 28, 2022

HB 1773 Prime Sponsor, Representative Taylor: Concerning assisted outpatient treatment for persons with behavioral health disorders. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Davis; Entenman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Simmons, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Goodman and Ybarra.

Referred to Committee on Appropriations.

January 28, 2022

HB 1776 Prime Sponsor, Representative Sells: Concerning wages for journeypersons in high-hazard facilities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1793 Prime Sponsor, Representative Hackney: Concerning electric vehicle charging stations in common interest communities. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Gilday, Assistant Ranking Minority Member; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; Klippert and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1803 Prime Sponsor, Representative Callan: Updating school district director compensation through the revision and preservation of a uniform compensation structure and an examination of future needs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McEntire and Steele.

January 27, 2022

Referred to Committee on Appropriations.

January 28, 2022

HB 1811 Prime Sponsor, Representative Sells: Concerning fire benefit charges imposed by cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Finance.

January 27, 2022

HB 1815 Prime Sponsor, Representative Ryu: Deterring catalytic converter theft. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Transportation.

January 27, 2022

HB 1817 Prime Sponsor, Representative Goodman: Concerning eligibility and requirements for deferred prosecutions. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis; Hackney; Orwall; Ramos; Simmons; Thai and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Assistant Ranking Minority Member and Griffey.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

HB 1818

Prime Sponsor, Representative Simmons: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 27, 2022

HB 1826

Prime Sponsor, Representative Young: Creating the crime of interfering with a firefighter or emergency medical services provider. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1827

Prime Sponsor, Representative Morgan: Creating the community reinvestment account and community reinvestment program. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Donaghy; Frame; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member and Kraft.

Referred to Committee on Appropriations.

January 27, 2022

HB 1830 Prime Sponsor, Representative Springer: Clarifying that certain reusable packing materials are exempt from sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1832 Prime Sponsor, Representative Springer: Concerning code city form of government elections and city manager appointment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1833 Prime Sponsor, Representative Berg: Establishing an electronic option for the submission of household income information required for participation in school meals and programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1834 Prime Sponsor, Representative Callan: Concerning student excused absences for mental health reasons. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1840 Prime Sponsor, Representative Ortiz-Self: Improving diversity, equity, and mental health at the community and technical colleges. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Kraft and Sutherland.

Referred to Committee on Appropriations.

January 28, 2022

HB 1856 Prime Sponsor, Representative Chambers: Adding counties to the voluntary stewardship program. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

January 27, 2022

HB 1861 Prime Sponsor, Representative Stonier: Creating the Washington future fund trust fund program. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Appropriations.

January 27, 2022

HB 1878 Prime Sponsor, Representative Riccelli: Increasing public school participation in the community eligibility provision of the United States department of agriculture. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Appropriations.

January 27, 2022

HB 1880 Prime Sponsor, Representative Ryu: Concerning housing benefit districts. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Calder, Ranking Minority Member; Gilday, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Finance.

January 28, 2022

HB 1891 Prime Sponsor, Representative Dent: Concerning a rangeland fire protection association pilot project. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker; Kretz; Lekanoff; McEntire; Orcutt; Ramos; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Fitzgibbon; Kloba and Morgan.

Referred to Committee on Appropriations.

January 27, 2022

HB 1894 Prime Sponsor, Representative Harris-Talley: Concerning the period for juvenile diversion agreements. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1901 Prime Sponsor, Representative Goodman: Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1907 Prime Sponsor, Representative Steele: Concerning scholarship displacement in postsecondary institutions' gift equity packaging policies. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Kraft; Paul; Pollet; Sells and Sutherland.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1914 Prime Sponsor, Representative Riccelli: Updating and expanding the motion picture competitiveness program. Reported by Committee on Community & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Finance.

January 27, 2022

HB 1930 Prime Sponsor, Representative Jacobsen: Concerning license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1956 Prime Sponsor, Representative Hackney: Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1957 Prime Sponsor, Representative Rule: Establishing a small business disaster recovery financial assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant

Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1966 Prime Sponsor, Representative Steele: Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Barkis; Bateman; Donaghy and Leavitt.

Referred to Committee on Finance.

January 27, 2022

HB 1973 Prime Sponsor, Representative Rude: Concerning the recording of school board meetings. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1979 Prime Sponsor, Representative Kirby: Concerning the appraisal clause found in motor vehicle insurance policies. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 2007

Prime Sponsor, Representative Slatter: Establishing a nurse educator loan repayment program under the Washington health corps. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 2019

Prime Sponsor, Representative Boehnke: Increasing educational and training opportunities for careers in retail. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking

Minority Member; Chandler; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 2052

Prime Sponsor, Representative Orwall: Concerning contracts with community service organizations for public improvements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 1, 2022, the 23rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 1, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4641, by Representatives Thai, Chase, Orwall, Taylor, and Robertson

WHEREAS, On this first day of February in 2022 the people of the great state of Washington unite to celebrate the Lunar New Year, joining to distinguish Asian American joy, cultures, and beautiful diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Tiger, a zodiac sign characterized by boldness, strength, fearlessness, and courage that this chamber is driven to embark; and

WHEREAS, Washington acknowledges both the wonderful heritage and collective trauma of our Asian American ancestors; and

WHEREAS, We deeply appreciate the Asian American frontline workers who provide direct services to Washington during the pandemic, risking their lives and well-being, and enduring the disproportionate uncertainty; and

WHEREAS, We highlight the solidarity and strength of the Asian American community in the face of violent racism, during the pandemic - well before - and ongoing; and

WHEREAS, The Lunar New Year is a time to embrace reflections and understanding as we look towards renewal; and

WHEREAS, We step into the Year of the Tiger not just as an individual, but as a family united in compassion and community stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives stand with the Asian American community in times of crisis and in times of celebration, we come together now with memories of fond endings and visions for new beginnings in acknowledgment of the Lunar New Year.

There being no objection, HOUSE RESOLUTION NO. 4641 was adopted.

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

INTRODUCTION & FIRST READING

HB 2112 by Representative Vick

AN ACT Relating to reducing liquor license fees for preventing sales to minors; and amending RCW 66.24.630.

Referred to Committee on Commerce & Gaming.

HB 2113 by Representatives Vick and Rule

AN ACT Relating to establishing an organized retail theft task force; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2114 by Representative Kraft

AN ACT Relating to supporting entrepreneurship and start-up businesses; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

SB 5042 by Senators Salomon, Billig, Kuderer, Lias and Wilson, C.

AN ACT Relating to the effective date of certain actions taken under the growth management act; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

2ESSB 5275 by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman and Wilson, C.)

AN ACT Relating to enhancing opportunity in limited areas of more intense rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

SB 5489 by Senators Pedersen, Padden, Dhingra and Mullet

AN ACT Relating to business entities; and amending RCW 23B.01.400, 23B.06.230, 23B.06.400,

23B.07.020, 23B.07.070, 23B.07.200, 23B.11.010, 23B.11.030, 23B.11.050, 23B.11.060, 23B.11.090, 23B.11.100, 23B.13.020, 23B.13.200, 23B.13.210, 23B.13.220, 23B.13.230, 25.10.011, 25.10.101, 25.10.491, 25.10.496, 25.10.546, 25.10.771, 25.10.791, 25.15.006, 25.15.046, 25.15.116, 25.15.121, 25.15.131, and 25.15.441.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5490 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra, Mullet and Nobles)

AN ACT Relating to creating the interbranch advisory committee; adding a new chapter to Title 2 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5496 by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall and Cleveland)

AN ACT Relating to health professional monitoring programs by clarifying the application of the programs and confidentiality protections for program participants, and updating terminology, definitions, and references; amending RCW 18.22.250, 18.32.534, 18.57.015, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.92.047, and 18.130.070; and reenacting and amending RCW 18.130.175.

Referred to Committee on Health Care & Wellness.

SB 5499 by Senators Cleveland, Muzzall, Randall and Wilson, C.

AN ACT Relating to credentialing of medical assistant-hemodialysis technicians; amending RCW 18.360.040; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5504 by Senators Warnick, Van De Wege, Billig, Conway, Das, Lovelett, Mullet, Nguyen, Randall, Saldaña, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to extending current discover pass free days from state parks to all state recreation sites and lands; and amending RCW 79A.80.050.

Referred to Committee on Community & Economic Development.

SB 5506 by Senators Kuderer, Hasegawa, Lovick and Wilson, C.

AN ACT Relating to the appointment process for the chairperson and vice chairperson of the joint

administrative rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government & Tribal Relations.

SB 5508 by Senators Liias, Muzzall, Cleveland, Frockt, Hunt, Lovick, Mullet, Randall, Robinson and Stanford

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

Referred to Committee on Health Care & Wellness.

ESB 5512 by Senators Honeyford, Hasegawa, Lovick, Mullet, Randall, Rolfes and Wagoner

AN ACT Relating to designating a state nickname; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5514 by Senators Dozier, Mullet, Short and Wilson, J.

AN ACT Relating to increasing the frequency of county legislative meetings at alternate locations; and amending RCW 36.32.080.

Referred to Committee on Local Government.

SB 5529 by Senators Cleveland, Keiser, Dhingra and Wilson, C.

AN ACT Relating to self-directed care; amending RCW 74.39.007; and repealing RCW 74.39.060.

Referred to Committee on Health Care & Wellness.

SSB 5548 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra and Mullet)

AN ACT Relating to the uniform unregulated child custody transfer act; amending RCW 26.33.400; adding a new chapter to Title 26 RCW; recodifying RCW 26.33.400; repealing RCW 26.33.370; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SB 5552 by Senators Van De Wege, Mullet and Nobles

AN ACT Relating to modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements; amending RCW 77.08.010, 77.08.075, 77.32.155, 77.32.470, 77.32.480, 77.32.520,

and 79A.80.040; and adding a new section to chapter 77.32 RCW.

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

SSB 5572 by Senate Committee on Law & Justice (originally sponsored by Wilson, C., Dhingra, Conway, Honeyford, Hunt, Randall and Wagoner)

AN ACT Relating to implementing the recommendations of the Washington state internet crimes against children task force; and amending RCW 9.68A.040 and 9.68A.053.

Referred to Committee on Public Safety.

SB 5602 by Senators Mullet and Hasegawa

AN ACT Relating to service providers working with state-regulated financial institutions; amending RCW 31.12.565; and adding new sections to chapter 43.320 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5612 by Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J.

AN ACT Relating to ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions; and amending RCW 7.69.030.

Referred to Committee on Public Safety.

SB 5617 by Senators Cleveland, Mullet and Wilson, L.

AN ACT Relating to population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs; and amending RCW 43.360.030.

Referred to Committee on Community & Economic Development.

SB 5624 by Senators Warnick, Van De Wege and Nobles

AN ACT Relating to extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification; amending RCW 16.57.460; amending 2019 c 92 s 14 (uncodified); and providing expiration dates.

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

SB 5634 by Senator Carlyle

AN ACT Relating to updating the utilities and transportation commission's regulatory fees; and amending RCW 80.24.010.

Referred to Committee on Appropriations.

SB 5641 by Senators Short and Wilson, L.

AN ACT Relating to promoting local agriculture through greenhouses; amending RCW 19.27.015 and 19.27.065; and creating a new section.

Referred to Committee on Local Government.

SB 5787 by Senators Nguyen, Dhingra, Frockt, Keiser, Kuderer, Liias, Lovick, Nobles and Pedersen

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030, 43.86A.040, and 43.86A.050; and reenacting and amending RCW 43.86A.060.

Referred to Committee on State Government & Tribal Relations.

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

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

REPORTS OF STANDING COMMITTEES

January 27, 2022

HB 1153 Prime Sponsor, Representative Orwall: Increasing language access in public schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Dye and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

January 28, 2022

January 27, 2022

HB 1611 Prime Sponsor, Representative Dolan: Advancing equity in programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1644 Prime Sponsor, Representative Senn: Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 27, 2022

HB 1701 Prime Sponsor, Representative Bergquist: Concerning law enforcement officers' and firefighters' retirement system benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

HB 1703 Prime Sponsor, Representative Orwall: Modernizing the statewide 911 emergency communications system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1859 Prime Sponsor, Representative Kloba: Concerning quality standards for laboratories conducting cannabis analysis. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Appropriations.

January 28, 2022

HB 1868 Prime Sponsor, Representative Riccelli: Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

January 28, 2022

Committee on Housing, Human Services & Veterans

HB 1947 Prime Sponsor, Representative Frame: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 28, 2022

HB 1975 Prime Sponsor, Representative Wylie: Concerning property management services provided to housing authority properties. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Rules for second reading.

January 28, 2022

HB 1980 Prime Sponsor, Representative Taylor: Removing the prohibition on providing employment services and community access services concurrently. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

Referred to Committee on Appropriations.

January 28, 2022

HB 2008 Prime Sponsor, Representative Taylor: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities. Reported by

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 28, 2022

HB 2010 Prime Sponsor, Representative Donaghy: Eliminating unnecessary homeless funding budget and auditing requirements. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Ranking Minority Member Gilday, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- SUBSTITUTE HOUSE BILL NO. 1210
- HOUSE BILL NO. 1231
- HOUSE BILL NO. 1389
- HOUSE BILL NO. 1617
- HOUSE BILL NO. 1630
- HOUSE BILL NO. 1642
- HOUSE BILL NO. 1649
- HOUSE BILL NO. 1669
- HOUSE BILL NO. 1689
- HOUSE BILL NO. 1743
- HOUSE BILL NO. 1747
- HOUSE BILL NO. 1765
- HOUSE BILL NO. 1780
- HOUSE BILL NO. 1785
- HOUSE BILL NO. 1789
- HOUSE BILL NO. 1794

HOUSE BILL NO. 1804
HOUSE BILL NO. 1808
HOUSE BILL NO. 1821
HOUSE BILL NO. 1825
HOUSE BILL NO. 1833
HOUSE BILL NO. 1834
HOUSE BILL NO. 1957
HOUSE BILL NO. 1973
HOUSE BILL NO. 1982
HOUSE BILL NO. 2019
HOUSE BILL NO. 1894
HOUSE BILL NO. 1647
HOUSE BILL NO. 1699

There being no objection, the House adjourned until 9:55 a.m., February 2, 2022, the 24th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

There being no objection, HOUSE BILL NO. 1685 was referred to the Committee on Rules.

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 2, 2022

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

Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

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

Referred to Committee on Appropriations.

February 1, 2022

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

REPORTS OF STANDING COMMITTEES

February 1, 2022

HB 1224 Prime Sponsor, Representative Chambers: Concerning spring blade knives. Reported by Committee on Civil Rights & Judiciary

HB 1844 Prime Sponsor, Representative Mosbrucker: Creating the offense of unlawful branding of another person. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Abbarno; Entenman; Goodman; Kirby; Peterson; Thai; Walen and Ybarra.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representatives Davis; Orwall and Valdez.

February 1, 2022

MINORITY recommendation: Without recommendation. Signed by Representatives Graham, Assistant Ranking Minority Member and Klippert.

HB 1848 Prime Sponsor, Representative Orwall: Concerning crimes concerning fraud in assisted reproduction. Reported by Committee on Public Safety

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

February 1, 2022

HB 1682 Prime Sponsor, Representative Fitzgibbon: Concerning a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050. Reported by Committee on Environment & Energy

Referred to Committee on Rules for second reading.

January 31, 2022

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

HB 1852 Prime Sponsor, Representative Thai: Concerning language requirements for prescription drug labels. Reported by Committee on Health Care & Wellness

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member;

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

January 31, 2022

January 31, 2022

HB 1865 Prime Sponsor, Representative Davis: Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Maycumber.

Referred to Committee on Appropriations.

February 1, 2022

HB 1867 Prime Sponsor, Representative Paul: Concerning dual credit program data. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

January 31, 2022

HB 1881 Prime Sponsor, Representative Harris-Talley: Creating a new health profession for birth doulas. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

HB 1889 Prime Sponsor, Representative Cody: Concerning network access. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Ybarra.

Referred to Committee on Appropriations.

January 31, 2022

HB 1893 Prime Sponsor, Representative Donaghy: Allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1902 Prime Sponsor, Representative Schmick: Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 31, 2022

HB 1920 Prime Sponsor, Representative Wicks: Concerning investigations of child abuse or

neglect at residential facilities. Reported by Committee on Children, Youth & Families

January 31, 2022

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1927 Prime Sponsor, Representative Riccelli: Creating leave provisions for legislative service. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1941 Prime Sponsor, Representative Walen: Prohibiting active shooter scenarios for school safety-related drills. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1942 Prime Sponsor, Representative Donaghy: Concerning the provision of the paraeducator fundamental course of study. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

HB 1945 Prime Sponsor, Representative Dent: Improving communication between the department of children, youth, and families and caregivers. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

Referred to Committee on Rules for second reading.

January 31, 2022

HB 1950 Prime Sponsor, Representative Caldier: Protecting patients from certain unsafe dental practices. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1993 Prime Sponsor, Representative Dent: Creating the pesticide advisory board. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

January 31, 2022

HB 2046 Prime Sponsor, Representative Stonier: Concerning ethics in public service rules governing certain legislative activity. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

January 31, 2022

HB 2059

Prime Sponsor, Representative Gregerson: Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Corry; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Keith Goehner, 12th Legislative District.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Sullivan and Kretz

Amending the redistricting plan for state legislative and congressional districts.

The bill was read the second time.

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

Representatives Sullivan, MacEwen and Wilcox spoke in favor of the adoption of the House Concurrent Resolution.

MOTION

On motion of Representative Griffey, Representatives Kraft, Kretz and Sutherland were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4407.

ROLL CALL

The Clerk called the roll on the adoption of House Concurrent Resolution No. 4407, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dent, Harris-Talley, McCaslin, Pollet, Santos and Young.

Excused: Representatives Kraft, Kretz and Sutherland.

HOUSE CONCURRENT RESOLUTION NO. 4407, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1210, by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, Johnson, J., Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley)

Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1210 was substituted for Substitute House Bill No. 1210 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1210 was read the second time.

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

Representatives Morgan and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1210.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1210, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Dye, Hoff, Klicker, Klippert, Kraft, McCaslin, McEntire, Schmick and Walsh.

Excused: Representatives Kretz and Sutherland.

SECOND SUBSTITUTE HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1808, by Representatives Stonier, MacEwen, Dolan, Leavitt, Johnson, J., Callan, Santos, Shewmake, Wylie, Bergquist, Pollet, Harris-Talley and Kloba

Concerning pupil transportation funding.

The bill was read the second time.

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

Representatives Stonier and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1808.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1808, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1647, by Representatives Tharinger, Leavitt, Duerr, Springer, Berg, Callan, Goodman, Simmons, Wylie and Frame

Concerning the building for the arts program.

The bill was read the second time.

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

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1647.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1647, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter,

Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Kraft and Young.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1647, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1894, by Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet

Concerning the period for juvenile diversion agreements.

The bill was read the second time.

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

Representatives Harris-Talley and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1894.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1894, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1894, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1616, by Representatives Simmons, Cody, Bateman, Valdez, Davis, Macri, Slatter, Pollet and Taylor

Concerning the charity care act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1616 was substituted for House Bill No. 1616 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1616 was read the second time.

Representative Schmick moved the adoption of amendment (786):

On page 4, line 3, after "(a)" strike "At" and insert "Unless the hospital is a critical access hospital, at"

On page 4, line 20, after "pursuant to" strike "(c)" and insert "(d)"

On page 4, line 26, after "pursuant to" strike "(c)" and insert "(d)"

On page 4, line 27, after "(b)" strike "At" and insert "Unless the hospital is a critical access hospital, at"

On page 4, line 38, after "pursuant to" strike "(c)" and insert "(d)"

On page 5, line 4, after "pursuant to" strike "(c)" and insert "(d)"

On page 5, line 10, after "pursuant to" strike "(c)" and insert "(d)"

On page 5, line 11, after "(c)" insert "The provisions of (a) and (b) of this subsection do not apply to any hospital certified as a critical access hospital under 42 U.S.C. Sec. 1395i-4. At a minimum, a critical access hospital:

(i) Must grant charity care to all patients and their guarantors whose income is not more than 100 percent of the federal poverty level, adjusted for family size, for the full amount of the patient responsibility portion of their hospital charges; and

(ii) Must establish a sliding fee schedule for all patients whose income is between 101 and 200 percent of the federal poverty level, adjusted for family size, for granting discounts from the full amount of the patient responsibility portion of their hospital charges.

(d) "

Representative Schmick spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (786) was not adopted.

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

Representative Simmons spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1616.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1616, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

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

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

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1616, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1616.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 1747, by Representatives Ortiz-Self, Taylor, Davis, Peterson, Ryu, Orwall, Dolan, Simmons, Ramos, Wicks, Valdez, Fitzgibbon, Morgan, Stonier, Goodman, Ormsby, Macri, Harris-Talley and Frame

Supporting relative placements in child welfare proceedings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1747 was substituted for House Bill No. 1747 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1747 was read the second time.

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

Representatives Ortiz-Self, Dent and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1747.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1747, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1747, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1789, by Representatives Ramos, Goehner, Callan, Johnson, J., Senn, Ryu, Chambers, Springer, Eslick, Fey, Goodman, Robertson, Jacobsen, Peterson, Ramel, Rule, Santos, Shewmake, Wylie, Simmons, Slatter, Tharinger, Valdez, Pollet, Graham, Young and Kloba

Establishing a property tax exemption for adult family homes serving people with intellectual or developmental disabilities and owned by a nonprofit. Revised for 1st Substitute: Establishing a property tax exemption for adult family homes that serve people with

intellectual or developmental disabilities and are owned by a nonprofit.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1789 was substituted for House Bill No. 1789 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1789 was read the second time.

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

Representatives Ramos and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1789.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1789, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2019, by Representatives Boehnke, Graham, Johnson, J., Leavitt and Sutherland

Increasing educational and training opportunities for careers in retail.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2019 was substituted for House Bill No. 2019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2019 was read the second time.

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

Representatives Boehnke and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2019.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2019, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 2019, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

HOUSE BILL NO. 1957, by Representatives Rule, Walen, Chapman, Santos, Simmons, Ramel, Johnson, J., Riccelli, Frame, Ormsby and Harris-Talley

Establishing a small business disaster recovery financial assistance program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1957 was substituted for House Bill No. 1957 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1957 was read the second time.

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

Representatives Rule, Stokesbary and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1957.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1957, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1957, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1765, by Representatives Chopp, Cody, Macri, Ryu, Simmons, Wylie, Tharinger, Valdez, Pollet, Fitzgibbon, Chapman, Ortiz-Self, Stonier, Goodman, Riccelli, Davis, Taylor and Kloba

Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption.

The bill was read the second time.

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

Representatives Chopp and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1765.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1765, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1780, by Representatives Slatter and Chambers

Concerning workforce education investment accountability and oversight board staffing changes.

The bill was read the second time.

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

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1780.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1780, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby,

Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1780, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1834, by Representatives Callan, Rude, Johnson, J., Davis, Macri, Ramos, Rule, Santos, Senn, Paul, Simmons, Bergquist, Thai, Stonier, Riccelli, Frame and Harris-Talley

Concerning student excused absences for mental health reasons.

The bill was read the second time.

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

Representatives Callan, Rude and J. Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1834.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1834, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1834, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1642, by Representatives Leavitt, Hoff, Orwall, Klippert, Ryu, Paul, Berry, Dolan, Graham, Valdez, Chambers, Bronoske, Callan, Dufault, Jacobsen, Ramos, Rule, Simmons, Sullivan, Slatter, Bergquist, Ormsby and Young

Concerning the Washington national guard postsecondary education grant program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1642 was substituted for House Bill No. 1642 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1642 was read the second time.

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

Representatives Leavitt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1642.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1642, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1642, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1617, by Representatives Morgan, Leavitt, Johnson, J., Ramel, Callan, Davis, Taylor, Santos, Simmons, Riccelli, Ormsby and Harris-Talley

Aligning state and school holidays.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1617 was substituted for House Bill No. 1617 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1617 was read the second time.

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

Representatives Morgan and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1617.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1617, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Hoff, Klippert, Kraft, McCaslin, Walsh and Ybarra.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1617, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1804, by Representatives Paul, Griffey, Leavitt, Bronoske, Gilday, Bergquist, Graham and Young**Concerning interruptive military service credit for members of the state retirement systems.**

The bill was read the second time.

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

Representatives Paul and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1804.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1804, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

HOUSE BILL NO. 1804, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1982, by Representatives Volz, Caldier, Wylie and Graham**Clarifying the applicability of penalty and interest on personal property taxes.**

The bill was read the second time.

Representative Wylie moved the adoption of amendment (827):

On page 3, beginning on line 10, after "the rate" strike all material through "first delinquent" on line 11 and insert "as described below"

On page 3, line 21, after "59.20.030" insert "for taxes levied in 2023 or after"

Representatives Wylie and Volz spoke in favor of the adoption of the amendment.

Amendment (827) was adopted.

The bill was ordered engrossed.

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

Representatives Volz and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1982.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1982, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase and Kraft.

Excused: Representatives Kretz and Sutherland.

ENGROSSED HOUSE BILL NO. 1982, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1752, by Representatives Stokesbary, Bergquist, Bateman, Callan, Jacobsen, Ramos, Sullivan and Leavitt

Adding a Roth option to deferred compensation plans.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (828):

On page 2, line 23, after "later than" strike "January 1, 2024" and insert "December 1, 2023"

Representatives Stokesbary and Macri spoke in favor of the adoption of the amendment.

Amendment (828) was adopted.

Representative Stokesbary moved the adoption of amendment (826):

On page 3, line 30, after "June 30," strike "2023" and insert "2022"

Representatives Stokesbary and Macri spoke in favor of the adoption of the amendment.

Amendment (826) was adopted.

The bill was ordered engrossed.

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

Representatives Stokesbary and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1752.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1752, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

ENGROSSED HOUSE BILL NO. 1752, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1649, by Representatives Shewmake and Taylor

Concerning the advisory committee on hunters and fishers with disabilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1649 was substituted for House Bill No. 1649 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1649 was read the second time.

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

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1649.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1649, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and Sutherland.

SUBSTITUTE HOUSE BILL NO. 1649, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 3, 2022, the 25th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 3, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4643, by Representatives Chambers, Robertson, Leavitt, Taylor, J. Johnson, Bronoske, Jacobsen, and Barkis

WHEREAS, For eighty-nine years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today and this year celebrates its eighty-ninth anniversary; and

WHEREAS, Each year, twenty-three young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Darya Booker, Puyallup High School; Willow Warren, Lakes High School; Kaitlyn Bolland, Bonney Lake High School; Maeson Sterrenburg, Sumner High School; Amber Burgess, Orting High School; Clara Blakeslee, Curtis High School; Julia Schmidt, White River High School; Aiysha Ali, Foss High School; Samantha Calland, Fife High School; Caitlyn Ye, Stadium High School; Andrea Galvin, Silas High School; Julia Odhiambo, Rogers High School; Arin Havenstrite, Emerald Ridge High School; Victoria Plom, Franklin Pierce High School; Zana Stewart, Bethel High School; Alexis Powell, Eatonville High School; Isha Hussein, Lincoln High School; Lilly Nonamaker, Clover Park High School; Kaely Harding, Graham Kapowsin High School; Sydney Brickey, Spanaway Lake High School; Nakiya-Rene Jastillana, Washington High School; Thien-Ha Ngo, Mount Tahoma High School; and Faith Hudson, Chief Leschi High School. In recognition of the three princesses

on the 2021 Daffodil Royal Court who were inadvertently overlooked, we would like to acknowledge: Livy Sanders, Bethel High School; Mackenzie Sunde, Spanaway Lake High School; and Hailee Englehart, Emerald Ridge High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past eighty-nine years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2022 Daffodil Festival officers and to the twenty-three members of the 2022 Daffodil Festival royalty.

There being no objection, HOUSE RESOLUTION NO. 4643 was adopted.

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

MESSAGE FROM THE SENATE

February 2, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5036,
SUBSTITUTE SENATE BILL NO. 5181,
SENATE BILL NO. 5498,
SENATE BILL NO. 5518,
SENATE BILL NO. 5560,
SENATE BILL NO. 5565,
SENATE BILL NO. 5615,
SENATE BILL NO. 5676,
SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5749,
SUBSTITUTE SENATE BILL NO. 5753,
SUBSTITUTE SENATE BILL NO. 5756,
SENATE BILL NO. 5763,
SUBSTITUTE SENATE BILL NO. 5810,
SENATE JOINT MEMORIAL NO. 8004,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

Reported by Committee on Health Care & Wellness

INTRODUCTION & FIRST READING

HB 2115 by Representatives Kraft, Chase, Sutherland and McCaslin

AN ACT Relating to improving election integrity, security, and accountability for Washington voters; amending RCW 29A.60.185, 29A.60.170, 29A.40.100, 29A.72.230, 29A.60.110, 42.56.420, 29A.60.160, 29A.60.190, 29A.60.240, 29A.60.250, 29A.60.260, 29A.08.125, 29A.08.105, 29A.08.620, 29A.08.510, 29A.08.540, 29A.12.020, 29A.12.030, 29A.12.040, 29A.12.070, 29A.12.080, 29A.12.101, 29A.12.130, 29A.12.140, 29A.12.150, 29A.12.160, 29A.12.180, 29A.12.190, 29A.12.200, 29A.36.111, 29A.60.235, 29A.08.775, and 43.09.050; reenacting and amending RCW 29A.40.110; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.12 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.84 RCW; repealing 2021 c 26 ss 2 and 3 (uncodified); prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 2116 by Representatives Thai and Pollet

AN ACT Relating to the commercial use of nonbiodegradable packaging; and adding a new chapter to Title 70A RCW.

Referred to Committee on Environment & Energy.

HJR 4212 by Representatives Volz, Walsh, Boehnke and Chase

Proposing an amendment to the Constitution to provide for an automatic referendum on tax acts.

Referred to Committee on State Government & Tribal Relations.

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

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

REPORTS OF STANDING COMMITTEES

February 2, 2022

HB 1043 Prime Sponsor, Representative Leavitt: Concerning the audiology and speech-language pathology interstate compact.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

ESHB 1241 Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Local Government be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1286 Prime Sponsor, Representative Chambers: Adopting the psychology interjurisdictional compact. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1412 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler and Hoff.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1643 Prime Sponsor, Representative Hackney: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2022

HB 1652 Prime Sponsor, Representative Dolan: Concerning conservation district elections. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member and Dolan.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1723 Prime Sponsor, Representative Gregerson: Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye and Jacobsen.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Harris; Hoff; Rude; Schmick; Springer and Steele.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1728 Prime Sponsor, Representative Maycumber: Reauthorizing and amending dates for the total cost of insulin work group. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1758 Prime Sponsor, Representative Leavitt: Increasing the penalty for hazing. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Assistant Ranking Minority Member and Young.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1769 Prime Sponsor, Representative Duerr: Concerning community municipal corporations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg; Robertson and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1782 Prime Sponsor, Representative Bateman: Creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Appropriations.

February 1, 2022

HB 1791 Prime Sponsor, Representative Harris: Concerning reprimands for professional educators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice

Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and McEntire.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1799 Prime Sponsor, Representative Fitzgibbon: Concerning organic materials management. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

MINORITY recommendation: Do not pass. Signed by Representative Dye, Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2022

HB 1801 Prime Sponsor, Representative Gregerson: Concerning the repair of digital electronic equipment. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Appropriations.

February 1, 2022

HB 1806 Prime Sponsor, Representative Riccelli: Extending collective bargaining rights to employees of the legislative branch of state government. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

February 1, 2022

HB 1810 Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Tharinger.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1814 Prime Sponsor, Representative Shewmake: Expanding equitable access to the benefits of renewable energy through community solar projects. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Klicker, Assistant Ranking Minority

Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Dye, Ranking Minority Member.

Referred to Committee on Finance.

February 2, 2022

HB 1831 Prime Sponsor, Representative Bronoske: Concerning installation, maintenance, and related certification requirements for electric vehicle support equipment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1904 Prime Sponsor, Representative Peterson: Protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy, and limiting late fees. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp and Donaghy.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Ranking Minority Member and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Ranking Minority Member Barkis, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1916 Prime Sponsor, Representative Orwall: Supporting crime victims and witnesses by promoting victim-centered, trauma-

informed responses in the legal system.
Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Appropriations.

January 31, 2022

HB 1919 Prime Sponsor, Representative Valdez: Concerning recommendations by the public disclosure commission. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1924 Prime Sponsor, Representative Tharinger: Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1931 Prime Sponsor, Representative Fey: Sustaining hydropower license fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.;

Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1951 Prime Sponsor, Representative Morgan: Concerning seller disclosure statements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1954 Prime Sponsor, Representative Kirby: Addressing credit and debit card transaction fees. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1955 Prime Sponsor, Representative Rule: Creating uniformity in education requirements for students who are the subject of a dependency proceeding. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice

Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1959 Prime Sponsor, Representative Schmick: Concerning managed health care system rate review. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1967 Prime Sponsor, Representative Steele: Concerning property tax exemptions for nonprofits. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Appropriations.

February 1, 2022

HB 1971 Prime Sponsor, Representative Robertson: Concerning installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1972 Prime Sponsor, Representative Harris: Imposing criminal penalties for negligent

driving involving the death of a vulnerable user victim. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1974 Prime Sponsor, Representative Ybarra: Moving state board of education and educational service district elections to the Washington state school directors' association. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1981 Prime Sponsor, Representative Pollet: Concerning local government planning. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

January 31, 2022

HB 1989 Prime Sponsor, Representative Orwall: Concerning commercially sexually exploited children and adults. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert; Ortiz-Self; Wicks and Young.

MINORITY recommendation: Do not pass. Signed by Representative Harris-Talley, Vice Chair.

Referred to Committee on Appropriations.

February 1, 2022

HB 1991 Prime Sponsor, Representative Taylor: Concerning body worn cameras. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno and Ybarra.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2024 Prime Sponsor, Representative Fey: Concerning a sales and use tax deferral for projects to improve the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Finance.

February 1, 2022

HB 2051 Prime Sponsor, Representative Rule: Providing short-term disaster recovery financial assistance to agricultural producers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair;

Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2057 Prime Sponsor, Representative Valdez: Strengthening diversity, equity, and inclusion in the state patrol workforce. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2078 Prime Sponsor, Representative Rule: Establishing the outdoor school for all program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

Referred to Committee on Appropriations.

February 2, 2022

SB 5519 Prime Sponsor, Senator Dozier: Replacing an inactive certificate status with an inactive license designation. Reported by

Committee on Consumer Protection &
Business

February 1, 2022

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

COMMITTEE APPOINTMENT(S)

The Speaker (Representative Bronoske presiding) announced the following committee appointment(s):

"The Speaker is pleased to announce the following changes to membership of the Housing, Human Services & Veterans committee:

Representative Jacobsen is appointed to the committee, replacing Representative Caldier;

Representative Gilday is appointed as Ranking Member, and

Representative Barkis is appointed as Assistant Ranking Member."

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

**SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES**

February 1, 2022

HB 1595 Prime Sponsor, Representative Abbarno: Installing signs on or near bridges to provide information to deter jumping. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

HB 1624 Prime Sponsor, Representative Mosbrucker: Modifying the motorcycle safety education advisory board. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1655 Prime Sponsor, Representative Griffey: Encouraging the opening of safety rest areas to the public. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1709 Prime Sponsor, Representative Orcutt: Addressing safety measures for tow truck operators and vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member and Goehner.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 1717 Prime Sponsor, Representative Pollet: Concerning tribal participation in planning under the growth management act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude and Schmick.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1763 Prime Sponsor, Representative Bronoske: Concerning injured workers' rights during independent medical examinations. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1813 Prime Sponsor, Representative Schmick: Concerning freedom of pharmacy choice. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1850 Prime Sponsor, Representative Slatter: Protecting and enforcing the foundational data privacy rights of Washingtonians. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Kirby; Orwall; Peterson; Thai and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Goodman.

Referred to Committee on Appropriations.

February 2, 2022

HB 1866 Prime Sponsor, Representative Chopp: Assisting persons receiving community support services through medical assistance programs to receive supportive housing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 1, 2022

HB 1934 Prime Sponsor, Representative Fey: Allowing tribal governments to participate in exchange agreements without certain restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Entenman; Griffey; Hackney; Klicker; McCaslin; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent and Goehner.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 1992 Prime Sponsor, Representative Bateman: Concerning vacation leave accrual for public employees. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Appropriations.

February 2, 2022

HB 2001 Prime Sponsor, Representative McCaslin: Expanding the ability to build tiny houses. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 2020 Prime Sponsor, Representative Walen: Concerning the creation of affordable and sustainable housing in the state. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Appropriations.

February 2, 2022

HB 2044 Prime Sponsor, Representative Boehnke: Concerning the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Appropriations.

February 2, 2022

HB 2068 Prime Sponsor, Representative Stonier: Creating the imagination library of Washington program. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member Chase, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2022

HB 2082 Prime Sponsor, Representative Klippert: Assessing child care access. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Callan; Goodman; Klippert; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick and Young.

Referred to Committee on Rules for second reading.

February 2, 2022

SB 5201 Prime Sponsor, Senator Van De Wege: Concerning department of natural resources' timber and land sales. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

2ND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 3, 2022

HB 1226 Prime Sponsor, Representative Stonier: Concerning school district elections. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Capital Budget.

February 3, 2022

2SHB 1359 Prime Sponsor, Committee on Appropriations: Reducing liquor license fees temporarily. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member;

Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Morgan.

Referred to Committee on Appropriations.

February 3, 2022

HB 1666 Prime Sponsor, Representative Wylie: Clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1677 Prime Sponsor, Representative Abbarno: Concerning employer tax incentives for the support of veterans and military families. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1788 Prime Sponsor, Representative Robertson: Concerning vehicular pursuits. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham; Griffey; Hackney; Orwall; Ramos and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Johnson, J., Vice Chair; Davis; Simmons and Thai.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1812 Prime Sponsor, Representative Fitzgibbon:
Modernizing the energy facility site
evaluation council to meet the state's clean
energy goals. Reported by Committee on
Environment & Energy

February 3, 2022

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Fitzgibbon, Chair; Duerr,
Vice Chair; Berry; Fey; Harris-Talley; Ramel;
Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by
Representatives Dye, Ranking Minority Member;
Klicker, Assistant Ranking Minority Member; Abbarno;
Boehnke and Goehner.

Referred to Committee on Appropriations.

February 3, 2022

HB 1841 Prime Sponsor, Representative Walen:
Incentivizing rental of accessory dwelling
units to low-income households. Reported
by Committee on Finance

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Frame, Chair; Berg, Vice
Chair; Walen, Vice Chair; Chopp; Harris-Talley;
Morgan; Orwall; Ramel; Springer; Thai; Wylie and
Young.

MINORITY recommendation: Do not pass. Signed by
Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without
recommendation. Signed by Representatives Chase;
Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1896 Prime Sponsor, Representative Harris-
Talley: Providing for responsible
environmental management of batteries.
Reported by Committee on Environment &
Energy

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Fitzgibbon, Chair; Duerr,
Vice Chair; Berry; Fey; Harris-Talley; Ramel;
Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by
Representatives Dye, Ranking Minority Member;
Klicker, Assistant Ranking Minority Member; Abbarno;
Boehnke and Goehner.

Referred to Committee on Appropriations.

HB 1908 Prime Sponsor, Representative Steele:
Addressing surplus public property for
affordable housing. Reported by
Committee on Housing, Human Services &
Veterans

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Peterson, Chair; Taylor, Vice
Chair; Gilday, Ranking Minority Member; Barkis,
Assistant Ranking Minority Member; Bateman;
Donaghy; Jacobsen and Leavitt.

MINORITY recommendation: Do not pass. Signed by
Representative Chopp.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1964 Prime Sponsor, Representative Corry:
Concerning the decommissioning of
alternative energy facilities. Reported by
Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by
Representatives Fitzgibbon, Chair; Duerr, Vice Chair;
Dye, Ranking Minority Member; Klicker, Assistant
Ranking Minority Member; Abbarno; Boehnke; Fey;
Goehner; Shewmake and Slatter.

MINORITY recommendation: Without
recommendation. Signed by Representatives Berry;
Harris-Talley and Ramel.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2022 Prime Sponsor, Representative Wicks:
Concerning social equity in the cannabis
industry. Reported by Committee on
Commerce & Gaming

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Kloba, Chair; Wicks, Vice
Chair; Kirby; Morgan and Wylie.

MINORITY recommendation: Do not pass. Signed by
Representatives MacEwen, Ranking Minority Member;
Robertson, Assistant Ranking Minority Member;
Chambers and Vick.

Referred to Committee on Appropriations.

February 3, 2022

HB 2025 Prime Sponsor, Representative Chambers: Amending types of nonprofit organizations qualified to engage in certain bingo gambling activities and changes to the number of occurrences for unlicensed bingo activities. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Morgan.

Referred to Committee on Rules for second reading.

February 1, 2022

HB 2033 Prime Sponsor, Representative Donaghy: Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Entenman; Griffey; Hackney; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Dent; Goehner and Klicker.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 2034 Prime Sponsor, Representative Frame: Concerning juvenile records. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Chase, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent,

Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Klippert and Young.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2037 Prime Sponsor, Representative Goodman: Modifying the standard for use of force by peace officers. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Griffey; Hackney; Orwall; Ramos; Thai and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Graham and Simmons.

Referred to Committee on Rules for second reading.

February 2, 2022

HB 2038 Prime Sponsor, Representative Caldier: Supporting children involved with child welfare services. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan; Eslick; Goodman; Klippert and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Ortiz-Self and Young.

Referred to Committee on Appropriations.

February 3, 2022

HB 2048 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representative Gilday, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Appropriations.

February 3, 2022

HB 2064 Prime Sponsor, Representative Peterson: Concerning security deposits and damages arising out of residential tenancies. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Bateman; Chopp and Donaghy.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Assistant Ranking Minority Member; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2066 Prime Sponsor, Representative Barkis: Concerning exemptions for infill development under the state environmental policy act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member and Goehner.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno and Boehnke.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2075 Prime Sponsor, Representative Peterson: Establishing service requirements for the department of social and health services. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Taylor, Vice

Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 2, 2022

HB 2076 Prime Sponsor, Representative Berry: Concerning rights and obligations of transportation network company drivers and transportation network companies. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Transportation.

February 3, 2022

HB 2080 Prime Sponsor, Representative Vick: Creating a liquor license endorsement. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Morgan; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Kirby.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 2105 Prime Sponsor, Representative Gilday: Concerning service of notice on landlords and tenants. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Donaghy and Leavitt.

MINORITY recommendation: Without
recommendation. Signed by Representative Jacobsen.

MINORITY recommendation: Do not pass. Signed by
Representatives Taylor, Vice Chair and Chopp.

Referred to Committee on Rules for second reading.

February 3, 2022

HJR 4200 Prime Sponsor, Representative Stonier:
Amending the Constitution to allow a
simple majority of voters voting to
authorize school district bonds. Reported
by Committee on Education

MAJORITY recommendation: Do pass. Signed by
Representatives Santos, Chair; Dolan, Vice Chair; Berg;
Bergquist; Callan; Ortiz-Self; Steele and Stonier.

MINORITY recommendation: Without
recommendation. Signed by Representatives Walsh,
Assistant Ranking Minority Member and Rude.

MINORITY recommendation: Do not pass. Signed by
Representatives Ybarra, Ranking Minority Member;
McCaslin and McEntire.

Referred to Committee on Capital Budget.

There being no objection, the bills and resolution listed
on the day's supplemental committee reports and second
supplemental committee reports under the fifth order of
business were referred to the committees so designated.

There being no objection, the House adjourned until
9:55 a.m., February 4, 2022, the 26th Legislative Day of the
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 4, 2022

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

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

There being no objection, the House adjourned until 9:55 a.m., February 7, 2022, the 29th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 7, 2022

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

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

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

INTRODUCTION & FIRST READING

E2SSB 5036 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Carlyle, Darneille, Das, Hasegawa, Mullet, Nguyen, Pedersen, Stanford, Wellman and Wilson, C.)

AN ACT Relating to the release of incarcerated individuals from total confinement prior to the expiration of a sentence; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting and amending RCW 9.94A.885; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

SSB 5181 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Honeyford and King)

AN ACT Relating to providing school districts serving low-income communities with flexibility in financing their facilities; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 39.36 RCW; and creating new sections.

Referred to Committee on Education.

SB 5498 by Senators Wilson, C., Billig, Das, Lovelett, Lovick, Nobles, Wagoner and Wellman

AN ACT Relating to posthumous high school diplomas; amending RCW 28A.230.120; and creating a new section.

Referred to Committee on Education.

SB 5518 by Senators Muzzall, Keiser, Cleveland, Conway, Gildon, Hunt and Randall

AN ACT Relating to the occupational therapy licensure compact; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health Care & Wellness.

SB 5560 by Senators Pedersen, Wilson, J., Billig, Hunt, Kuderer, Mullet and Randall

AN ACT Relating to procedures for approval and submission of the redistricting plan; amending RCW 44.05.020, 44.05.080, and 44.05.100; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5565 by Senators Sheldon, Rolfes, Lovick and Mullet

AN ACT Relating to allowing fire districts and regional fire authorities to carry out certain treasurer functions; and amending RCW 52.16.010, 52.16.020, 52.16.050, and 52.26.090.

Referred to Committee on Local Government.

SB 5615 by Senators Lovick, Hunt, Hasegawa, Honeyford, Lovelett, Nobles, Pedersen, Randall, Rolfes and Wellman

AN ACT Relating to designating pickleball as the official state sport; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SB 5676 by Senators Conway, Billig, Gildon, Holy, Hunt, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Pedersen, Randall, Rivers, Robinson, Saldaña, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; and providing an effective date.

Referred to Committee on Appropriations.

SB 5694 by Senators Stanford, Robinson and Wilson, C.

AN ACT Relating to recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court; amending RCW 72.09.015, 72.09.050, 72.68.080, 72.68.090, and 72.68.100; and creating a new section.

Referred to Committee on Public Safety.

SSB 5749 by Senate Committee on Housing & Local Government (originally sponsored by Trudeau, Salomon, Hasegawa, Nobles and Wilson, C.)

AN ACT Relating to rent payments made by residential and manufactured housing community tenants; amending RCW 59.18.063, 59.20.134, and 59.20.060; and reenacting and amending RCW 59.18.230.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5753 by Senate Committee on Health & Long Term Care (originally sponsored by Robinson and Lovick)

AN ACT Relating to enhancing the capacity of health profession boards, commissions, and advisory committees; amending RCW 18.32.0351, 18.32.0355, 18.52.040, 18.52.050, 18.74.020, 18.74.027, 18.92.021, 18.92.040, 18.108.020, 18.83.035, 18.83.045, 18.83.051, 18.64.001, 18.64.003, 18.64.005, 18.64.310, 18.59.120, 18.30.050, 18.30.060, 18.36A.150, 18.54.030, 18.54.060, 18.54.130, 18.35.150, 18.57.003, 18.57.003, 18.22.014, 18.200.060, 18.25.0165, 18.79.070, and 18.71.015; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.59 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5756 by Senate Committee on State Government & Elections (originally sponsored by Hunt, Muzzall and Conway)

AN ACT Relating to establishing the semiquincentennial committee; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SB 5763 by Senators Randall, Sheldon, Lovelett, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.

AN ACT Relating to eliminating subprevailing wage certificates for individuals with disabilities; and repealing RCW 39.12.022.

Referred to Committee on Labor & Workplace Standards.

SSB 5810 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Mullet and Dozier)

AN ACT Relating to exempting certain prepaid services from insurance regulation; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Consumer Protection & Business.

SJM 8004 by Senators Hasegawa and Saldaña

Addressing "de-risking" by financial institutions.

Referred to Committee on Consumer Protection & Business.

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

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

REPORTS OF STANDING COMMITTEES

February 3, 2022

HB 1100 Prime Sponsor, Representative Duerr: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Harris; Ryu and Springer.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1175 Prime Sponsor, Representative Johnson, J.: Providing a property tax exemption for real

property used as a host home associated with a host home program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1657 Prime Sponsor, Representative Griffey: Reducing the emissions and safety risks of inadequate commercial truck parking supply through tax incentives. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1673 Prime Sponsor, Representative Ryu: Concerning broadband infrastructure loans and grants made by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Eslick; Gilday; Kloba; Leavitt; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1746 Prime Sponsor, Representative Ortiz-Self: Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1756 Prime Sponsor, Representative Peterson: Concerning solitary confinement. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1921 Prime Sponsor, Representative Ramel: Concerning the valuation of property related to renewable energy for the

purposes of property tax and providing for a payment in lieu of taxes for renewable energy facilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1958 Prime Sponsor, Representative Berg: Accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Leavitt; MacEwen; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1965 Prime Sponsor, Representative Chapman: Providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2096 Prime Sponsor, Representative Thai: Concerning the working families' tax exemption, also known as the working families tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2097 Prime Sponsor, Representative Donaghy: Changing the definition of first-time home buyer. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2098 Prime Sponsor, Representative Shewmake: Modifying the interest rate for the low-income home rehabilitation revolving loan program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2068, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 2076, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1852, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1701
- HOUSE BILL NO. 1703
- HOUSE BILL NO. 1717
- HOUSE BILL NO. 1793
- HOUSE BILL NO. 1795
- HOUSE BILL NO. 1876
- HOUSE BILL NO. 1920
- HOUSE BILL NO. 1934
- HOUSE BILL NO. 2033
- HOUSE BILL NO. 2034
- HOUSE BILL NO. 2051
- HOUSE BILL NO. 2057
- HOUSE BILL NO. 1043
- HOUSE BILL NO. 1153
- HOUSE BILL NO. 1286
- HOUSE BILL NO. 1156
- HOUSE BILL NO. 1412
- HOUSE BILL NO. 1497
- HOUSE BILL NO. 1593
- HOUSE BILL NO. 1611
- HOUSE BILL NO. 1620
- HOUSE BILL NO. 1624
- HOUSE BILL NO. 1644
- HOUSE BILL NO. 1655
- HOUSE BILL NO. 1709
- HOUSE BILL NO. 1728
- HOUSE BILL NO. 1759
- HOUSE BILL NO. 1779
- HOUSE BILL NO. 1810
- HOUSE BILL NO. 1813
- HOUSE BILL NO. 1832
- HOUSE BILL NO. 1845
- HOUSE BILL NO. 1867
- HOUSE BILL NO. 1877
- HOUSE BILL NO. 1881
- HOUSE BILL NO. 1888
- HOUSE BILL NO. 1893
- HOUSE BILL NO. 1901
- HOUSE BILL NO. 1902
- HOUSE BILL NO. 1907
- HOUSE BILL NO. 1927
- HOUSE BILL NO. 1930
- HOUSE BILL NO. 1931

- HOUSE BILL NO. 1941
- HOUSE BILL NO. 1942
- HOUSE BILL NO. 1950
- HOUSE BILL NO. 1953
- HOUSE BILL NO. 1955
- HOUSE BILL NO. 1956
- HOUSE BILL NO. 1959
- HOUSE BILL NO. 1964
- HOUSE BILL NO. 1971
- HOUSE BILL NO. 1974
- HOUSE BILL NO. 1975
- HOUSE BILL NO. 1993
- HOUSE BILL NO. 2001
- HOUSE BILL NO. 2007
- HOUSE BILL NO. 2010
- HOUSE BILL NO. 2025
- HOUSE BILL NO. 2046
- HOUSE BILL NO. 2059
- HOUSE BILL NO. 2080
- HOUSE BILL NO. 2082

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the third reading calendar:

SECOND SUBSTITUTE HOUSE BILL NO. 1173

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 4, 2022

HB 1571 Prime Sponsor, Representative Mosbrucker: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1643 Prime Sponsor, Representative Hackney: Exempting a sale or transfer of real property for affordable housing to a

nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Finance be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1659

Prime Sponsor, Representative Slatter: Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Rude.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1663

Prime Sponsor, Representative Duerr: Reducing methane emissions from landfills. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill

do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1664

Prime Sponsor, Representative Rule: Concerning prototypical school formulas for physical, social, and emotional support in schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Jacobsen.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Dye; Harris and Schmick.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1691

Prime Sponsor, Representative Gregerson: Concerning financial responsibility requirements related to oil spills. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives

Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Chandler; Harris; Hoff and Jacobsen.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1694 Prime Sponsor, Representative Berry: Concerning logistical processes for the regulation of priority chemicals in consumer products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Calder; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1724 Prime Sponsor, Representative Macri: Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing, Human Services & Veterans be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers,

Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Calder; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1736 Prime Sponsor, Representative Sullivan: Establishing a state student loan program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Boehnke and Calder.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler; Dye; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1748 Prime Sponsor, Representative Entenman: Concerning aged, blind, or disabled program eligibility for victims of human trafficking. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1751 Prime Sponsor, Representative Leavitt: Concerning hazing prevention and reduction at institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1753 Prime Sponsor, Representative Lekanoff: Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1764 Prime Sponsor, Representative Sells: Concerning collective bargaining for resident and fellow physicians employed by certain institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chopp; Cody; Dolan;

Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke and Caldier.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1805 Prime Sponsor, Representative Paul: Concerning the opportunity scholarship program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1811 Prime Sponsor, Representative Sells: Concerning fire benefit charges imposed by cities and towns. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1856 Prime Sponsor, Representative Chambers:
Adding counties to the voluntary
stewardship program. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by
Representatives Ormsby, Chair; Bergquist, Vice Chair;
Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,
Ranking Minority Member; Chambers, Assistant
Ranking Minority Member; Corry, Assistant Ranking
Minority Member; MacEwen, Assistant Ranking
Minority Member; Boehnke; Caldier; Chandler; Chopp;
Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff;
Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu;
Schmick; Senn; Springer; Steele; Stonier; Sullivan and
Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1878 Prime Sponsor, Representative Riccelli:
Increasing public school participation in
the community eligibility provision of the
United States department of agriculture.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Ormsby, Chair; Bergquist,
Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair;
Stokesbary, Ranking Minority Member; Chambers,
Assistant Ranking Minority Member; Corry, Assistant
Ranking Minority Member; MacEwen, Assistant
Ranking Minority Member; Boehnke; Caldier;
Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon;
Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.;
Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer;
Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2058 Prime Sponsor, Representative Tharinger:
Concerning the preservation and protection
of facilities owned by the state parks and
recreation commission that are listed on the
Washington heritage register or the
national register of historic places.
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by
Representatives Frame, Chair; Berg, Vice Chair; Walen,
Vice Chair; Orcutt, Ranking Minority Member; Dufault,
Assistant Ranking Minority Member; Chase; Chopp;
Harris-Talley; Morgan; Orwall; Ramel; Springer;
Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2061 Prime Sponsor, Representative Ormsby:
Adding permanently affordable housing to
the definition of public improvements.
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by
Representatives Frame, Chair; Berg, Vice Chair; Walen,
Vice Chair; Dufault, Assistant Ranking Minority
Member; Chopp; Harris-Talley; Morgan; Orwall;
Ramel; Springer; Stokesbary and Thai.

MINORITY recommendation: Do not pass. Signed by
Representatives Orcutt, Ranking Minority Member;
Chase; Vick and Young.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2099 Prime Sponsor, Representative Berg:
Improving tax administration by waiving
penalties and imposing interest in certain
situations involving delayed tax payments,
and by extending a statute of limitations
period for certain egregious tax crimes.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Frame, Chair; Berg, Vice
Chair; Walen, Vice Chair; Chopp; Harris-Talley;
Morgan; Orwall; Ramel; Springer; Stokesbary and Thai.

MINORITY recommendation: Do not pass. Signed by
Representatives Dufault, Assistant Ranking Minority
Member and Young.

MINORITY recommendation: Without
recommendation. Signed by Representatives Orcutt,
Ranking Minority Member; Chase and Vick.

Referred to Committee on Rules for second reading.

**2ND SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES**

February 7, 2022

HB 1530 Prime Sponsor, Representative Chambers:
Creating Washington wine special license
plates. Reported by Committee on
Transportation

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Fey, Chair; Wylie, 1st Vice
Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice
Chair; Barkis, Ranking Minority Member; Eslick,
Assistant Ranking Minority Member; Robertson,
Assistant Ranking Minority Member; Volz, Assistant
Ranking Minority Member; Berry; Chapman; Dent;

Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

February 7, 2022

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1626 Prime Sponsor, Representative Chapman: Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Rural Development, Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1688 Prime Sponsor, Representative Cody: Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Harris; Jacobsen; Rude and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke and Dye.

Referred to Committee on Rules for second reading.

HB 1712 Prime Sponsor, Representative Dent: Concerning municipal airport commissions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1790 Prime Sponsor, Representative Ramos: Addressing the creation, display, and material durability of temporary license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1818 Prime Sponsor, Representative Simmons: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant

Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1835 Prime Sponsor, Representative Hansen: Creating outreach and completion initiatives to increase postsecondary enrollment. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1839 Prime Sponsor, Representative Eslick: Authorizing commercial motor vehicles to park in chain up and chain off areas that are not in use. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Ramos, 2nd Vice Chair.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1859 Prime Sponsor, Representative Kloba: Concerning quality standards for laboratories conducting cannabis analysis. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1889 Prime Sponsor, Representative Cody: Concerning network access. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Dye; Harris; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Hoff and Steele.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1890 Prime Sponsor, Representative Callan: Concerning the children and youth behavioral health work group. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1905 Prime Sponsor, Representative Senn: Reducing homelessness for youth and young adults discharging from a publicly funded system of care. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1980 Prime Sponsor, Representative Taylor: Removing the prohibition on providing employment services and community access services concurrently. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 2008 Prime Sponsor, Representative Taylor: Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Dye and Schmick.

Referred to Committee on Rules for second reading.

3RD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 7, 2022

HB 1181 Prime Sponsor, Representative Orwall: Establishing programs and measures to prevent suicide among veterans and military members. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

2SHB 1359 Prime Sponsor, Committee on Appropriations: Reducing liquor license fees temporarily. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill by Committee on Commerce & Gaming be substituted

therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1590 Prime Sponsor, Representative Dolan: Concerning enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Rude and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1592 Prime Sponsor, Representative Leavitt: Concerning military spouse employment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Caldier.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1605 Prime Sponsor, Representative Corry: Creating a program to provide for improved safety on roadways to prevent vehicle lane departures. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1621 Prime Sponsor, Representative Mosbrucker: Creating programs to encourage sexual assault nurse examiner training. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1668 Prime Sponsor, Representative Kloba: Expanding regulatory authority over cannabinoids that may be impairing and providing for enhanced product safety and consumer information disclosure about marijuana products. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives

Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1684 Prime Sponsor, Representative Harris: Concerning public health and fluoridation of drinking water. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude and Schmick.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1706 Prime Sponsor, Representative Sells: Concerning truck drivers ability to access restroom facilities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey;

Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1738 Prime Sponsor, Representative Peterson: Changing the total amount of outstanding indebtedness of the Washington state housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Bateman; Kloba; Leavitt; Peterson; Riccelli; Rule; Santos; Sells and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Assistant Ranking Minority Member; Gilday and Mosbrucker.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 1741 Prime Sponsor, Representative Cody: Addressing affordability through health care provider contracting. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Jacobsen and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Dye.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1755 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions during times of high unemployment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2022

HB 1760 Prime Sponsor, Representative Paul: Expanding access to dual credit programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1773 Prime Sponsor, Representative Taylor: Concerning assisted outpatient treatment for persons with behavioral health disorders. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Corry, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Macri, Vice Chair; Stokesbary, Ranking Minority Member;

Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Rude and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1782 Prime Sponsor, Representative Bateman: Creating additional middle housing near transit and in areas traditionally dedicated to single-family detached housing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Lekanoff; Pollet; Ryu; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Johnson, J.; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1784 Prime Sponsor, Representative Thai: Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1799 Prime Sponsor, Representative Fitzgibbon: Concerning organic materials

management. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1800 Prime Sponsor, Representative Eslick: Increasing access to behavioral health services for minors. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Children, Youth & Families be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1803 Prime Sponsor, Representative Callan: Updating school district director compensation through the revision and preservation of a uniform compensation structure and an examination of future needs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill

do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Chandler and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1806 Prime Sponsor, Representative Riccelli: Extending collective bargaining rights to employees of the legislative branch of state government. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1812 Prime Sponsor, Representative Fitzgibbon: Modernizing the energy facility site evaluation council to meet the state's clean energy goals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice

Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1815 Prime Sponsor, Representative Ryu: Deterring catalytic converter theft. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Orcutt and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Assistant Ranking Minority Member and Walsh.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1827 Prime Sponsor, Representative Morgan: Creating the community reinvestment account and community reinvestment program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant

Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Dye; Hoff and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1860 Prime Sponsor, Representative Davis: Preventing homelessness among persons discharging from inpatient behavioral health settings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke and Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Caldier; Harris and Rude.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1865 Prime Sponsor, Representative Davis: Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority

Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1866 Prime Sponsor, Representative Chopp: Assisting persons receiving community support services through medical assistance programs to receive supportive housing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1868 Prime Sponsor, Representative Riccelli: Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen,

Assistant Ranking Minority Member; Boehnke; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier; Chandler and Springer.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1896 Prime Sponsor, Representative Harris-Talley: Providing for responsible environmental management of batteries. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 3, 2022

HB 1928 Prime Sponsor, Representative Schmick: Concerning equine industry support. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Pollet.

MINORITY recommendation: Do not pass. Signed by Representative Ormsby, Chair.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1967 Prime Sponsor, Representative Steele: Concerning property tax exemptions for nonprofits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1984 Prime Sponsor, Representative Jacobsen: Protecting privacy of addresses related to vehicle registration certificates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 1992 Prime Sponsor, Representative Bateman: Concerning vacation leave accrual for public employees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Hoff and Jacobsen.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2022 Prime Sponsor, Representative Wicks: Concerning social equity in the cannabis industry. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Bergquist, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Senn and Steele.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2038 Prime Sponsor, Representative Caldier: Supporting children involved with child welfare services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children, Youth & Families. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2044 Prime Sponsor, Representative Boehnke: Concerning the protection of critical constituent and state operational data against the financial and personal harm

caused by ransomware and other malicious cyber activities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2048 Prime Sponsor, Representative Peterson: Concerning temporary assistance for needy families time limit extensions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Harris and Hoff.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 4, 2022

HB 2050 Prime Sponsor, Representative Harris-Talley: Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Caldier.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2055 Prime Sponsor, Representative Steele: Providing capital budget matching grants to independent higher education institutions. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Dye; Eslick; Gilday; Kraft; Leavitt; MacEwen; Mosbrucker; Riccelli; Rule; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Callan, Vice Chair; Hackney, Vice Chair and Bateman.

MINORITY recommendation: Do not pass. Signed by Representatives Kloba; Peterson; Santos and Sells.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2073 Prime Sponsor, Representative Steele: Establishing the state capitol committee as an advisory entity of state government. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2074 Prime Sponsor, Representative Wylie: Concerning fees collected from out-of-state residents who register off-road vehicles in Washington. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2075 Prime Sponsor, Representative Peterson: Establishing service requirements for the department of social and health services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Human Services & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2077 Prime Sponsor, Representative Griffey: Concerning the placement of human trafficking informational posters in rest areas. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 7, 2022

HB 2078 Prime Sponsor, Representative Rule: Establishing the outdoor school for all program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's 1st supplemental, 2nd supplemental and 3rd supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:00 a.m., February 8, 2022, the 30th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker
Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 8, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Lauren Davis, 32nd Legislative District.

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

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

SECOND READING

HOUSE BILL NO. 1699, by Representatives Bergquist, Volz, Ryu, Leavitt, Chase, Robertson, Graham, Springer, Sells, Valdez, Dolan, Paul, Callan, Gilday, Goodman, Taylor, Macri, Ramos, Santos, Pollet, Griffey, Riccelli, Frame and Kloba

Permitting individuals retired from the public employees retirement system, the teachers retirement system, and the school employees retirement system additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1699 was substituted for House Bill No. 1699 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1699 was read the second time.

With the consent of the House, amendment (822) was withdrawn.

Representative Santos moved the adoption of amendment (836):

On page 2, line 7, after "(3)" insert "(a)"

On page 2, after line 12, insert the following:

"(b) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year."

On page 3, line 8, after "(c)" insert "(i)"

On page 3, after line 17, insert the following:

"(ii) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year."

On page 4, line 12, after "(c)" insert "(i)"

On page 4, after line 21, insert the following:

"(ii) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year."

Representatives Santos and Volz spoke in favor of the adoption of the amendment.

Amendment (836) was adopted.

The bill was ordered engrossed.

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

Representatives Bergquist, Volz, Santos and Walsh spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives McCaslin and Kretz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1699.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1699, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1689, by Representatives Walen, Harris, Leavitt, Graham, Duerr, Davis, Slatter and Tharinger

Exempting biomarker testing from prior authorization for patients with late stage cancer.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1689 was substituted for House Bill No. 1689 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1689 was read the second time.

With the consent of the House, amendment (820) was withdrawn.

Representative Stokesbary moved the adoption of amendment (845):

On page 1, beginning on line 9, after "for" strike all material through "cancer" on line 11 and insert "all cancers"

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (845) was not adopted.

Representative Stokesbary moved the adoption of amendment (844):

On page 2, after line 16, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed care organization shall exempt an enrollee from prior authorization requirements for coverage of biomarker testing for either of the following:

- (a) Stage 3 or 4 cancer; or
- (b) Recurrent, relapsed, refractory, or metastatic cancer.

(2) For purposes of this section, "biomarker test" means a single or multigene diagnostic test of the cancer patient's biospecimen, such as tissue, blood, or other bodily fluids, for DNA, RNA, or protein alterations, including phenotypic characteristics of a malignancy, to identify an individual with a subtype of cancer, in order to guide patient treatment.

(3) For purposes of this section, biomarker testing must be:

(a) Recommended in the latest version of nationally recognized guidelines or biomarker compendia, such as those published by the national comprehensive cancer network;

(b) Approved by the United States food and drug administration or a validated

clinical laboratory test performed in a clinical laboratory certified under the clinical laboratory improvement amendments or in an alternative laboratory program approved by the centers for medicare and medicaid services;

(c) A covered service; and

(d) Prescribed by an in-network provider.

(4) This section does not limit, prohibit, or modify an enrollee's rights to biomarker testing as part of an approved clinical trial under chapter 69.77 RCW.

(5) Nothing in this section may be construed to mandate coverage of a health care service.

(6) Nothing in this section prohibits a managed care plan from requiring a biomarker test prior to approving a drug or treatment.

(7) This section does not limit an enrollee's rights to access individual gene tests."

Correct the title.

Representatives Stokesbary and Walen spoke in favor of the adoption of the amendment.

Amendment (844) was adopted.

The bill was ordered engrossed.

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

Representatives Walen and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1689.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1689, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1701, by Representatives Bergquist, MacEwen, Sells, Bateman, Graham, Fitzgibbon, Callan, Peterson, Sullivan, Pollet, Maycumber and Ormsby

Concerning law enforcement officers' and firefighters' retirement system benefits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1701 was substituted for House Bill No. 1701 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1701 was read the second time.

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

Representatives Bergquist and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff,

MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1701, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1821, by Representatives Schmick, Riccelli, Cody and Graham

Concerning the definition of established relationship for purposes of audio-only telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1821 was substituted for House Bill No. 1821 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1821 was read the second time.

Representative Schmick moved the adoption of amendment (825):

On page 4, line 31, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 5, line 4, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 8, line 36, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 9, line 9, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 12, line 25, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier

licensed under chapter 48.44 or 48.46 RCW"

On page 16, line 32, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

On page 17, line 5, after "group" strike "or clinic" and insert ", at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW"

Representatives Schmick and Riccelli spoke in favor of the adoption of the amendment.

Amendment (825) was adopted.

The bill was ordered engrossed.

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

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1821.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1973, by Representatives Rude, Dolan, Eslick, Sutherland and Gilday

Concerning the recording of school board meetings.

The bill was read the second time.

Representative Pollet moved the adoption of amendment (849):

On page 1, line 18, after "recording" insert ", or a range of dates,"

Representatives Pollet and Rude spoke in favor of the adoption of the amendment.

Amendment (849) was adopted.

Representative Thai moved the adoption of amendment (833):

On page 3, line 20, after "unintelligible." insert "Whenever possible, school districts are encouraged to make the content of school board of directors meetings, or a summary thereof, available in formats accessible to individuals who need communication assistance and in languages other than English."

Representatives Thai and Rude spoke in favor of the adoption of the amendment.

Amendment (833) was adopted.

The bill was ordered engrossed.

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

Representatives Rude and Dolan spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1973.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1973, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen,

Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

ENGROSSED HOUSE BILL NO. 1973, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1153, by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez

Increasing language access in public schools. Revised for 2nd Substitute: Addressing language access in public schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1153 was substituted for House Bill No. 1153 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1153 was read the second time.

With the consent of the House, amendment (835) was withdrawn.

Representative Orwall moved the adoption of amendment (843):

On page 3, line 16, after "(3)" strike "Reports" and insert "2020 and 2021 reports"

On page 4, beginning on line 26, after "using" strike all material through "interpreters," on line 27 and insert "interpreter services provided by dual role staff and contract interpreters,"

On page 5, line 12, after "in the" insert "2020 and 2021"

On page 5, line 18, after "(a)" strike "Develop" and insert "Adopt"

On page 5, line 37, after "and" strike "incorporates" and insert "periodically review the policy and procedures to incorporate updates made to"

On page 6, line 12, after "(2)" insert "Each school district must designate a

language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under subsection (1) of this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (3)(b) of this section, the language access coordinator may also be the language access liaison.

(3)"

On page 7, line 2, after "the" strike "interpreter" and insert "interpretation"

On page 8, line 6, after "in the" insert "2020 and 2021"

On page 10, line 4, after "in the" insert "2020 and 2021"

On page 10, line 9, after "and" strike "consequences" and insert "significance"

Representatives Orwall and Ybarra spoke in favor of the adoption of the amendment.

Amendment (843) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Ybarra, Ortiz-Self, Thai, Santos and Stonier spoke in favor of the passage of the bill.

Representatives McEntire and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1153.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells,

Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Jacobsen, Klicker, Klippert, Kraft, McEntire, Orcutt, Schmick, Sutherland, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1759, by Representatives Callan, Harris, Berry, Davis, Ramos, Santos, Senn, Sullivan, Valdez, Pollet, Peterson, Goodman, Macri and Dolan

Requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1759 was substituted for House Bill No. 1759 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1759 was read the second time.

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

Representative Callan spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1759.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells,

Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Jacobsen, Klicker, Klippert, Kraft, Maycumber, McEntire, Mosbrucker, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1927, by Representatives Riccelli, Sullivan, Santos, Simmons, Ramel, Ormsby and Fey

Creating leave provisions for legislative service.

The bill was read the second time.

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

Representatives Riccelli, Hoff, Ybarra and Sells spoke in favor of the passage of the bill.

Representatives Klippert and Dent spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1927.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1927, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Dye, Goehner, Griffey, Klippert, Kraft, MacEwen, McEntire, Steele, Sutherland, Vick, Walen, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1927, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

February 8, 2022

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4407,
and the same is herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

HOUSE CONCURRENT RESOLUTION NO. 4407

The Speaker called upon Representative Bronoske to preside.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4407 was immediately transmitted to the Senate.

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

SECOND READING

HOUSE BILL NO. 1920, by Representatives Wicks and Lekanoff

Concerning investigations of child abuse or neglect at residential facilities.

The bill was read the second time.

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

Representatives Wicks and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1920.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1920, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1920, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2046, by Representatives Stonier, Abbarno and Senn

Concerning ethics in public service rules governing certain legislative activity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2046 was substituted for House Bill No. 2046 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2046 was read the second time.

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

Representatives Stonier and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2046.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2046, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2046, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1888, by Representatives Thai, Berry, Ortiz-Self, Ryu, Peterson, Shewmake, Goodman, Ormsby, Johnson, J., Bronoske, Tharinger, Senn, Ramel, Taylor, Stokesbary, Frame, Riccelli, Lekanoff, Fey, Davis, Bateman, Macri, Harris-Talley and Young

Allowing the department of revenue to adjust the rates of remittance reductions in the working families' tax credit in order to align with federal maximum qualifying income levels.

The bill was read the second time.

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

Representatives Thai and Stokesbary spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1888.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1888, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Klippert, Kraft, McEntire, Orcutt and Walsh.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1888, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1867, by Representatives Paul, Berg, Santos, Shewmake, Slatter, Bergquist and Stonier

Concerning dual credit program data.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1867 was substituted for House Bill No. 1867 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1867 was read the second time.

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

Representatives Paul and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1867.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1867, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1867, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1955, by Representatives Rule, Ramel, Ormsby and Taylor

Creating uniformity in education requirements for students who are the subject of a dependency proceeding.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1955 was substituted for House Bill No. 1955 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1955 was read the second time.

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

Representatives Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1955.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1955, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1955, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1907, by Representatives Steele and Jacobsen

Concerning scholarship displacement in postsecondary institutions' gift equity packaging policies.

The bill was read the second time.

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

Representatives Steele and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1907.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1907, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1907, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

MESSAGE FROM THE SENATE

February 8, 2022

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 2057, by Representatives Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet

Strengthening diversity, equity, and inclusion in the state patrol workforce.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2057 was substituted for House Bill No. 2057 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2057 was read the second time.

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

Representatives Valdez, Robertson and Fey spoke in favor of the passage of the bill.

Representatives Kraft and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2057.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2057, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Corry, Dufault, Graham, Jacobsen, Klicker, Klippert, Kraft, McEntire, Orcutt, Rude, Sutherland and Walsh.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2057, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1785, by Representatives Fey, Barkis, Goodman, Robertson, Rule, Sullivan, Paul and Riccelli

Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants.

The bill was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1785.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1785, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1785, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1794, by Representatives Hoff, Sells, Berry, Sutherland, Wylie, Simmons, Pollet and Young

Requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1794 was substituted for House Bill No. 1794 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1794 was read the second time.

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

Representatives Hoff and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1794.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1794, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1794, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1593, by Representatives Leavitt, Riccelli, Ryu, Taylor, Shewmake, Chopp, Wylie, Fitzgibbon, Caldier, Wicks, Barkis, Simmons, Duerr, Ramel, Eslick, Graham, Valdez, Gregerson, Bateman, Bronoske, Davis, Fey, Gilday, Macri, Peterson, Rule, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Griffey, Dolan, Ormsby, Chambers, Young, Hackney and Frame

Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1593 was substituted for House Bill No. 1593 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1593 was read the second time.

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

Representatives Leavitt and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1593.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1593, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1593, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1901, by Representatives Goodman, Davis, Taylor and Kloba

Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1901 was substituted for House Bill No. 1901 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1901 was read the second time.

Representative Klippert moved the adoption of amendment (842):

On page 17, beginning on line 9, after "order" strike "and an order to surrender and prohibit weapons without notice"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (842) was not adopted.

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

Representatives Goodman and Davis spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1901.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1901, and the bill passed the House by the following vote: Yeas, 71; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Jacobsen, Klicker, Klippert, Kraft, Maycumber, McEntire, Orcutt, Schmick, Steele, Sutherland, Volz, Walsh, Ybarra and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1901, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1825, by Representatives Dye, Orwall and Graham

Concerning continuity of judicial operations in single judge courts.

The bill was read the second time.

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

Representatives Dye and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1825.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1825, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1825, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., February 9, 2022, the 31st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 9, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

HOUSE BILL NO. 2008
HOUSE BILL NO. 1800

The Speaker assumed the chair.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Brad Klippert, 8th Legislative District.

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

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

MESSAGES FROM THE SENATE

February 8, 2022

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

Mme. SPEAKER:

MOTION

The Senate has passed:

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1619
HOUSE BILL NO. 1768
HOUSE BILL NO. 1753
HOUSE BILL NO. 1691
HOUSE BILL NO. 1748
HOUSE BILL NO. 2098
HOUSE BILL NO. 2061
HOUSE BILL NO. 1958
HOUSE BILL NO. 1673
HOUSE BILL NO. 1980
HOUSE BILL NO. 1612
HOUSE BILL NO. 1613
HOUSE BILL NO. 1625
HOUSE BILL NO. 1684
HOUSE BILL NO. 1852
HOUSE BILL NO. 1805
HOUSE BILL NO. 1899
HOUSE BILL NO. 1590
HOUSE BILL NO. 1664
HOUSE BILL NO. 1890
HOUSE BILL NO. 1878
HOUSE BILL NO. 1626
HOUSE BILL NO. 1621
HOUSE BILL NO. 1712
HOUSE BILL NO. 1856
HOUSE BILL NO. 1967
HOUSE BILL NO. 1663
HOUSE BILL NO. 1799
HOUSE BILL NO. 1815
HOUSE BILL NO. 1992
HOUSE BILL NO. 1981
HOUSE BILL NO. 1911

SENATE BILL NO. 5491,
SUBSTITUTE SENATE BILL NO. 5497,
SENATE BILL NO. 5505,
SENATE BILL NO. 5509,
SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5546,
SUBSTITUTE SENATE BILL NO. 5553,
SUBSTITUTE SENATE BILL NO. 5558,
SENATE BILL NO. 5582,
SENATE BILL NO. 5583,
SUBSTITUTE SENATE BILL NO. 5589,
SUBSTITUTE SENATE BILL NO. 5594,
SENATE BILL NO. 5607,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5620,
SENATE BILL NO. 5629,
SUBSTITUTE SENATE BILL NO. 5631,
SENATE BILL NO. 5657,
SENATE BILL NO. 5707,
SENATE BILL NO. 5788,
SENATE BILL NO. 5812,
SENATE BILL NO. 5866,
SUBSTITUTE SENATE BILL NO. 5880,
SENATE BILL NO. 5929,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 8, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5428,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5878,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2117 by Representatives Chase, Sutherland, Chambers, Jacobsen, Eslick and Young

AN ACT Relating to ensuring a terminally ill patient's right to visitors; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.127 RCW; and adding a new section to chapter 70.129 RCW.

Referred to Committee on Health Care & Wellness.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 2051, by Representatives Rule, Shewmake, Ormsby and Ramel

Providing short-term disaster recovery financial assistance to agricultural producers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2051 was substituted for House Bill No. 2051 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2051 was read the second time.

Representative Corry moved the adoption of amendment (830):

On page 2, beginning on line 13, after "them." insert "The legislature intends that funding for the grant program is provided from the Washington rescue plan transition account."

On page 3, beginning on line 1, insert the following:

"**Sec. 3.** RCW 43.79.555 and 2021 c 334 s 1902 are each amended to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy, and recovery from natural disasters. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding.

NEW SECTION. **Sec. 4.** The sum of \$600,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2022, from the Washington rescue plan transition account to the state conservation commission for the purposes of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Corry spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

Amendment (830) was not adopted.

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

Representatives Rule and Corry spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Kretz, Chandler, Chambers and McCaslin were excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2051.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2051, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers, Chandler, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2051, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1832, by Representatives Springer, Vick, Walen and Goehner

Concerning code city form of government elections and city manager appointment.

The bill was read the second time.

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

Representatives Springer and Goehner spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 1832.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1832, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Chambers, Chandler, Fey, Kretz and McCaslin.

HOUSE BILL NO. 1832, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1881, by Representatives Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet

Creating a new health profession for birth doulas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1881 was substituted for House Bill No. 1881 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1881 was read the second time.

Representative Caldier moved the adoption of amendment (852):

On page 1, line 11, after "to" insert "women and"

On page 1, line 13, after "support" strike "birthing people" and insert "women, birthing people,"

Representatives Caldier, Harris-Talley and J. Johnson spoke in favor of the adoption of the amendment.

Amendment (852) was adopted.

The bill was ordered engrossed.

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

Representatives Harris-Talley, Caldier, J. Johnson and Wilcox spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1881.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1881, and the bill passed the House by the following vote: Yeas, 85; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Dufault, Jacobsen, Klippert, Kraft, McEntire, Sutherland and Walsh.

Excused: Representatives Chambers, Chandler, Fey, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2033, by Representatives Donaghy, Bronoske, Shewmake, Sutherland, Harris-Talley and Riccelli

Concerning safety measures for fire department vehicles and other vehicles using lights or other signals in emergency or work zones.

The bill was read the second time.

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

Representatives Donaghy and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2033.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2033, and the bill passed the House by the following vote: Yeas, 85; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Goehner, Klippert, Kraft, Robertson, Stokesbary and Young.

Excused: Representatives Chambers, Chandler, Fey, Kretz and McCaslin.

HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Berg congratulated Representative Donaghy on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1703, by Representatives Orwall, Boehnke, Ryu, Paul, Dolan, Graham, Goodman, Griffey, Leavitt, Harris-Talley and Frame

Modernizing the statewide 911 emergency communications system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1703 was substituted for House Bill No. 1703 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1703 was read the second time.

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

Representatives Orwall, Klippert and Boehnke spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1703.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1703, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Chandler, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1703, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1795, by Representatives Berry, Walen, Sells, Fitzgibbon, Bateman, Davis, Macri, Tharinger, Valdez, Pollet, Ormsby, Hackney and Frame

Prohibiting nondisclosure and nondisparagement provisions from employers regarding illegal acts of discrimination, harassment, retaliation, wage and hour violations, and sexual assault.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1795 was substituted for House Bill No. 1795 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1795 was read the second time.

Representative Berry moved the adoption of amendment (848):

On page 3, line 23, after "provisions" strike "and" and insert ". This subsection"

Representatives Berry and Hoff spoke in favor of the adoption of the amendment.

Amendment (848) was adopted.

Representative Mosbrucker moved the adoption of striking amendment (867):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.44.210 and 2018 c 117 s 1 are each amended to read as follows:

(1) Except for settlement agreements under subsection (4) of this section, an employer may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~or~~)) off the employment premises.

(2) Except for settlement agreements under subsection (4) of this section, any nondisclosure agreement, waiver, or other document signed by an employee as a condition of employment that has the purpose or effect of preventing the employee from disclosing or discussing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~or~~)) off the employment premises is against public policy and is void and unenforceable.

(3) It is an unfair practice under chapter 49.60 RCW for an employer to discharge or otherwise retaliate against an employee for disclosing or discussing harassment, discrimination, sexual harassment, or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, ((~~or~~)) between employees, or between an employer and an employee((~~or~~)) off the employment premises.

(4) This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment and an employer from containing confidentiality provisions.

(5) For the purposes of this section:

(a) "Sexual assault" means any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

(b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) "Sexual harassment" has the same meaning as in RCW 28A.640.020.

(d) "Employee" does not include human resources staff, supervisors, or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and asked to participate in an open and ongoing investigation into alleged sexual harassment and requested to maintain confidentiality during the pendency of that investigation.

(e) "Harassment" has the same meaning as in RCW 9A.46.020.

(f) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW."

Correct the title.

Representatives Mosbrucker and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (867) was not adopted.

The bill was ordered engrossed.

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

Representatives Berry and Bronoske spoke in favor of the passage of the bill.

Representatives Abbarno and Hoff spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1795.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1795, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

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

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

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1934, by Representatives Fey, Robertson and Taylor

Allowing tribal governments to participate in exchange agreements without certain restrictions.

The bill was read the second time.

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

Representatives Fey and Robertson spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1934.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1934, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Goehner, Klippert, Kraft and Orcutt.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1934, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1173, by House Committee on Capital Budget (originally sponsored by Berry, Frame, Dolan and Lekanoff)

Concerning state lands development authorities.

The bill was read the third time.

Representatives Berry and Steele spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1173.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1173, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Gilday, Griffey, Klicker, Klippert, Kraft, MacEwen, McEntire, Orcutt, Sutherland, Vick, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

SECOND SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

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

SECOND READING

HOUSE BILL NO. 1956, by Representatives Hackney, Valdez, Davis, Simmons, Goodman, Peterson, Dolan and Macri

Exempting from public disclosure sensitive records pertaining to current and formerly incarcerated individuals' dignity and safety.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1956 was substituted for House Bill No. 1956 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1956 was read the second time.

Representative Graham moved the adoption of amendment (861):

On page 1, line 8, after "(1)" strike "The" and insert "Except as provided in subsection 5 of this section, the"

On page 2, line 20, after "(5)" insert "(a) Except as provided under (b) of this subsection, the exemption provided under subsection (1)(b) of this section does not apply to the records or information contained in records of an incarcerated person who has identified as transgender that are maintained pursuant to the prison rape elimination act if the

department of corrections has identified that person, after investigation, to be a perpetrator or a victim of sexual abuse while incarcerated.

(b) The records or information contained in records of an incarcerated person who has identified as transgender that are maintained pursuant to the prison rape elimination act are exempt from disclosure pursuant to this section if the incarcerated person is a victim of rape that occurred while incarcerated. Such records may be disclosed with the permission of the victim.

(6)"

Correct any internal references accordingly.

Representative Graham spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (861) was not adopted.

Representative Hackney moved the adoption of amendment (865):

On page 1, at the beginning of line 18, beginning with "referrals" strike all material through "record" on line 19 and insert "records or information contained in referrals to law enforcement or violation or infraction records"

On page 2, beginning on line 1, after "(2)" strike all material through "to" on line 2 and insert "The exemption of information or records described under subsections (1)(b) and (1)(c) of this section does not apply to requests by"

On page 2, beginning on line 6, after "information." strike all material through "subsection" on line 7 and insert "In response to such requests"

On page 2, beginning on line 16, strike all of subsection (4)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 2, line 23, after "and" insert "directly"

On page 2, line 24, after "diagnoses" strike ", conditions, or" and insert "or conditions;"

On page 2, line 33, after "RCW;" strike "whether" and insert "the fact that"

Representatives Hackney and Volz spoke in favor of the adoption of the amendment.

Amendment (865) was adopted.

The bill was ordered engrossed.

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

Representative Hackney spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Corry was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

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

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

Excused: Representatives Corry, Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1953, by Representatives Valdez, Volz, Sutherland and Ramel

Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.

The bill was read the second time.

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

Representatives Valdez and Volz spoke in favor of the passage of the bill.

Representatives Kraft and Sutherland spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1953.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1953, and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Klicker, Klippert, Kraft, MacEwen, Maycumber, McEntire, Mosbrucker, Schmick, Stokesbary, Sutherland, Vick, Walsh, Ybarra and Young.

Excused: Representatives Corry, Kretz and McCaslin.

HOUSE BILL NO. 1953, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2034, by Representatives Frame, Harris-Talley, Berry, Fitzgibbon, Simmons, Ramel, Chase and Macri

Concerning juvenile records.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2034 was substituted for House Bill No. 2034 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2034 was read the second time.

Representative Klippert moved the adoption of amendment (851):

On page 2, beginning on line 5, after "entity," strike all material through "municipality," on line 6

On page 2, beginning on line 32, after "(3)" strike all material through "(4)" on line 36

On page 2, at the beginning of line 38, strike "government, governmental subdivision, agency, municipality,"

On page 10, beginning at the beginning of line 4, strike all material through "~~section-)~~" on line 6 and insert the following:

"(d) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section."

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (851) was not adopted.

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

Representatives Frame, Chase and Senn spoke in favor of the passage of the bill.

Representatives Klippert and Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2034.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2034, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons,

Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McEntire, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Walsh, Wilcox and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2034, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1779, by Representatives Callan, Bronoske, Sells, Dolan and Ramos

Requiring policies addressing surgical smoke.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1779 was substituted for House Bill No. 1779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1779 was read the second time.

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

Representatives Callan, Hoff and Harris spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dent, Dufault, Dye, Graham, Klicker, Klippert, Kraft, MacEwen, McEntire, Rude, Schmick, Shewmake, Sutherland, Walsh and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1779, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1739, by Representatives Maycumber, Cody and Ramos

Modernizing hospital policies related to pathogens of epidemiological concern.

The bill was read the second time.

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

Representatives Maycumber and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1739.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1739, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1739, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1286, by Representatives Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt and Graham

Adopting the psychology interjurisdictional compact.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1286 was substituted for House Bill No. 1286 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1286 was read the second time.

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

Representatives Chambers and Bateman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1286.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1286, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1286, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1620, by Representatives Leavitt, Boehnke, Shewmake, Ryu, Robertson, Wicks, Duerr, Ramel, Valdez, Bronoske, Callan, Ramos, Rule, Santos, Simmons, Pollet, Hackney and Taylor

Addressing the response to extreme weather events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1620 was substituted for House Bill No. 1620 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1620 was read the second time.

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

Representatives Leavitt, Boehnke and Paul spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1620.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1620, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McEntire, Orcutt, Rude, Schmick, Sutherland, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1620, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1941, by Representative Walen

Prohibiting active shooter scenarios for school safety-related drills.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1941 was substituted for House Bill No. 1941 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1941 was read the second time.

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

Representative Walen spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1941.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1941, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Klippert, Kraft, MacEwen, Maycumber, McEntire, Mosbrucker, Robertson, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1941, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1644, by Representatives Senn, Ybarra, Leavitt, Bateman, Ryu, Shewmake, Ramel, Fitzgibbon, Valdez, Callan, Macri, Peterson, Ramos, Santos, Chopp, Slatter, Bergquist, Tharinger, Harris-Talley and Hackney

Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1644 was substituted for House Bill No. 1644 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1644 was read the second time.

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

Representatives Senn and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1644.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1644, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1644, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1611, by Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young

Advancing equity in programs for highly capable students.

The bill was read the second time.

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

Representatives Dolan, Vick and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1611.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1611, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1611, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1669, by Representatives Stokesbary, Fitzgibbon, Leavitt, Robertson, Graham, Bronoske, Jacobsen, Sullivan, Griffey and Young

Concerning disability benefits in the public safety employees' retirement system.

The bill was read the second time.

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

Representatives Stokesbary and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1669.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1669, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1669, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1625, by Representatives Bronoske, Leavitt, Boehnke, Sells, Graham, Santos, Slatter, Griffey and Young

Specifying that space force reserve members who are officers or employees of the state of Washington or of any county, city, or other political subdivision have access to a period of paid military leave of absence from employment.

The bill was read the second time.

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

Representatives Bronoske, Hoff and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1625.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1625, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Harris.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1625, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1793, by Representatives Hackney, Fitzgibbon, Berry, Bateman, Macri, Ramel, Senn, Wylie, Bergquist, Valdez, Pollet and Kloba

Concerning electric vehicle charging stations in common interest communities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1793 was substituted for House Bill No. 1793 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1793 was read the second time.

Representative Hackney moved the adoption of amendment (877):

On page 3, beginning on line 30, after "cost." strike all material through "price." on line 34

On page 3, at the beginning of line 35, strike "the buyer or"

On page 4, beginning on line 21, strike all of subsection (9)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 7, at the beginning of line 23, strike all material through "price." on line 27

On page 7, line 27, after "requires" strike all material through "or"

On page 8, beginning on line 13, strike all of subsection (9)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 10, at the beginning of line 37, strike all material through "price." on page 11, line 2

On page 11, line 1, after "requires" strike all material through "or"

On page 11, beginning on line 25, strike all of subsection (9)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 14, at the beginning of line 24, strike all material through "price." on line 28

On page 14, line 28, after "requires" strike all material through "or"

On page 15, beginning on line 15, strike all of subsection (9)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 16, after line 10, insert the following:

"Sec. 5. RCW 64.34.425 and 2011 c 48 s 1 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within (~~forty-five~~) 45 days, of any common expenses or special assessments against any unit in the condominium that are past due over (~~thirty~~) 30 days;

(d) A statement, which shall be current to within (~~forty-five~~) 45 days, of any obligation of the association which is past due over (~~thirty~~) 30 days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) A balance sheet and a revenue and expense statement of the association

prepared on an accrual basis, which shall be current to within (~~one hundred twenty~~) 120 days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof;

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, the association's current reserve study, if any, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association;

(r) A statement, as required by RCW 64.35.210, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty; (~~and~~)

(s) A statement describing any requirements related to electric vehicle charging stations located in the unit or

the limited common elements assigned to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; and

(t) If the association does not have a reserve study that has been prepared in accordance with RCW 64.34.380 and 64.34.382 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within (~~ten~~) 10 days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(1), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed (~~two hundred seventy five dollars~~) \$275. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 6. RCW 64.90.640 and 2018 c 277 s 409 are each amended to read as follows:

(1) Except in the case of a sale when delivery of a public offering statement is required, or unless exempt under RCW 64.90.600(2), a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within (~~forty five~~) 45 days, of any assessments against any unit in the condominium that are past due over (~~thirty~~) 30 days;

(d) A statement, which must be current to within (~~forty five~~) 45 days, of any monetary obligation of the association that is past due over (~~thirty~~) 30 days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with RCW 64.90.545 and 64.90.550;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit, or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restrictions on the owner's right to use or occupy the unit or to lease the unit to another person;

(u) A copy of the declaration, the organizational documents, the rules or

regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under RCW 64.90.495(3), for the last ~~((twelve))~~ 12 months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community; ~~((and))~~

(x) A statement describing any requirements related to electric vehicle charging stations located in the unit or the limited common elements allocated to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; and

(y) If the association does not have a reserve study that has been prepared in accordance with RCW 64.90.545 and 64.90.550 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ~~((ten))~~ 10 days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to RCW 64.90.405(2)(m), must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For

the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed (~~two hundred seventy five dollars~~) \$275. The association may charge a unit owner a nominal fee not to exceed (~~one hundred dollars~~) \$100 for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3)(a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first."

Correct the title.

Representatives Hackney and Walsh spoke in favor of the adoption of the amendment.

Amendment (877) was adopted.

Representative Klippert moved the adoption of amendment (800):

On page 4, line 39, after "court" strike "shall" and insert "may"

On page 4, line 40, after "prevailing" strike "apartment owner" and insert "party"

On page 8, line 30, after "court" strike "shall" and insert "may"

On page 8, line 31, after "prevailing" strike "unit owner" and insert "party"

On page 12, line 3, after "court" strike "shall" and insert "may"

On page 12, line 4, after "prevailing" strike "lot owner" and insert "party"

On page 15, line 32, after "court" strike "shall" and insert "may"

On page 15, line 33, after "prevailing" strike "unit owner" and insert "party"

Representatives Klippert, Walsh and Klippert (again) spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (800) was not adopted.

Representative Gilday moved the adoption of amendment (879):

On page 4, beginning on line 33, after "(11)" strike all material through "(b)" on line 37

Correct any internal references accordingly.

On page 8, beginning on line 25, after "(11)" strike all material through "(b)" on line 28

Correct any internal references accordingly.

Beginning on page 11, line 37, after "(11)" strike all material through "(b)" on page 12, line 1

Correct any internal references accordingly.

On page 15, beginning on line 27, after "(11)" strike all material through "(b)" on line 30

Correct any internal references accordingly.

Representative Gilday spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (879) was not adopted.

The bill was ordered engrossed.

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

Representative Hackney spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1793.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1793, and the bill

passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, McEntire, Mosbrucker, Rude, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

HOUSE BILL NO. 1748, by Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli and Harris-Talley

Concerning aged, blind, or disabled program eligibility for victims of human trafficking.

The bill was read the second time.

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

Representatives Entenman and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1748.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1748, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1748, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2098, by Representatives Shewmake, Ramel, Frame and Sutherland

Modifying the interest rate for the low-income home rehabilitation revolving loan program.

The bill was read the second time.

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

Representatives Shewmake and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2098.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2098, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chase.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 2098, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2061, by Representatives Ormsby, Santos, Valdez, Morgan, Chopp, Pollet, Harris-Talley, Bergquist and Lekanoff

Adding permanently affordable housing to the definition of public improvements.

The bill was read the second time.

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

Representative Ormsby spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2061.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2061, and the bill passed the House by the following vote: Yeas, 68; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Entenman, Eslick, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chandler, Chase, Dent, Dye, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Maycumber, McEntire, Mosbrucker, Orcutt, Rude, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Fey, Kretz and McCaslin.

HOUSE BILL NO. 2061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1958, by Representatives Berg, Boehnke, Chapman, Ryu, Paul, Peterson, Frame and Taylor

Accelerating rural job growth and promoting economic recovery across Washington through a shovel-ready site certification program and grants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1958 was substituted for House Bill No. 1958 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1958 was read the second time.

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

Representatives Berg and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1958.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1958, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1958, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1612, by Representatives Sells, Berry, Wicks, Simmons and Harris-Talley

Making technical cross-reference corrections in statutes governing unemployment insurance.

The bill was read the second time.

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

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1612.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1612, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Fey, Kretz and McCaslin.

HOUSE BILL NO. 1612, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1613, by Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley

Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

The bill was read the second time.

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

Representatives Sells, Hoff and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1613.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1613, and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fitzgibbon,

Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dufault, Kraft, McEntire, Sutherland, Vick, Walsh and Young.

Excused: Representatives Fey, Kretz and McCaslin.

HOUSE BILL NO. 1613, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1852, by Representatives Thai, Cody, Gregerson, Macri, Santos, Slatter, Valdez, Pollet and Riccelli

Concerning language requirements for prescription drug labels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1852 was substituted for House Bill No. 1852 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1852 was read the second time.

Representative Thai moved the adoption of striking amendment (878):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64 RCW to read as follows:

(1) By July 1, 2024, the commission shall adopt rules establishing the requirements for the translation of prescription drug labels and prescription information.

(a) At a minimum, the rules must require:

(i) The translation of the directions for use and any auxiliary warnings that would otherwise be included on the prescription drug label;

(ii) The translated version and English language version of the directions for use appear on the prescription container or label; and

(iii) A pharmacy or nonresident pharmacy provide the translated directions for use, auxiliary warnings,

and any other information required by the commission in rules if the language is one selected by the commission upon the request of a patient, patient's representative, or prescriber.

(b) Rules adopted under this section must establish the following:

(i) The languages for which translation is required;

(ii) The elements of a prescription drug label or other information, such as information sheets or side effects, that must be translated;

(iii) The pharmacies and settings that the translation requirements apply to;

(iv) The process for procuring or providing the translations;

(v) When a pharmacy or nonresident pharmacy must provide the translated prescription information; and

(vi) Any signage that a pharmacy must post to notify consumers of the availability of translated prescription information.

(2) When adopting rules establishing the languages for which translation is required, the commission shall choose at least 15 languages and aim to provide translations in all languages spoken by at least five percent of the state population or 1,000 people in Washington with limited English proficiency and must:

(a) Consult with the Washington state office of equity and the governor's interagency council on health disparities;

(b) Consider the percent of the population in Washington that speaks the language, that population's access to health care, and principles of equity; and

(c) At least every five years, reassess, update, and increase the number of languages as needed based upon the factors listed in this subsection.

(3) The commission may contract with a state or nonstate entity to implement and administer this section.

(4) Nothing in this section shall be construed to prohibit a pharmacy or nonresident pharmacy from providing translated directions for use, auxiliary warnings, side effects, or other prescription information beyond the

languages selected by the commission or to a greater extent than required by the commission.

(5) A pharmacy, nonresident pharmacy, or pharmacist may not be held liable for good faith reliance on translated prescription information provided by or through a third party in compliance with the rules adopted by the commission in subsection (1) of this section if the pharmacy, nonresident pharmacy, or pharmacist contracted with the third party in good faith, and the pharmacy, nonresident pharmacy, or pharmacist was not negligent with regard to the alleged misconduct of the third party.

(6) The commission shall provide pharmacies and nonresident pharmacies a minimum of 120 days from the date rules are adopted under subsection (1) of this section to comply with the rules.

(7) This section applies only to outpatient prescriptions dispensed for home use that are intended for human use.

(8) This section does not apply to:

(a) Prepackaged emergency medications as provided in RCW 70.41.480; and

(b) Opioid overdose reversal medication distributed pursuant to RCW 70.41.485 and 71.24.594.

(9) By July 1, 2024, the commission shall adopt rules establishing other accessibility requirements for individuals who are blind, low vision, or otherwise print disabled for prescription drug labels and prescription information.

(10) The commission may adopt any rules necessary to implement and administer this section.

(11) By July 1, 2023, the commission shall report to the relevant policy and fiscal committees of the legislature on the rule-making progress, including the selection of languages and the process for procuring or providing the translations.

(12) For purposes of this section, an "auxiliary warning" or "advisory label" is a cautionary warning label added onto a dispensed prescription drug label by a pharmacist in addition to the required prescription drug label to provide extra information to the patient on the safe administration, use, and storage of the prescription.

Sec. 2. RCW 18.64.390 and 2013 c 19 s 23 are each amended to read as follows:

(1) The commission may deny, revoke, or suspend a nonresident pharmacy license or impose a fine not to exceed (~~one thousand dollars~~) \$1,000 per violation for failure to comply with any requirement of RCW 18.64.350 through 18.64.400 and section 1 of this act.

(2) The commission may deny, revoke, or suspend a nonresident pharmacy license or impose a fine not to exceed (~~one thousand dollars~~) \$1,000 per violation for conduct that causes serious bodily or psychological injury to a resident of this state if the secretary has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and that regulatory or licensing agency fails to initiate an investigation within (~~forty five~~) 45 days of the referral under this subsection or fails to make a determination on the referral."

Correct the title.

Representative Thai spoke in favor of the adoption of the amendment.

Representative Schmick spoke against the adoption of the amendment.

Amendment (878) was adopted.

The bill was ordered engrossed.

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

Representatives Thai and Cody spoke in favor of the passage of the bill.

Representatives Schmick and Caldier spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1852.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1852, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen,

Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Maycumber, McEntire, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1655, by Representatives Griffey, Shewmake, Barkis, Eslick, Chase, Graham, Paul, Dent, Gilday, Jacobsen, Pollet, Riccelli, Frame, Young and Taylor

Encouraging the opening of safety rest areas to the public.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1655 was substituted for House Bill No. 1655 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1655 was read the second time.

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

Representatives Griffey and Wicks spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1655, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., February 10, 2022, the 32nd Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 10, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative David Hackney, 11th Legislative District.

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

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

MESSAGES FROM THE SENATE

February 9, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5332,
 SENATE BILL NO. 5534,
 SUBSTITUTE SENATE BILL NO. 5564,
 SENATE BILL NO. 5566,
 SENATE BILL NO. 5596,
 SENATE BILL NO. 5609,
 SUBSTITUTE SENATE BILL NO. 5710,
 SUBSTITUTE SENATE BILL NO. 5728,
 SUBSTITUTE SENATE BILL NO. 5729,
 SENATE BILL NO. 5750,
 SUBSTITUTE SENATE BILL NO. 5856,
 SUBSTITUTE SENATE BILL NO. 5862,
 SUBSTITUTE SENATE BILL NO. 5863,
 SENATE BILL NO. 5868,
 SENATE BILL NO. 5898,
 SENATE BILL NO. 5931,
 SENATE BILL NO. 5940,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 9, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5531,

SENATE BILL NO. 5539,
 SENATE BILL NO. 5687,
 SENATE BILL NO. 5748,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5761,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5873,
 SUBSTITUTE SENATE BILL NO. 5883,
 SUBSTITUTE SENATE BILL NO. 5933,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 9, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5054,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5078,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5628,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5690,
 ENGROSSED SENATE BILL NO. 5919,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2118 by Representatives Fey, Wylie and Riccelli

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HB 2119 by Representatives Fey, Wylie and Riccelli

AN ACT Relating to transportation resources; amending RCW 70A.65.240, 70A.65.030, 70A.65.040, 82.38.020, 82.38.030, 82.38.035, 82.38.180, 82.42.020, 46.17.200, 46.17.120, 46.17.400, 46.52.130, 46.17.015, 46.17.025, 46.20.200, 46.68.041, 46.70.180, 82.32.385,

82.08.993, 82.12.817, 82.08.9999, 82.12.9999, 82.04.4496, 82.16.0496, 82.08.816, 82.12.816, 82.70.040, 82.70.050, 82.21.030, 43.84.092, 43.84.092, 82.47.020, 35.21.870, 36.73.065, 82.14.0455, 70A.535.010, 70A.535.030, 70A.535.040, 70A.535.050, 70A.535.120, 46.63.170, 46.63.170, and 70A.65.230; amending 2020 c 224 s 3 (uncodified); reenacting and amending RCW 46.20.202; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.04 RCW; adding a new section to chapter 47.24 RCW; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70A.535.020; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

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

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

SECOND READING

HOUSE BILL NO. 1619, by Representatives Fitzgibbon, Hackney, Ryu, Berry, Wicks, Duerr, Ramel, Valdez, Fey, Goodman, Gregerson, Macri, Simmons, Kloba, Pollet, Riccelli, Ormsby and Harris-Talley

Concerning appliance efficiency standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1619 was substituted for House Bill No. 1619 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1619 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (847):

On page 4, beginning on line 24, after "(30)(a)" strike all material through "vehicle." on line 33 and insert "Electric vehicle supply equipment" means the conductors, including the ungrounded, grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of

delivering energy from the premises wiring to the electric vehicle.

(b) "Electric vehicle supply equipment" does not include the conductors, connectors, and fittings that are part of a vehicle, and does not include charging cords with NEMA 5-15P or NEMA 5-20P attachment plugs."

On page 14, line 9, after "version" strike "1.1" and insert "1.0"

On page 16, after line 4, insert the following:

"(10) The department may by rule establish a later effective date or suspend enforcement of any of the requirements of this chapter if the department determines that such a delay or suspension is in the public interest."

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment.

Amendment (847) was adopted.

The bill was ordered engrossed.

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

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives McCaslin and Kretz were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1619.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, and the bill passed the House by the following vote: Yeas: 56; Nays: 39; Absent: 1; Excused: 2

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

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

Absent: Representative Walen

Excused: Representatives Kretz and McCaslin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 passed the House.

MOTION

On motion of Representative Ramel, Representative Walen was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, on reconsideration, and the bill passed the House by the following vote: Yeas: 56; Nays: 39; Absent: 0; Excused: 3

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

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

Excused: Representatives Kretz, McCaslin, and Walen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, on reconsideration, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1753, by Representatives Lekanoff, Fitzgibbon, Valdez, Bateman, Ramel, Sullivan, Simmons, Ormsby and Young

Concerning tribal consultation regarding the use of certain funding authorized by the climate commitment act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1753 was substituted for House Bill No. 1753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1753 was read the second time.

Representative Lekanoff moved the adoption of striking amendment (893):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in RCW 70A.65.250, the climate commitment account created in RCW 70A.65.260, and the natural climate solutions account created in RCW 70A.65.270 must offer early, meaningful, and individual consultation with any affected federally recognized tribe on all funding decisions and funding programs that may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by federal or state law, or by a federal or state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from a federally recognized tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the funding decisions and funding programs, assess their effects, and seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights.

(2) At the earliest possible date prior to submittal of an application, applicants for funding from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270 shall engage in a preapplication process with all affected federally recognized tribes within the project area.

(a) The preapplication process must include the applicant notifying the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized tribes within the project area. The notification must include geographical location, detailed scope of the proposed project, preliminary application details available to federal, state, or local governmental jurisdictions, and all publicly available materials, including public funding sources.

(b) The applicant must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized tribes within the project area. Discussions may include the project's impact to tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(c) All affected federally recognized tribes may submit to the appropriate agency or agencies a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official application file. The summary does not limit what issues affected federally recognized tribes may raise in the consultation process identified in subsections (1), (3) through (7), and (9) of this section.

(d) The notification and offer to initiate discussion must be documented with the application when it is filed, and a copy of the application must be delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized tribe or tribes. If the discussions pursuant to (b) of this subsection do not occur, the applicant must document the reason why the discussion or discussions did not occur.

(e) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from

disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of the official application file.

(3) If any funding decision, program, project, or activity that may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is funded from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270 without such a consultation with an affected federally recognized tribe, the affected federally recognized tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation is completed. Upon receipt of such a request by an agency or agencies with the authority to allocate funding or administer grant programs from the accounts listed in subsection (1) of this section in support of the proposed project, further action by the agency or agencies on any decision, program, project, or activity that would result in significant physical disturbance of the tribal resource or resources described in this subsection must cease until the consultation has been completed.

(4) Upon completion of agency and tribal consultation, an affected federally recognized tribe may request a formal review of the consultation by submitting a request to the governor's office of Indian affairs and notifying the appropriate agencies and the department of archaeology and historic preservation. The state agencies and tribe must meet to initiate discussion within no more than 20 days of the request. This consultation must be offered and conducted separately with each affected federally recognized tribe, unless the tribes agree to conduct a joint consultation with the state.

(5) After the state agencies and tribe or tribes have conducted a formal review under subsection (4) of this section, an affected federally recognized tribe or state agency may request that the governor and an elected tribal leader or leaders of a federally recognized tribal government meet to formally consider the recommendations from the parties. If requested, this meeting must occur within

30 days of the request, except that a federally recognized tribe may choose to opt out of the meeting. This timeline may be extended by mutual agreement between the governor and the tribal leaders.

(6) After the meeting identified in subsection (5) of this section has occurred, the governor or an elected tribal leader of a federally recognized tribe may call for the state and tribe or tribes to enter into formal mediation, except that a federally recognized tribe may choose to opt out of the mediation. If entered into, the mediation must be conducted as a government-to-government proceeding, with each sovereign government retaining their right to a final decision that meets their separate obligations and interests. Mediators must be jointly selected by the parties to the mediation. An agreement between the governor and a tribal leader or leaders resulting from the mediation is formally recognized and binding on the signatory parties. Absent an agreement, participation in mediation does not preclude any additional steps that any party can initiate, including legal review, to resolve a continuing disagreement.

(7) During the proceedings outlined in subsections (4) through (6) of this section, the agency or agencies with the authority to allocate funding or administer grant programs from the accounts listed in subsection (1) of this section in support of the proposed project may not approve or release funding, or make other formal decisions, including permitting, that advance the proposed project except where required by law.

(8) By June 30, 2023, the governor's office of Indian affairs, in coordination with the department of archaeology and historic preservation and federally recognized tribes, shall develop a state agency tribal consultation process, including best practices for early, meaningful, and effective consultation, early notification and engagement by applicants with federally recognized tribes as a part of the preapplication process in subsection (2) of this section, and protocols for communication and collaboration with federally recognized tribes. The consultation process developed under this section must be periodically reviewed and updated in coordination with federally recognized tribes. The governor's office of Indian

affairs must provide training and other technical assistance to state agencies, as they implement the required consultation. Notwithstanding the governor's office of Indian affairs' ongoing work pursuant to this subsection, the provisions of subsections (1) through (7) and (9) of this section become effective as of the effective date of this section.

(9) The requirements of this section apply to local governments that receive funding from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270, where that funding is disbursed to project and program applicants. Where requested, the governor's office of Indian affairs must provide training and other technical assistance to local government agencies as they implement the consultation requirements of this section.

(10) Any agency subject to or implementing this section may adopt rules in furtherance of its duties under this section.

(11) Subject to the availability of amounts appropriated for this specific purpose, the department must establish a tribal capacity grant program to provide funding to federally recognized tribes for the costs of implementing this section.

Sec. 2. RCW 70A.65.250 and 2021 c 316 s 28 are each amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race,

and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under section 1 of this act. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, 2024, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

Sec. 3. RCW 43.376.020 and 2021 c 316 s 40 and 2021 c 314 s 23 are each reenacted and amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. Covered agencies, as defined in RCW 70A.02.010, subject to the requirements of chapter 70A.02 RCW, must offer consultation with Indian tribes on the actions specified in RCW 70A.02.100.

State agencies described in (~~section 6 of this act~~) section 1 of this act must offer consultation with Indian tribes on the actions specified in (~~section 6 of this act~~) section 1 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter."

Correct the title.

Representatives Lekanoff and Dye spoke in favor of the adoption of the amendment.

Amendment (893) was adopted.

The bill was ordered engrossed.

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

Representatives Lekanoff and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1753.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1753, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1768, by Representatives Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet and Hackney

Updating definitions applicable to energy conservation projects involving public entities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1768 was substituted for House Bill No. 1768 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1768 was read the second time.

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

Representative Duerr spoke in favor of the passage of the bill.

Representatives Dye, Ybarra and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1768.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1768, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

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

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

Excused: Representatives Kretz, McCaslin and Walen.

SUBSTITUTE HOUSE BILL NO. 1768, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1623, by Representatives Mosbrucker, Fitzgibbon, Leavitt, Ryu, Duerr, Graham, Wicks, Callan, Fey, Paul, Ramos, Wylie, Slatter, Kloba and Harris-Talley

Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1623 was substituted for House Bill No. 1623 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1623 was read the second time.

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

Representatives Mosbrucker, Fitzgibbon and Dye spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Taylor was excused.

On motion of Representative Griffey, Representative Boehnke was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1623.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1623, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz,

Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Boehnke, Kretz, McCaslin, Taylor and Walen.

SUBSTITUTE HOUSE BILL NO. 1623, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1805, by Representatives Paul, Boehnke and Shewmake

Concerning the opportunity scholarship program.

The bill was read the second time.

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

Representatives Paul and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1805.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1805, and the bill passed the House by the following vote: Yeas, 89; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft and Young.

Excused: Representatives Boehnke, Kretz, McCaslin, Taylor and Walen.

HOUSE BILL NO. 1805, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1890, by Representatives Callan, Dent, Berry, Leavitt, Ramos, Slatter, Stonier, Wicks, Rule, Chopp, Goodman, Paul, Orwall, Taylor, Riccelli, Frame, Lekanoff, Davis, Macri, Harris-Talley and Pollet

Concerning the children and youth behavioral health work group.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1890 was substituted for House Bill No. 1890 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1890 was read the second time.

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

Representatives Callan and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1890.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1890, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McEntire, Sutherland, Walsh and Young.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

SECOND SUBSTITUTE HOUSE BILL NO. 1890, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1800, by Representatives Eslick, Callan, Leavitt, Davis, Dent, Goodman, Ramos, Rule, Santos, Senn, Wylie, Tharinger, Stonier and Frame

Increasing access to behavioral health services for minors.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1800 was substituted for House Bill No. 1800 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1800 was read the second time.

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

Representatives Eslick, Callan, Dent and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1800.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1800, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft and Young.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

SUBSTITUTE HOUSE BILL NO. 1800, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1664, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1893, by Representatives Donaghy, Riccelli, Leavitt, Simmons, Slatter, Tharinger, Berg, Taylor, Frame, Macri, Harris-Talley and Pollet

Allowing emergency medical technicians to provide medical evaluation, testing, and vaccines outside of an emergency in response to a public health agency request.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1893 was substituted for House Bill No. 1893 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1893 was read the second time.

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

Representatives Donaghy and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Fey was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1893.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1893, and the bill passed the House by the following vote: Yeas, 88; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Graham, Kraft, Sutherland and Young.

Excused: Representatives Boehnke, Fey, Kretz, McCaslin and Walen.

SUBSTITUTE HOUSE BILL NO. 1893, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1412, by Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet and Macri

Concerning legal financial obligations.

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1412 was substituted for House Bill No. 1412 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1412 was read the second time.

With the consent of the House, amendments (841), (855), (876), (840) and (891) were withdrawn.

Representative Walsh moved the adoption of amendment (858):

On page 24, line 14, after "circumstances" insert "or obligations, relating to the defendant's children or dependents,"

Representative Walsh withdrew amendment (858).

Representative Graham moved the adoption of striking amendment (856):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate (~~((applicable to civil judgments))~~) of two percent. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full and as an incentive for the offender to meet his or

her other legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders."

Correct the title.

Representative Graham spoke in favor of the adoption of the amendment.

Representative Simmons spoke against the adoption of the amendment.

Striking amendment (856) was not adopted.

Representative MacEwen moved the adoption of striking amendment (880):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.66.120 and 2001 c 115 s 1 are each amended to read as follows:

(1) All court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. The judgment and sentence must identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(2) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(3) All court-ordered restitution obligations may be enforced at any time during the (~~(ten-year)~~) 10-year period following the offender's release from

total confinement or within (~~ten~~) 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial (~~ten-year~~) 10-year period, the court may extend the criminal judgment an additional (~~ten~~) 10 years for payment of court-ordered restitution only if the court finds that the offender has not made a good faith attempt to pay.

(4) The party or entity to whom the court-ordered restitution obligation is owed may utilize any other remedies available to the party or entity to collect the court-ordered financial obligation.

(5) Nothing in this section may be construed to deprive the court of the authority to determine whether the offender's failure to pay the legal financial obligation constitutes a violation of a condition of probation or to impose a sanction upon the offender if such a violation is found.

Sec. 2. RCW 9.94A.750 and 2018 c 123 s 1 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~one hundred eighty~~) 180 days. The court may continue the hearing beyond the (~~one hundred eighty~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly

payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3)(a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection:

(i) "Insurer" means any insurer as defined and authorized under Title 48 RCW. "Insurer" does not include an individual self-insurance program or joint self-insurance program.

(ii) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(iii) "State agency" has the same meaning as provided in RCW 42.56.010(1).

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of (~~ten~~) 10 years following the offender's release from total confinement or (~~ten~~)

10 years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial (~~(ten-year)~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~(ten)~~) 10 years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial (~~(ten-year)~~) 10-year period or subsequent (~~(ten-year)~~) 10-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are

associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of (~~(twenty-five)~~) 25 years following the offender's release from total confinement or (~~(twenty-five)~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution

collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

Sec. 3. RCW 9.94A.753 and 2018 c 123 s 2 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~(one hundred eighty)~~) 180 days except as provided in subsection (7) of this section. The court may continue the hearing beyond the (~~(one hundred eighty)~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3)(a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages

resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of (~~(ten)~~) 10 years following the offender's release from total confinement or (~~(ten)~~) 10 years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial (~~(ten-year)~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~(ten)~~) 10 years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community

under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the

superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of (~~twenty-five~~) 25 years following the offender's release from total confinement or (~~twenty-five~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered

restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

Sec. 4. RCW 9.94A.760 and 2018 c 269 s 14 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3). An offender being indigent as defined in RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3) is not grounds for failing to impose restitution (~~or~~

~~the crime victim penalty assessment under RCW 7.69.035)).~~ The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of ~~((fifty dollars))~~ \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration

in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may

be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other ~~((legal financial))~~ restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ~~((ten-year))~~ 10-year period following the offender's release from total confinement or within ~~((ten))~~ 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the superior court may extend the criminal judgment an additional ~~((ten))~~ 10 years for payment of ~~((legal financial))~~ restitution obligations ~~((including crime victims' assessments))~~. All other ~~((legal financial))~~ restitution obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the ~~((legal financial))~~ restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is

not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county

clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or

9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who

remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 5. RCW 6.17.020 and 2002 c 261 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the party in whose favor a judgment of a court has been or may be filed or rendered, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within ~~((ten))~~ 10 years from entry of the judgment or the filing of the judgment in this state.

(2) After July 23, 1989, a party who obtains a judgment or order of a court or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued upon that judgment or order at any time within ~~((ten))~~ 10 years of the ~~((eighteenth))~~ 18th birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been filed as a foreign judgment or rendered pursuant to subsection (1) or (4) of this section, or the assignee or the current holder thereof, may, within ~~((ninety))~~ 90 days before the expiration of the original ~~((ten-year))~~ 10-year period, apply to the court that rendered the judgment or to the court where the judgment was filed as a foreign judgment for an order granting an additional ~~((ten))~~ 10 years during which an execution, garnishment, or other legal process may be issued. If a district court judgment of this state is transcribed to a superior court of this state, the original district court judgment shall not be extended and any petition under this section to extend the judgment that has been transcribed to superior court shall be filed in the superior court within ~~((ninety))~~ 90 days before the expiration of the ~~((ten-year))~~ 10-year period of the date the transcript of the district court judgment was filed in the superior court of this state. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court, except in the case of district court judgments transcribed to superior court, where the

filing fee shall be the fee for filing the first or initial paper in a civil action in the superior court where the judgment was transcribed. The order granting the application shall contain an updated judgment summary as provided in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost. The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.

(4)(a) A party who obtains a judgment or order for restitution (~~(, crime victims' assessment, or other court-ordered legal financial obligations)~~) pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within (~~(ten)~~) 10 years subsequent to the entry of the judgment and sentence or (~~(ten)~~) 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, provided that no filing fee shall be required.

(b) A party who obtains a judgment or order for court-ordered legal financial obligations other than restitution, pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and have legal process issued upon the judgment or order any time within 10 years subsequent to the entry of the judgment and sentence or 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, only if the court finds that the offender has the current or likely future ability to pay the nonrestitution legal financial obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). No filing fee shall be required for filing a petition for an extension pursuant to this subsection (4)(b).

(5) "Court" as used in this section includes but is not limited to the United States supreme court, the United States courts of appeals, the United States district courts, the United States bankruptcy courts, the Washington state supreme court, the court of appeals of the state of Washington, superior courts and district courts of the counties of the state of Washington, and courts of other states and jurisdictions from which judgment has been filed in this state under chapter 6.36 or 6.40 RCW.

(6) The perfection of any judgment lien and the priority of that judgment lien on property as established by RCW 6.13.090 and chapter 4.56 RCW is not altered by the extension of the judgment pursuant to the provisions of this section and the lien remains in full force and effect and does not have to be rerecorded after it is extended. Continued perfection of a judgment that has been transcribed to other counties and perfected in those counties may be accomplished after extension of the judgment by filing with the clerk of the other counties where the judgment has been filed either a certified copy of the order extending the judgment or a certified copy of the docket of the matter where the judgment was extended.

(7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a period exceeding (~~(twenty)~~) 20 years from the date of entry in the originating court. Nothing in this section may be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

(8) The chapter 261, Laws of 2002 amendments to this section apply to all judgments currently in effect on June 13, 2002, to all judgments extended after June 9, 1994, unless the judgment has been satisfied, vacated, and/or quashed, and to all judgments filed or rendered, or both, after June 13, 2002.

Sec. 6. RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing

sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court (~~shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court~~) may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of

this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((4))~~ (5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 7. RCW 9.95.210 and 2019 c 263 s 302 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction

and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court (~~(shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court))~~ may (~~also~~) require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require

bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((+5))~~ (6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

~~((+6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

~~((+7))~~ (8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

NEW SECTION. Sec. 8. A new section is added to chapter 10.01 RCW to read as follows:

A defendant who has been ordered to pay fines and who has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the sentencing court for remission of the payment of fines or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in fines, modify the method of payment under RCW 10.01.170, or convert the unpaid amounts to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in RCW 10.01.160(3).

Sec. 9. RCW 10.01.160 and 2018 c 269 s 6 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may

require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed ~~((two hundred fifty dollars))~~ \$250. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed ~~((one hundred fifty dollars))~~ \$150. Costs for preparing and serving a warrant for failure to appear may not exceed ~~((one hundred dollars))~~ \$100. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the

judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs if the defendant at the time of sentencing is indigent (~~(as defined in RCW 10.101.010(3) (a) through (e))~~). In determining the amount and method of payment of costs for defendants who are not indigent (~~(as defined in RCW 10.101.010(3) (a) through (e))~~), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose. For the purposes of this section, a defendant is "indigent" if the defendant: (a) Meets the criteria defined in RCW 10.101.010(3) (a) through (c); (b) is homeless or mentally ill as defined in RCW 71.24.025; (c) has household income above 125 percent of the federal poverty guidelines and has recurring basic living costs, as defined in RCW 10.101.010, that render the defendant without the financial ability to pay; or (d) has other compelling circumstances that exist that demonstrate an inability to pay.

(4) A defendant who has been ordered to pay costs and who (~~(is not in contumacious default in the payment thereof)~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~(after release from total confinement)~~) petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in (~~(RCW 10.101.010(3) (a) through (e))~~) subsection (3) of this section.

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related

to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 10. RCW 10.73.160 and 2018 c 269 s 12 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who (~~(is not in contumacious default in the payment)~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~(after release from~~

~~total confinement~~)) petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 11. RCW 10.64.015 and 2018 c 269 s 10 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3).

Sec. 12. RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220,

restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split ~~((twenty five))~~ 25 percent to the state treasurer for deposit in the state general fund, ~~((twenty five))~~ 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, ~~((twenty five))~~ 25 percent to the county current expense fund, and ~~((twenty five))~~ 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is indigent as defined in RCW 10.101.010(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, ~~((following the offender's release from total confinement,))~~ reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may wave or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full ~~((and as an incentive for the offender to meet his or her other legal financial obligations))~~, except as provided in (c) of this subsection. The court may grant

the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

~~((3))~~ (4) This section only applies to adult offenders.

Sec. 13. RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

(1)~~((a))~~ When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

~~(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution~~

~~must be imposed consecutively to any other community restitution the court imposes for the offense.~~

~~(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).~~

~~(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.~~

~~(4) Such))~~ Amounts received by the clerk of the superior court for crime victim penalty assessments imposed prior to the effective date of this section shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit ((one hundred) 100 percent of the money it receives per case or cause of action ((under subsection (1) of this section)) for crime victim penalty assessments, not less than ((one and seventy five one hundredths)) 1.75 percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ((+7)) (5) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes as described in subsection (3) of this section.

(2) Upon motion by a defendant, the court may waive or reduce any crime victim penalty assessment imposed prior to the effective date of this section if the court finds that the defendant is indigent as defined in RCW 10.01.160(3) and does not have the current or likely future ability to pay.

(3) A crime victim and witness program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((5))~~ (4) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection ~~((4))~~ (1) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county

prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (1) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (1) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (1) of this section to the state treasurer for deposit in the state general fund.

~~((6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.~~

~~(7))~~ (5) Every city and town shall transmit monthly ~~((one and seventy five one hundredths))~~ 1.75 percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (1) of this section.

NEW SECTION. Sec. 14. A new section is added to chapter 7.68 RCW to read as follows:

(1) The state crime victim and witness assistance account is created in the state treasury.

(2) On January 1, 2023, and April 1, 2023, the state treasurer must transfer into the account from the general fund the sum of \$975,000. Beginning with fiscal year 2024, the state treasurer must transfer into the account from the general fund the sum of \$3,900,000, divided into four equal quarterly deposits. Each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.060.

(3) Pursuant to appropriation, each quarter, the state treasurer must distribute moneys deposited in the state crime victim and witness assistance account to counties on the basis of each county's distribution factor under RCW 82.14.310.

(4) Counties may expend moneys distributed under this section only for purposes specified in RCW 7.68.035.

Sec. 15. RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) — (a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) — (a) through (e)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the

state minimum wage established in RCW 49.46.020 for each hour of community restitution. (~~The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.~~)

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 16. RCW 9.94B.040 and 2018 c 269 s 15 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within (~~seventy-two~~) 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within (~~fifteen~~) 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed (~~sixty~~) 60 days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) (a) through (e))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (e))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.))~~

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 17. RCW 10.01.180 and 2018 c 269 s 8 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each ~~((twenty five dollars))~~ \$25 of the amount ordered, ~~((thirty))~~ 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment,

fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. ~~((The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.))~~

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

Sec. 18. RCW 3.62.085 and 2018 c 269 s 16 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of ~~((forty three dollars))~~ \$43, except this fee shall not be imposed on a defendant who is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 19. RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of ~~((two hundred dollars))~~ \$200 except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of ~~((forty five dollars))~~ \$45, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The ~~((forty five dollar))~~ \$45 filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of ~~((two hundred dollars))~~ \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((two hundred dollars))~~ \$200.

(d) For filing of a petition for an antiharassment protection order under RCW 7.105.100 a filing fee of ~~((fifty three dollars))~~ \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((two hundred dollars))~~ \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of ~~((two hundred dollars))~~ \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((two hundred dollars))~~ \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as

provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3). Upon motion by the defendant, the court may waive or reduce any fee previously imposed under this subsection if the court finds that the defendant is indigent as defined in RCW 10.01.160(3).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 7.105.115.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) In addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which ~~((seventy five))~~ 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and ~~((twenty five))~~ 25 percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of ~~((thirty dollars))~~ \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of ~~((forty dollars))~~ \$40 must be collected.

Sec. 20. RCW 43.43.7541 and 2018 c 269 s 18 are each amended to read as follows:

~~((Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed.))~~

(1) The clerk of the court shall transmit ((eighty)) 80 percent of ((the fee)) any amounts collected for fees imposed prior to the effective date of this section for the collection of an offender's DNA to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit ((twenty)) 20 percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.))

(2) Upon motion by the offender, the court shall waive all but one previously imposed fee for the collection of the offender's DNA.

(3) For fiscal year 2023, the legislature must appropriate the sum of \$300,000 for deposit into the state DNA database account under RCW 43.43.7532, and for fiscal year 2024 the legislature must appropriate \$600,000 for deposit into the account. Each fiscal year after 2024, the legislature must increase the total appropriation by the fiscal growth factor, as defined in RCW 43.135.060. Of amounts so appropriated, the Washington state patrol may expend 80 percent for operation and maintenance of the DNA database under RCW 43.43.754 and 20 percent for distribution to the agency responsible for the collection of the biological sample from the offender.

Sec. 21. RCW 43.43.7532 and 2002 c 289 s 5 are each amended to read as follows:

The state DNA database account is created in the custody of the state treasurer. All receipts under RCW

43.43.7541 must be deposited into the account. Expenditures from the account may be used only for creation, operation, and maintenance of the DNA database under RCW 43.43.754 and for distribution to agencies responsible for the collection of the biological sample from the offender. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 22. A new section is added to chapter 3.66 RCW to read as follows:

"Legal financial obligation" means a sum of money that is ordered by a district or municipal court of the state of Washington for legal financial obligations which may include restitution to the victim, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a conviction. Legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

Sec. 23. RCW 10.01.170 and 2018 c 269 s 7 are each amended to read as follows:

(1) When a defendant is sentenced to pay fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW ~~((10.01.010(3) (a) through (e)))~~ 10.01.160(3), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources

with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 24. RCW 10.46.190 and 2018 c 269 s 9 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW ~~((10.01.010(3) (a) through (e)))~~ 10.01.160(3). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 25. RCW 9.92.070 and 2018 c 269 s 11 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods. If the court finds that the defendant is indigent as defined in RCW ~~((10.01.010(3) (a) through (e)))~~ 10.01.160(3), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

Sec. 26. RCW 7.68.240 and 2011 c 336 s 249 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over ~~((fifty))~~ 50 percent of any moneys in the escrow account to such person or his or her legal representatives and ~~((fifty))~~ 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035~~((+4))~~ (1).

Sec. 27. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.655, relating to the parenting sentencing alternative;

(ix) RCW 9.94A.695, relating to the mental health sentencing alternative;

(x) RCW 9.94A.507, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

(xiv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of ~~((thirty))~~ 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than ~~((thirty))~~ 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760~~((and 43.43.754))~~.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 28. RCW 9.94A.777 and 2010 c 280 s 6 are each amended to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution ~~((or the victim penalty assessment under RCW 7.68.025))~~, a judge must first determine that the defendant, under the terms of this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

Sec. 29. RCW 13.40.192 and 2015 c 265 s 7 are each amended to read as follows:

(1) If a juvenile is ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and restitution, the money judgment remains enforceable for a period of ~~((ten))~~ 10 years. When the juvenile reaches the age of ~~((eighteen))~~ 18 years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ~~((ten))~~ 10 years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for legal financial obligations ~~((including crime victims' assessments,))~~ in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

(2) A respondent under obligation to pay legal financial obligations other than restitution ~~((the victim penalty assessment set forth in RCW 7.68.035,))~~ or the crime laboratory analysis fee set forth in RCW 43.43.690 may petition the court for modification or relief from those legal financial obligations and interest accrued on those obligations for good cause shown, including inability to pay. The court shall consider factors such as, but not limited to incarceration and a respondent's other debts, including restitution, when determining a respondent's ability to pay.

Sec. 30. RCW 13.40.200 and 2004 c 120 s 7 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than ~~((thirty))~~ 30 days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or

restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to ~~((thirty))~~ 30 days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed ~~((thirty))~~ 30 days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution ~~((unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment))~~. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

NEW SECTION. Sec. 31. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. Sec. 32. This act takes effect January 1, 2023.

NEW SECTION. **Sec. 33.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Klippert moved the adoption of amendment (884) to striking amendment (880):

On page 1, line 14 of the striking amendment, after "pay," strike "full or"

On page 1, line 17 of the striking amendment, after "pay" insert "full restitution"

On page 3, line 8 of the striking amendment, after "pay," strike "full or"

On page 3, line 11 of the striking amendment, after "pay" insert "full restitution"

On page 6, line 25 of the striking amendment, after "pay," strike "full or"

On page 6, line 28 of the striking amendment, after "pay" insert "full restitution"

On page 19, line 5 of the striking amendment, after "pay," strike "full or"

On page 19, line 8 of the striking amendment, after "pay" insert "full restitution"

On page 21, line 19 of the striking amendment, after "pay," strike "full or"

On page 21, line 22 of the striking amendment, after "pay" insert "full restitution"

Representative Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (884) to striking amendment (880) was not adopted.

Representative Klippert moved the adoption of amendment (885) to striking amendment (880):

On page 22, line 20 of the striking amendment, after "willfully" insert "or negligently"

On page 24, line 12 of the striking amendment, after "willfully" insert "or negligently"

On page 25, line 24 of the striking amendment, after "willfully" insert "or negligently"

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (885) to striking amendment (880) was not adopted.

Representative Walsh moved the adoption of amendment (886) to striking amendment (880):

On page 24, line 8 of the striking amendment, after "circumstances" insert "or obligations, relating to the defendant's children or dependents,"

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Simmons spoke against the adoption of the amendment to the striking amendment.

Amendment (886) to striking amendment (880) was not adopted.

Representative Abbarno moved the adoption of amendment (887) to striking amendment (880):

On page 29, beginning on line 10 of the striking amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 33, beginning on line 4 of the striking amendment, after "restitution." strike all material through "~~hours~~." on line 6 and insert "((The)) Any crime victim penalty assessment imposed under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours."

On page 36, beginning on line 2 of the striking amendment, after "restitution." strike all material through "~~hours~~." on line 4 and insert "((The)) Any crime victim penalty assessment imposed under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours."

On page 37, beginning on line 36 of the striking amendment, after "restitution." strike all material

through "~~hours-~~")" on line 38 and insert "~~(The)~~ Any crime victim penalty assessment imposed under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours."

On page 46, beginning on line 26 of the striking amendment, strike all of section 30

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Abbarno and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Simmons spoke against the adoption of the amendment to the striking amendment.

Amendment (887) to striking amendment (880) was not adopted.

Representative Klippert moved the adoption of amendment (883) to striking amendment (880):

On page 41, line 1 of the striking amendment, after "court" strike "shall" and insert "may"

Representative Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (883) to striking amendment (880) was not adopted.

Representatives MacEwen and Simmons spoke in favor of the adoption of the striking amendment.

Striking amendment (880) was adopted.

The bill was ordered engrossed.

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

Representatives Simmons, Harris-Talley and Corry spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1412.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1412, and the bill passed the House by the following vote: Yeas, 70; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, McEntire, Mosbrucker, Orcutt, Rule, Schmick, Shewmake, Sutherland, Walsh, Ybarra and Young.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1899, by Representatives Kirby, Vick, Graham and Young

Concerning confidentiality of certain data shared with the department of financial institutions.

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1899.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1899, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Boehnke, Kretz, McCaslin and Walen.

HOUSE BILL NO. 1899, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2059, by Representatives Gregerson, Leavitt, Morgan, Vick, Gilday, Rude, Chapman, Barkis and Lekanoff

Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate. Revised for 1st Substitute: Concerning real estate agency law, but only to clarify that the statutory duties of real estate brokers apply to all parties and prohibiting the delivery of buyer unfair practice letters to the seller of residential real estate.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2059 was substituted for House Bill No. 2059 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2059 was read the second time.

Representative Gregerson moved the adoption of amendment (864):

On page 2, beginning on line 6, strike all of subsection (6)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 35, after "purchase" strike all material through "present" on line 38

On page 4, line 14, after "earliest;" strike "~~(and)~~" and insert "and"

On page 4, beginning on line 21, after "Agency" strike all material through "seller." on line 24 and insert "Disclosure. " "

Representatives Gregerson and Vick spoke in favor of the adoption of the amendment.

Amendment (864) was adopted.

The bill was ordered engrossed.

There being no objection, the House deferred action on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1650, by Representatives Leavitt, Mosbrucker, Eslick, Pollet, Griffey and Young

Concerning commercial solicitation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1650 was substituted for House Bill No. 1650 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1650 was read the second time.

Representative Leavitt moved the adoption of amendment (863):

On page 3, at the beginning of line 5, strike "or facilitating"

On page 3, line 6, after "~~lease~~)" insert "or advertising the commercial availability of real property, goods, or services"

On page 3, line 14, after "promote" strike "or facilitate"

On page 3, line 15, after "~~lease~~)" insert "or advertise the commercial availability of real property, goods, or services"

On page 8, line 8, after "purpose of" strike "encouraging or facilitating" and insert "~~((encouraging))~~: Encouraging"

On page 8, line 9, after "services" strike "or to provide" and insert "; advertising to a person the commercial availability of property, goods, or services; or encouraging a person to provide"

Representatives Leavitt and Vick spoke in favor of the adoption of the amendment.

Amendment (863) was adopted.

Representative Vick moved the adoption of amendment (872):

On page 3, line 12, after "law." insert "It also does not mean an email message sent to a recipient who has an established business relationship with the sender."

On page 3, line 17, after "law." insert "It also does not mean a text message sent to a recipient who has an established business relationship with the sender."

On page 8, line 11, after "any" insert "recipient who has an established business relationship with the sender, or voice communication to any"

Representative Vick spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Amendment (872) was not adopted.

Representative Leavitt moved the adoption of amendment (784):

On page 3, beginning on line 11, after "constitutes" strike all material through "law" on line 12 and insert "debt collection activity"

On page 3, beginning on line 16, after "constitutes" strike all material through "law" on line 17 and insert "debt collection activity"

Representatives Leavitt and Vick spoke in favor of the adoption of the amendment.

Amendment (784) was adopted.

Representative Leavitt moved the adoption of amendment (875):

On page 3, line 33, after "(7)" insert "Established business relationship" means an existing relationship formed by a voluntary two-way communication between a person or entity and a business, with or without an exchange of consideration, on the basis of an application, purchase, or transaction regarding real property, goods, or services offered by such business or entity, which relationship has not been previously terminated by either party.

(8)"

Re-number the remaining subsections consecutively and correct any

internal references accordingly.

On page 6, line 15, after "(b)" insert "The commercial electronic text message is transmitted by a person with an

established business relationship with the recipient.

(c)"

On page 8, line 12, after "communication" insert ", or voice communication sent by a person with an established business relationship with the recipient"

On page 8, line 18, after "(d)" insert "Established business relationship" means an existing relationship formed by a voluntary two-way communication between a person or entity and a business, with or without an exchange of consideration, on the basis of an application, purchase, or transaction regarding property, goods, or services offered by such business or entity, which relationship has not been previously terminated by either party.

(e)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Leavitt and Vick spoke in favor of the adoption of the amendment.

Amendment (875) was adopted.

Representative Vick moved the adoption of amendment (873):

On page 7, line 36, after "selecting" strike "or" and insert "and"

Representative Vick spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Amendment (873) was not adopted.

Representative Vick moved the adoption of amendment (871):

On page 2, beginning on line 4, strike all of subsection (3)

Re-number the remaining subsections consecutively and correct any

internal references accordingly.

On page 5, beginning on line 14, strike all of section 4

Re-number the remaining sections consecutively and correct any

internal references accordingly.

On page 7, beginning on line 6, after "and" strike all material through "~~19.190.080~~")" on line 11 and insert "to seek up to (~~five hundred dollars~~) \$500 per violation, or actual damages, whichever is greater. A person who seeks damages under this subsection may only bring an action against a person or entity that directly violates RCW 19.190.080."

On page 7, line 15, after "of" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 16, after "violates" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 17, after "of" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 20, after "of" strike "~~(RCW 19.190.080)~~ this chapter" and insert "RCW 19.190.080"

On page 7, line 21, after "under" strike "~~(subsection (2) of)~~" and insert "subsection (2) of"

On page 7, line 23, after "by" strike "~~(subsection (2) of)~~" and insert "subsection (2) of"

On page 7, beginning on line 24, after "this" strike all material through "~~the~~" on line 25 and insert "section. The"

On page 9, beginning on line 35, after "RCW" strike all material through "~~greater~~" on line 39

Correct the title.

Representatives Vick and Walsh spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Amendment (871) was not adopted.

The bill was ordered engrossed.

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

Representative Leavitt spoke in favor of the passage of the bill.

Representatives Vick and Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1650.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1650, and the bill passed the House by the following vote: Yeas, 54; Nays, 41; Absent, 0; Excused, 3.

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

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

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1650, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059 on second reading.

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

Representatives Gregerson and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2059.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2059, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2059, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1497, by Representatives Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick and Young

Concerning commercial telephone solicitation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1497 was substituted for House Bill No. 1497 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1497 was read the second time.

Representative Mosbrucker moved the adoption of amendment (899):

On page 3, line 6, after "after" strike "5:00" and insert "8:00"

On page 4, line 1, after "~~((9:00))~~" strike "5:00" and insert "8:00"

On page 5, at the beginning of line 19, strike "5:00" and insert "8:00"

Representatives Mosbrucker and Kirby spoke in favor of the adoption of the amendment.

Amendment (899) was adopted.

The bill was ordered engrossed.

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

Representatives Mosbrucker, Kirby and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1497.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1497, and the bill

passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, MacEwen, Rude and Vick.

Excused: Representatives Kretz, McCaslin and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1497.

Representative Kraft, 17th District

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

MESSAGE FROM THE SENATE

February 10, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,
SECOND SUBSTITUTE SENATE BILL NO. 5619,
SENATE BILL NO. 5713,
SENATE BILL NO. 5747,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5803,
SUBSTITUTE SENATE BILL NO. 5819,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5847,
SENATE BILL NO. 5855,
SENATE BILL NO. 5895,
SUBSTITUTE SENATE BILL NO. 5961,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1048
 HOUSE BILL NO. 1169
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241
 SECOND SUBSTITUTE HOUSE BILL NO. 1359
 HOUSE BILL NO. 1614
 HOUSE BILL NO. 1687
 HOUSE BILL NO. 1688
 HOUSE BILL NO. 1723
 HOUSE BILL NO. 1724
 HOUSE BILL NO. 1741
 HOUSE BILL NO. 1755
 HOUSE BILL NO. 1760
 HOUSE BILL NO. 1770
 HOUSE BILL NO. 1773
 HOUSE BILL NO. 1782
 HOUSE BILL NO. 1818
 HOUSE BILL NO. 1827
 HOUSE BILL NO. 1835
 HOUSE BILL NO. 1851
 HOUSE BILL NO. 1859
 HOUSE BILL NO. 1865
 HOUSE BILL NO. 1866
 HOUSE BILL NO. 1868
 HOUSE BILL NO. 1904
 HOUSE BILL NO. 1905
 HOUSE BILL NO. 2037
 HOUSE BILL NO. 2058
 HOUSE BILL NO. 2078
 HOUSE BILL NO. 2096
 HOUSE BILL NO. 2097
 HOUSE BILL NO. 1175
 HOUSE BILL NO. 1571
 HOUSE BILL NO. 1928
 HOUSE BILL NO. 1984
 HOUSE BILL NO. 2044
 HOUSE BILL NO. 2077

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056
 SECOND SUBSTITUTE HOUSE BILL NO. 1157

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

SECOND READING

HOUSE BILL NO. 1878, by Representatives Riccelli, Berg, Bergquist, Berry, Leavitt, Maycumber, Santos,

Stonier, Wicks, Peterson, Shewmake, Taylor, Gregerson, Ormsby, Lekanoff, Fitzgibbon, Orwall, Harris, Ramel, Thai and Valdez

Increasing public school participation in the community eligibility provision of the United States department of agriculture.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1878 was substituted for House Bill No. 1878 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1878 was read the second time.

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

Representatives Riccelli, Maycumber, Stonier, Dolan and Berg spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1878.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1878, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase and Kraft.
 Excused: Representatives Kretz and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1878, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1833, by Representatives Berg, Riccelli, Callan, Gregerson, Santos, Shewmake, Wylie, Sullivan, Slatter, Bergquist, Stonier and Harris-Talley

Establishing an electronic option for the submission of household income information required for participation in school meals and programs.

The bill was read the second time.

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

Representatives Berg, Ybarra and Santos spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1833.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1833, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Dufault and Kraft.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1974, by Representatives Ybarra and Callan

Moving state board of education and educational service district elections to the Washington state school directors' association.

The bill was read the second time.

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

Representatives Ybarra and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1974.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1974, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Kretz and McCaslin.

HOUSE BILL NO. 1974, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1664, by Representatives Rule, Stonier, Shewmake, Senn, Ramel, Wicks, Johnson, J., Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney and Frame

Concerning prototypical school formulas for physical, social, and emotional support in schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1664 was substituted for House Bill No. 1664 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1664 was read the second time.

Representative Walsh moved the adoption of amendment (906):

On page 6, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one nurse to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one nurse per school,

then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv)"

On page 15, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one nurse to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one nurse per school, then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv)"

Representatives Walsh and Klippert spoke in favor of the adoption of the amendment.

Representatives Santos and Bergquist spoke against the adoption of the amendment.

Amendment (906) was not adopted.

Representative Walsh moved the adoption of amendment (908):

On page 6, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one counselor to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one counselor per school, then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv)"

On page 15, line 27, after "(iii)" insert "School districts with at least 500 annual average full-time equivalent students must assign one counselor to each school. If the allocations provided under (b)(i) of this subsection are not sufficient to fund one counselor per school, then the omnibus appropriations act shall provide additional funding sufficient to meet this requirement.

(iv)"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (908) was not adopted.

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

Representatives Rule, Ybarra, Ortiz-Self, Senn, Rude, Callan and Stonier spoke in favor of the passage of the bill.

Representatives Dufault and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1664.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1664, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Dye, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McEntire, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Kretz and McCaslin.

SECOND SUBSTITUTE HOUSE BILL NO. 1664, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1673, by Representatives Ryu, Donaghy, Leavitt, Boehnke, Eslick, Rule, Kloba, Wylie, Ortiz-Self, Dolan, Taylor and Frame

Concerning broadband infrastructure loans and grants made by the public works board.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1673 was substituted for House Bill No. 1673 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1673 was read the second time.

Representative Dufault moved the adoption of amendment (894):

On page 2, line 16, after "funding." insert "The board may add an additional funding round midway through the fiscal year."

On page 2, line 31, after "that" strike "will" and insert "~~((will))~~ may"

On page 3, line 27, after "board;" insert "and"

On page 3, beginning on line 28, after "(h)" strike all material through "(i)" on line 29

On page 3, line 37, after "that" strike "will" and insert "may"

On page 4, line 3, after "proposed" insert "available plans with"

On page 6, after line 3, insert the following:

"(g) In order to object to the application, a broadband service provider must present already completed engineered plans for the affected area to indicate intention of expanding to the area."

On page 6, beginning on line 9, after "(i)" strike all material through "(ii)" on line 12 and insert "~~((Provide assistance to public private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;~~

~~(ii))~~"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 12, after "proceed" insert ", including completed engineered plans, existing infrastructure to build plant, and back-end middle mile enabling immediate operation"

On page 6, beginning on line 13, after "(iii)" strike all material through "(iv)" on line 19 and insert "~~((Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;~~

~~(iv))~~"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 35, after "(ix)" strike all material through "(x)" on line 38 and insert "~~((Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;~~

~~(x))~~"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 7, beginning on line 3, after "(xii)" strike all material through "(xiii)" on line 5 and insert "~~((Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;~~

~~(xiii))~~"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representative Dufault spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (894) was not adopted.

Representative Hansen moved the adoption of amendment (898).

On page 5, beginning on line 1, after "than" strike all material through "43.330.536" on line 2 and insert "~~((the state speed goals contained in RCW 43.330.536))~~ the speeds contained in the definition of broadband in RCW 43.330.530(2)"

On page 5, beginning on line 5, after "than" strike all material through "43.330.536" on line 6 and insert "~~((the state speed goals contained in RCW 43.330.536))~~ the speeds contained in the definition of broadband in RCW 43.330.530(2)"

Representatives Hansen and Boehnke spoke in favor of the adoption of the amendment.

Amendment (898) was adopted.

The bill was ordered engrossed.

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

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1673.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1673, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

February 10, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5252,
SENATE BILL NO. 5487,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5544,
SUBSTITUTE SENATE BILL NO. 5581,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5597,
SECOND SUBSTITUTE SENATE BILL NO. 5664,
SECOND SUBSTITUTE SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5741,
SUBSTITUTE SENATE BILL NO. 5838,

SENATE BILL NO. 5854,
SUBSTITUTE SENATE BILL NO. 5892,
SENATE BILL NO. 5927,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1705, by Representatives Berry, Valdez, Ryu, Fitzgibbon, Berg, Bateman, Duerr, Walen, Callan, Davis, Taylor, Macri, Peterson, Ramel, Ramos, Santos, Senn, Simmons, Slatter, Bergquist, Tharinger, Pollet, Frame, Harris-Talley, Hackney and Kloba

Concerning ghost guns.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

With the consent of the House, amendments (802), (816), (823), (806), (821) and (803) were withdrawn.

Representative Berry moved the adoption of amendment (924):

On page 1, beginning on line 11, strike all of section 1

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Berry and Maycumber spoke in favor of the adoption of the amendment.

Amendment (924) was adopted.

Representative Graham moved the adoption of amendment (824):

On page 5, beginning on line 36, after "Frame or receiver" strike all material through "rails" on page 6, line 9, and insert "has the same meaning as provided in 27 CFR § 478.11"

Representative Graham spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (824) was not adopted.

Representative Sutherland moved the adoption of amendment (801):

On page 7, line 28, after "Semiautomatic" strike "assault" and insert "~~((assault))~~"

On page 7, line 32, after "Semiautomatic" strike "assault" and insert "~~((assault))~~"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (801).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (801) amends the definition of semiautomatic assault rifle.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Young moved the adoption of amendment (815):

On page 9, line 20, after "complete" strike ", disassembled, or inoperable,"

Representatives Young, Walsh, Hoff and McEntire spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (815) was not adopted.

Representative Klippert moved the adoption of amendment (804):

On page 10, line 4, after "as" strike "an unfinished component part of a

firearm" and insert "a firearm frame or receiver"

Representatives Klippert and Walsh spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (804) was not adopted.

Representative McEntire moved the adoption of amendment (805):

On page 10, line 4, after "as" strike "an unfinished component part of a firearm" and insert "an unfinished firearm frame or receiver"

Representatives McEntire, Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (805) was not adopted.

Representative Ybarra moved the adoption of amendment (819):

On page 10, line 8, after "July 1," strike "2019" and insert "~~((2019))~~ 2022"

Representatives Ybarra, Klippert, Dent, Rude, Sutherland, Walsh and Wilcox spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (819) was not adopted.

Representative Gilday moved the adoption of amendment (807):

On page 10, line 10, after "firearm" strike "by a (~~federally~~" and insert "~~((by a federally~~"

On page 10, beginning on line 11, after "~~importer~~")" strike all material through "regulations" on line 13

Representatives Gilday and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (807) was not adopted.

Representative Abbarno moved the adoption of amendment (813):

On page 11, line 26, after "No" insert "prohibited"

On page 11, line 28, after "no" insert "prohibited"

On page 11, line 33, after "No" insert "prohibited"

On page 12, line 5, after "Any" insert "prohibited"

On page 12, line 7, after "a" insert "prohibited"

On page 12, line 10, after "a" insert "prohibited"

On page 12, line 14, after "a" insert "prohibited"

On page 12, line 20, after "(e) A" insert "prohibited"

On page 12, after line 21, insert the following:

"(6) For purposes of this section, "prohibited person" means an individual whose constitutional rights are impaired by the various sections and subsections of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (813).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (813) expands the class of individuals not subject to restrictions on manufacturing, assembly, possession, transportation, sale, transfer and purchase of untraceable firearms beyond the specific exceptions contained in the bill.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Abbarno moved the adoption of amendment (812):

On page 11, line 26, after "No" insert "prohibited"

On page 11, line 27, after "firearm." insert "For purposes of this subsection, "prohibited person" means an individual whose constitutional rights are impaired by the various sections and subsections of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (812).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (812) expands the class of individuals not subject to the restriction on manufacturing and assembly of untraceable firearms beyond the specific exceptions contained in the bill.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (809):

On page 12, line 5, after "(5)" strike "(a)"

On page 12, beginning on line 7, beginning with "(b)" strike all material through "applies." on line 21

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (809) was not adopted.

Representative Abbarno moved the adoption of amendment (814):

On page 12, line 24, after "no" insert "prohibited"

On page 12, line 32, after "No" insert "prohibited"

On page 13, line 5, after "Any" insert "prohibited"

On page 13, line 7, after "a" insert "prohibited"

On page 13, line 10, after "a" insert "prohibited"

On page 13, line 14, after "a" insert "prohibited"

On page 13, line 19, after "(e) A" insert "prohibited"

On page 13, after line 21, insert the following:

"(5) For purposes of this section, "prohibited person" means an individual whose constitutional rights are impaired by the various sections and subsections of this act."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (814).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (814) expands the class of individuals not subject to restrictions on possession, transportation, receipt, sale, transfer and purchase of frames and receivers beyond the specific exceptions contained in the bill.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Ybarra moved the adoption of amendment (818):

On page 12, line 28, after "manufacturer," strike "or"

On page 12, line 29, after "dealer" insert ", or common carrier"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (818).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (818) creates an additional exception to the restrictions on possessing, transporting, or receiving an unfinished frame or receiver for common carriers.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Gilday moved the adoption of amendment (808):

On page 12, beginning on line 29, after "receiver" strike all material through "dealer" on line 31 and insert "is imprinted with a serial number within 5 business days of receipt by the purchaser"

On page 12, beginning on line 36, after "receiver" strike all material through "dealer" on line 38 and insert "is imprinted with a serial number within 5 business days of receipt by the purchaser"

Representatives Gilday, Walsh and Sutherland spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (808) was not adopted.

Representative Walsh moved the adoption of amendment (810):

On page 13, line 5, after "(4)" strike "(a)"

On page 13, beginning on line 7, beginning with "(b)" strike all material through "applies." on line 21

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (810) was not adopted.

Representative Walsh moved the adoption of amendment (811):

On page 13, beginning on line 24, after "(1)" strike all material through "firearms" on line 25 and insert "A non-prohibited person"

On page 13, line 26, after "number." insert "For purposes of this section, "non-prohibited person" means an individual whose constitutional rights are not impaired by the various sections and subsections of this act."

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (811) was not adopted.

Representative Corry moved the adoption of amendment (916):

On page 14, after line 4, insert the following:

"**Sec. 8.** RCW 9.94A.533 and 2020 c 330 s 1 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence

range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions,

including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on

the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the

statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements

under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total

confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the

victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any

felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15) An additional twelve months shall be added to the standard sentence range for a violent offense that involved the use of an untraceable firearm as defined by RCW 9.41.010.

(16) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age eighteen, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

NEW SECTION. Sec. 9. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution of a violent offense, the prosecution may file a special allegation that the offense involved the use of an untraceable firearm as defined in RCW 9.41.010.

(2) The state has the burden of proving a special allegation made under this section beyond a reasonable doubt. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the offense involved the use of an untraceable firearm. If no jury is had, the court shall make a finding of fact as to whether offense involved the use of an untraceable firearm."

Renumber the remaining sections consecutively and correct any internal

references accordingly. Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (916).

SPEAKER'S RULING

"The title of the bill is an act relating to limiting ghost guns, including untraceable firearms and untraceable finished frames and receivers that can be used to manufacture or assemble untraceable firearms, with exceptions for licensed federal firearm manufacturers, dealers, and importers, and firearms that have been rendered permanently inoperable, are antiques, or were manufactured before 1968.

The bill imposes certain restrictions on untraceable firearms, unfinished frames and receivers, creates specific exceptions for federal firearms dealers, manufacturers, and importers and specific types of firearms, and establishes standards for marking firearms and unfinished frames and receivers.

Amendment (916) pertains to sentencing enhancements for violent offenses for use of such firearms.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

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

Representatives Berry, Valdez, Walen and Senn spoke in favor of the passage of the bill.

Representatives Abbarno, Dufault, McEntire, Jacobsen, Hoff, Volz, Young, Chambers, Sutherland, Graham, Dent, Wilcox, Kraft, Griffey, Mosbrucker, MacEwen, Chase, Orcutt and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1705.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1705, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representatives Kretz and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 11, 2022, the 33rd Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 11, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chief Clerk Bernard Dean.

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

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

MESSAGES FROM THE SENATE

February 10, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5532,
SUBSTITUTE SENATE BILL NO. 5555,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764,
SUBSTITUTE SENATE BILL NO. 5821,
SUBSTITUTE SENATE BILL NO. 5886,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5942,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5575,
SECOND SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5726,
SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5946,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

2SSB 5332 by Senate Committee on Transportation
(originally sponsored by Padden)

AN ACT Relating to off-road and wheeled all-terrain vehicles; amending RCW 46.09.442 and 46.09.457; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

ESSB 5428 by Senate Committee on Housing & Local Government (originally sponsored by Nguyen, Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña and Wellman)

AN ACT Relating to the application of the state environmental policy act to temporary shelters and transitional encampments; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment & Energy.

SB 5491 by Senators Pedersen, Rivers and Mullet

AN ACT Relating to clarifying waiver of firearm rights; amending RCW 9.41.010, 9.41.040, 9.41.098, 9.41.350, and 9.41.352; adding a new section to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5497 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Nobles, Conway, Das, Hunt, Lovelett, Lovick, Nguyen, Saldaña and Wellman)

AN ACT Relating to extending voting authority to student members on the state board of education; and amending RCW 28A.305.011.

Referred to Committee on Education.

SB 5505 by Senators Rolfes, Warnick, Hasegawa, Lovelett, Lovick, Mullet, Pedersen, Van De Wege, Wagoner and Wilson, C.

AN ACT Relating to reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used

for the purpose of a farmers market; amending RCW 84.36.020 and 84.36.805; and creating new sections.

Referred to Committee on Finance.

SB 5509 by Senators Honeyford, Mullet, Padden, Randall, Wagoner, Wilson, J. and Wilson, L.

AN ACT Relating to exempting fentanyl testing equipment from the definition of drug paraphernalia; and amending RCW 69.50.102.

Referred to Committee on Public Safety.

SB 5510 by Senators King, Lovelett, Dozier, Mullet, Saldaña and Wilson, J.

AN ACT Relating to renewal of the sales and use tax for transportation benefit districts; and amending RCW 82.14.0455.

Referred to Committee on Transportation.

SB 5534 by Senators Brown and Wagoner

AN ACT Relating to the use of verifiable credentials; and creating new sections.

Referred to Committee on Appropriations.

SSB 5546 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Van De Wege, Cleveland, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford and Wilson, C.)

AN ACT Relating to insulin affordability; amending RCW 41.05.017; reenacting and amending RCW 48.43.780; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5553 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Das, Hasegawa, Lovick, Nguyen, Nobles, Randall and Wellman)

AN ACT Relating to providing data regarding early STEM metrics in the STEM education report card; and amending RCW 28A.188.040.

Referred to Committee on Children, Youth & Families.

SSB 5558 by Senate Committee on Transportation (originally sponsored by King, Liias and Mullet)

AN ACT Relating to the bistate governance of interstate toll bridges owned by local governments; amending RCW 47.56.860; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SSB 5564 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.)

AN ACT Relating to protecting the confidentiality of employees using employee assistance programs; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 5566 by Senators Kuderer, Lovelett, Das, Dhingra, Fortunato, Nguyen, Saldaña and Wilson, C.

AN ACT Relating to expanding eligibility for the independent youth housing program; and amending RCW 43.63A.307.

Referred to Committee on Appropriations.

SB 5582 by Senators Hunt and Kuderer

AN ACT Relating to the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five; and amending RCW 53.12.010 and 53.12.130.

Referred to Committee on Local Government.

SB 5583 by Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen, Nobles, Randall, Rivers, Saldaña, Stanford, Wellman and Wilson, C.

AN ACT Relating to requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons; amending RCW 29A.76.010 and 29A.76.010; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5589 by Senate Committee on Health & Long Term Care (originally sponsored by Robinson, Cleveland, Frockt and Randall)

AN ACT Relating to statewide spending on primary care; adding a new section to chapter 70.390 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Appropriations.

SSB 5594 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Short, Wellman, Hasegawa, Padden and Wagoner)

AN ACT Relating to public school instruction in awareness of bone marrow donation; adding a new

section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SB 5596 by Senators Trudeau, Frockt, Dhingra, Nobles and Wilson, C.

AN ACT Relating to conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act; and amending RCW 18.225.100 and 18.225.105.

Referred to Committee on Civil Rights & Judiciary.

SB 5607 by Senators Wilson, L., Braun, Hasegawa, Rolfes, Wellman and Wilson, J.

AN ACT Relating to including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census; amending RCW 43.185C.030; and creating a new section.

Referred to Committee on Housing, Human Services & Veterans.

SB 5609 by Senators Trudeau, Wilson, C., Das, Hasegawa, Nguyen, Nobles and Stanford

AN ACT Relating to eliminating fingerprinting at juvenile dispositions; and amending RCW 10.64.110.

Referred to Committee on Children, Youth & Families.

SSB 5610 by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, Cleveland, Conway, Dhingra, Hasegawa, Honeyford, Keiser, Kuderer, Liias, Lovelett, Lovick, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to requiring cost sharing for prescription drugs to be counted against an enrollee's out-of-pocket costs, deductible, cost sharing, out-of-pocket maximum, or similar enrollee obligation, regardless of the source of the payment; amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5613 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Van De Wege, Rolfes, Conway, Hasegawa, Liias, Lovelett, Pedersen and Stanford)

AN ACT Relating to the use of dogs to hunt black bear, cougar, or bobcat; and amending RCW 77.15.245.

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

SSB 5620 by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Braun, Dhingra, Gildon, Rolfes and Wilson, J.)

AN ACT Relating to medicaid expenditures; amending RCW 74.04.050; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SB 5629 by Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen and Wilson, C.

AN ACT Relating to control of the disposition of remains; and amending RCW 68.50.160.

Referred to Committee on Civil Rights & Judiciary.

SSB 5631 by Senate Committee on Transportation (originally sponsored by Kuderer, Brown, Dhingra, Fortunato, Lovick, Nobles, Stanford, Van De Wege, Warnick, Wilson, J. and Wilson, L.)

AN ACT Relating to making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration; amending RCW 46.25.090; and providing an effective date.

Referred to Committee on Transportation.

SB 5657 by Senators Wellman, Hunt, Gildon, Hasegawa, Mullet, Nguyen, Nobles, Rivers and Wilson, C.

AN ACT Relating to computer science instruction in state long-term juvenile institutions; adding a new section to chapter 28A.190 RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 5707 by Senators Saldaña, Pedersen and Nguyen

AN ACT Relating to extending additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety; amending RCW 46.63.170; amending 2020 c 224 s 3 (uncodified); and providing expiration dates.

Referred to Committee on Transportation.

SSB 5710 by Senate Committee on Law & Justice (originally sponsored by Padden and Wilson, L.)

AN ACT Relating to reducing contamination in the state toxicology laboratory; and amending RCW 43.43.670.

Referred to Committee on Public Safety.

SSB 5728 by Senate Committee on Ways & Means (originally sponsored by Holy, Dhingra and Nobles)

AN ACT Relating to the state's portion of civil asset forfeiture collections; amending RCW 69.50.505, 46.61.5058, 10.105.010, 9.68A.120, and 9A.88.150; and reenacting and amending RCW 43.79A.040.

Referred to Committee on Appropriations.

SSB 5729 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits; and amending RCW 74.08.080 and 74.09.741.

Referred to Committee on Housing, Human Services & Veterans.

SB 5750 by Senators Wilson, C. and Kuderer

AN ACT Relating to designating the Washington state leadership board a trustee of the state of Washington; amending RCW 43.15.030, 43.15.020, 43.15.095, and 43.15.100; reenacting and amending RCW 46.68.420; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.15.030, 43.15.040, and 43.15.100; and providing an effective date.

Referred to Committee on Appropriations.

SB 5788 by Senators Pedersen, Padden, Dhingra and Lovick

AN ACT Relating to guardianship of minors; and amending RCW 11.130.225, 13.04.030, 26.12.172, 26.23.050, 11.130.010, 11.130.085, 11.130.210, and 11.130.215.

Referred to Committee on Civil Rights & Judiciary.

SB 5812 by Senators Warnick, Stanford, Brown and Schoesler

AN ACT Relating to including Benton county as a county qualifying for the farm internship program; amending RCW 49.12.471; and declaring an emergency.

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

SSB 5856 by Senate Committee on Law & Justice (originally sponsored by Wilson, J. and Wilson, L.)

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Civil Rights & Judiciary.

SSB 5862 by Senate Committee on Housing & Local Government (originally sponsored by Lovelett, Rivers, Fortunato, Gildon, Kuderer, Lovick, Nguyen, Nobles, Stanford, Wilson, C. and Wilson, J.)

AN ACT Relating to technical changes to the commercial property assessed clean energy and resiliency program; amending RCW 36.165.060; and declaring an emergency.

Referred to Committee on Local Government.

SSB 5863 by Senate Committee on Transportation (originally sponsored by Saldaña, Lias, Lovick, Nguyen and Wilson, C.)

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; and amending RCW 46.55.010 and 46.55.080.

Referred to Committee on Transportation.

SB 5866 by Senators Robinson, Randall, Conway, Kuderer, Lovick, Nguyen, Nobles and Wilson, C.

AN ACT Relating to medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes; and amending RCW 74.39A.090, 74.39A.095, 74.39A.515, 74.09.520, and 74.39A.009.

Referred to Committee on Health Care & Wellness.

SB 5868 by Senators Hawkins, Kuderer, Braun, Fortunato, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Warnick

AN ACT Relating to expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing; and amending RCW 82.14.370.

Referred to Committee on Finance.

ESSB 5878 by Senate Committee on Early Learning & K-12 Education (originally sponsored by

Rolfes, Wellman, Hunt, Lovick, Nobles and Wilson, C.)

AN ACT Relating to visual and performing arts instruction; amending RCW 28A.230.020; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5880 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Salomon, Conway, Keiser, Liias, Lovick, Nobles and Van De Wege)

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.050, and 18.270.070; and adding a new section to chapter 18.160 RCW.

Referred to Committee on Appropriations.

SB 5898 by Senators Liias, King and Saldaña

AN ACT Relating to the use of vehicle-related fees to fulfill certain state general obligation bonds; amending RCW 47.10.883, 47.10.884, 47.10.885, 47.10.876, 47.10.877, 47.10.878, 47.10.864, 47.10.865, 47.10.866, 47.10.846, 47.10.847, 47.10.848, 47.10.838, 47.10.839, 47.10.841, 47.26.504, 47.26.505, 47.10.822, 47.10.823, 47.10.824, 47.10.815, 47.10.816, 47.10.817, 47.02.160, 47.02.170, 47.02.190, 47.26.424, 47.26.4252, 47.26.4254, 47.26.4255, and 39.53.120; adding a new section to chapter 47.10 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5929 by Senators Wilson, C. and Nguyen

AN ACT Relating to changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force; and amending RCW 74.08A.505.

Referred to Committee on Health Care & Wellness.

SB 5931 by Senators Wagoner and Dhingra

AN ACT Relating to appointment of judges pro tempore in the court of appeals; and amending RCW 2.06.150.

Referred to Committee on Civil Rights & Judiciary.

SB 5940 by Senator King

AN ACT Relating to creating a license endorsement allowing domestic licensed alcohol manufacturers to provide contract packaging services to other alcohol manufacturing licensees within this state; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE BILL NO. 5929 which was referred to the committee on Housing, Human Services & Veterans.

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

SECOND READING

HOUSE BILL NO. 1626, by Representatives Chapman, Shewmake, Ryu, Leavitt, Bronoske, Rule and Tharinger

Updating the authority for the fish and wildlife commission to adopt rules implementing electronic licensing practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1626 was substituted for House Bill No. 1626 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1626 was read the second time.

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

Representatives Chapman and Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Steele was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1626.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1626, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Steele.

SUBSTITUTE HOUSE BILL NO. 1626, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives Duerr, Fitzgibbon, Ryu, Berry, Leavitt, Ramel, Thai, Walen, Valdez, Goodman, Gregerson, Macri, Peterson, Slatter, Tharinger, Kloba, Pollet, Harris-Talley and Hackney

Reducing methane emissions from landfills.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1663 was substituted for House Bill No. 1663 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1663 was read the second time.

Representative Duerr moved the adoption of striking amendment (896):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active municipal solid waste landfill" means a municipal solid waste landfill that has accepted or is accepting solid waste for disposal and has not been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution does not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Ambient air" means the surrounding outside air.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Closed municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(6) "Department" means the department of ecology.

(7) "Emission" means a release of air contaminants into the ambient air.

(8) "Gas collection system" means any system that employs various gas collection wells and connected piping, and mechanical blowers, fans, pumps, or compressors to create a pressure gradient and actively extract landfill gas.

(9) "Gas control device" means any device used to dispose of or treat collected landfill gas including, but not limited to, enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells, and gas turbines.

(10) "Gas control system" means any system that disposes of or treats collected landfill gas by one or more of the following means: Combustion; gas treatment for subsequent sale, or sale for processing offsite, including for transportation fuel and injection into a natural gas pipeline.

(11) "Municipal solid waste landfill" means a discrete area of land or an excavation that receives household waste and that is not a land application site, surface impoundment, injection well, or pile.

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

NEW SECTION. Sec. 2. (1) This chapter applies to all municipal solid waste landfills that received solid waste after January 1, 1992, except as provided in subsection (2) of this section.

(2) This chapter does not apply to the following landfills:

(a) Landfills that receive only hazardous waste, or are currently

regulated under the comprehensive environmental response, compensation, and liability act, 42 U.S.C. chapter 103; and

(b) Landfills that receive only inert waste or nondecomposable wastes.

(3) The department must adopt rules to implement this chapter. The rules adopted by the department must be informed by landfill methane regulations adopted by the California air resources board, the Oregon environmental quality commission, and the United States environmental protection agency.

NEW SECTION. **Sec. 3.** (1) Each owner or operator of an active municipal solid waste landfill having fewer than 450,000 tons of waste in place must submit an annual waste in place report to the department or local authority pursuant to section 7 of this act.

(a) The waste in place report must be prepared for the period of January 1st through December 31st of each year. The report must be submitted to the department or local authority during the subsequent calendar year, with the date of submission to be established by rule as adopted by the department.

(b) The waste in place report must be submitted annually until either:

(i) The active municipal solid waste landfill reaches a size greater than or equal to 450,000 tons of waste in place; or

(ii) The owner or operator submits a closure notification pursuant to section 7 of this act.

(2) Each owner or operator of either an active municipal solid waste landfill having greater than or equal to 450,000 tons of waste in place or a closed municipal solid waste landfill having greater than or equal to 750,000 tons of waste in place must calculate the landfill gas heat input capacity pursuant to section 8 of this act and the department's implementing rules and must submit a landfill gas heat input capacity report to the department or local authority.

(a) If the calculated landfill gas heat input capacity is less

than 3,000,000 British thermal units per hour recovered, the owner or operator must:

(i) Recalculate the landfill gas heat input capacity annually using the procedures specified in section 8 of this act and the department's implementing rules; and

(ii) Submit an annual landfill gas heat input capacity report to the department or local authority until either of the following conditions are met:

(A) The calculated landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered; or

(B) If the municipal solid waste landfill is active, the owner or operator submits a closure notification pursuant to section 7 of this act.

(b) If the landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered, the owner or operator must either:

(i) Comply with the requirements of this chapter and the department's implementing rules; or

(ii) Demonstrate to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules. Based on the monitoring results, the owner or operator must do one of the following:

(A) If there is any measured concentration of methane of 200 parts per million by volume or greater from the surface of an active, inactive, or closed municipal solid waste landfill, comply with this chapter and the department's implementing rules adopted pursuant to section 2 of this act;

(B) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of an active municipal solid waste landfill, recalculate the landfill gas heat input capacity annually as required in (a) of this subsection until such time that the owner or operator submits a closure notification pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; or

(C) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of a closed or inactive municipal solid waste landfill, the requirements of this chapter and the department's implementing rules adopted pursuant to section 2 of this act no longer apply, provided that the following information is submitted to and approved by the department or local authority:

(I) A waste in place report pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; and

(II) All instantaneous surface monitoring records.

NEW SECTION. Sec. 4. (1) The owner or operator of any municipal solid waste landfill that has a calculated landfill gas heat input capacity greater than or equal to 3,000,000 British thermal units per hour recovered must install a gas collection and control system that meets the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act, unless the owner or operator demonstrates to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. The owner or operator of a municipal solid waste landfill may partner with a third party to operate all or a portion of the gas collection and control system, but the obligation to comply with the requirements of this chapter, and the liability for civil penalties issued pursuant to this chapter, remain the responsibility of the owner or operator of the municipal solid waste landfill.

(2) The gas collection and control system must handle the expected gas generation flow rate from the entire area of the municipal solid waste landfill and must collect gas at an extraction rate to comply with the surface methane emission limits set forth in section 5 of this act and the department's implementing rules.

(3) The gas collection and control system must be designed and operated so that there is no landfill gas leak that exceeds 500 parts per million by volume,

measured as methane, at any component under positive pressure.

(4) The gas collection and control system, if it uses a flare, must achieve a methane destruction efficiency of at least 99 percent by weight and must use either an enclosed flare or, if the system uses an open flare, the open flare must comply with the following requirements:

(a) The open flare must meet the requirements of 40 C.F.R. Sec. 60.18 (as last amended by 73 Fed. Reg. 78209, December 22, 2008);

(b) An open flare installed and operating prior to August 1, 2022, may operate until January 1, 2032, unless the owner or operator demonstrates to the satisfaction of the department or local authority that the landfill gas heat input capacity is less than 3,000,000 British thermal units per hour pursuant to section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act and is insufficient to support the continuous operation of an enclosed flare or other gas control device; and

(c) The owner or operator may temporarily operate an open flare during the repair or maintenance of the gas control system, or while awaiting the installation of an enclosed flare, or to address offsite gas migration issues. Any owner or operator seeking to temporarily operate an open flare must submit a written request to the department or local authority pursuant to section 10 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(5) If the gas collection and control system does not use a flare, it must either route the collected gas to an energy recovery device or devices, or must route the collected gas to a treatment system that processes the collected gas for subsequent sale or use.

(6) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the device or devices must comply with the following requirements:

(a) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight; and

(b) If a boiler or a process heater is used as the gas control device, the

landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.

(7) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use, the treatment system must achieve a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to subsection (4) of this section.

(8) The owner or operator of a municipal solid waste landfill must conduct an annual source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device remains in compliance after three consecutive annual source tests, then the owner or operator may conduct the source test once every three years. If a subsequent source test shows the gas collection and control system is out of compliance, then the source testing frequency must return to testing on an annual basis.

NEW SECTION. Sec. 5. (1) Except as provided in section 4 of this act, beginning January 1st of the year following the year in which the department adopts rules to implement this chapter, or upon commencing operation of a newly installed gas collection and control system or modification of an existing gas collection and control system pursuant to section 4 of this act, whichever is later, no location on a municipal solid waste landfill surface may exceed the following methane concentration limits, dependent upon whether the owner or operator of the municipal solid waste landfills conducts, pursuant to section 6 of this act, instantaneous surface emissions monitoring or integrated surface emissions monitoring:

(a) Five hundred parts per million by volume, other than nonrepeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or

(b) An average methane concentration limit of 25 parts per million by volume as determined by integrated surface emissions monitoring.

(2) Any reading exceeding the limits set forth in subsection (1) of this section must be recorded as an exceedance and the following actions must be taken:

(a) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map of the municipal solid waste landfill, drawn to scale, with the location of both the monitoring grids and the gas collection system clearly identified; and

(b) The owner or operator must take corrective action, which may include, but not be limited to, maintenance or repair of the cover, or well vacuum adjustments. The location or locations of any exceedance must be remonitored within 10 calendar days of a measured exceedance.

(3) The requirements of this section do not apply to:

(a) The working face of the landfill;

(b) Areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system;

(c) Areas of the landfill surface where the landfill cover material has been removed for law enforcement activities requiring excavation; or

(d) Areas of the landfill in which the landfill owner or operator, or a designee of the owner or operator, is engaged in active mining for minerals or metals.

NEW SECTION. Sec. 6. (1) The owner or operator of a municipal solid waste landfill with a gas collection and control system must conduct instantaneous or integrated surface emissions monitoring of the landfill surface according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor the gas control system according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor each individual wellhead to determine the gauge pressure according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

NEW SECTION. **Sec. 7.** (1) The owner or operator of a municipal solid waste landfill must maintain records and prepare reports as prescribed in this section and in the department's implementing rules adopted pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill must maintain records related to monitoring, testing, landfill operations, and the operation of the gas control device, gas collection system, and gas control system. The records must be provided by the owner or operator to the department or local authority within five business days of a request from the department or local authority.

(3) The owner or operator of a municipal solid waste landfill that ceases to accept waste must submit a closure notification to the department or local authority within 30 days of ceasing to accept waste.

(4) The owner or operator of a municipal solid waste landfill must submit a gas collection and control system equipment removal report to the department or local authority within 30 days of well capping or the removal or cessation of operation of the gas collection, treatment, or control system equipment.

(5) The owner or operator of either an active municipal solid waste landfill with 450,000 or more tons of waste in place or a closed municipal solid waste landfill with 750,000 or more tons of waste in place must prepare an annual report for the period of January 1st through December 31st of each year. The annual report must include a calculation of landfill gas heat input capacity. Each

annual report must be submitted to the department and local authority during the subsequent calendar year, with the date of submission to be established through rules adopted by the department.

(6) The owner or operator of an active municipal solid waste landfill with fewer than 450,000 tons of waste in place must submit a waste in place report to the department or local authority.

NEW SECTION. **Sec. 8.** (1) Any instrument used for the measurement of methane must be a hydrocarbon detector or other equivalent instrument approved by the department or local authority based on standards adopted by the department that address calibration, specifications, and performance criteria.

(2) The determination of landfill gas heat input capacity must be calculated consistent with the department's implementing rules adopted pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(4) The owner or operator of a municipal solid waste landfill must measure leaks using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(5) The expected gas generation flow rate must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(6) The control device destruction efficiency must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(7) Gauge pressure must be determined using a hand-held manometer, magnehelic gauge, or other pressure measuring device approved by the department or local authority.

(8) Alternative test methods may be used if they are approved in writing by the department or local authority.

NEW SECTION. **Sec. 9.** (1) The department or local authority must allow the capping or removal of the gas collection and control system at a closed municipal solid waste landfill, provided the following three requirements are met:

(a) The gas collection and control system was in operation for at least 15 years, unless the owner or operator demonstrates to the satisfaction of the department or local authority that due to declining methane rates, the municipal solid waste landfill will be unable to operate the gas collection and control system for a 15 year period;

(b) Surface methane concentration measurements do not exceed the limits specified in section 5 of this act; and

(c) The owner or operator submits an equipment removal report to the department or local authority pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(2) Nothing in this section may be interpreted to modify or supersede requirements related to the capping or removal of gas collection and control systems that may exist under the state clean air act, the federal clean air act, or rules adopted pursuant to either the state clean air act or the federal clean air act.

NEW SECTION. **Sec. 10.** (1) The owner or operator of a municipal solid waste landfill may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in sections 4, 6, and 8 of this act, and the department's implementing rules adopted pursuant to section 2 of this act. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance option requests include, but are not limited to: Compliance history; documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components; permits; component testing and surface monitoring results; gas collection and control system operation, maintenance, and inspection records; and historical meteorological data.

(3) The department must review the requested alternatives and either approve or disapprove the alternatives within 120 days. The department may request that additional information be submitted as part of the review of the requested alternatives.

(4) If a request for an alternative compliance option is denied, the department must provide written reasons for the denial.

(5) The department must deny a request for alternative compliance measures if the request does not provide levels of enforceability or methane emissions control that are equivalent to those set forth in this chapter or in the department's implementing rules adopted pursuant to section 2 of this act.

NEW SECTION. **Sec. 11.** The department or local authority may request that any owner or operator of a municipal solid waste landfill demonstrate that a landfill does not meet the applicability criteria specified in section 2 of this act. Such a demonstration must be submitted to the department or local authority within 90 days of a written request received from the department or local authority.

NEW SECTION. **Sec. 12.** Any person who violates this chapter or any rules that implement this chapter may incur a civil penalty pursuant to RCW 70A.15.3160.

NEW SECTION. **Sec. 13.** The department and local authorities may assess and collect such fees as may be necessary to recover the direct and indirect costs associated with the implementation of this chapter. Fees collected under this section must be deposited into the air pollution control account created in RCW 70A.15.1010.

Sec. 14. RCW 70A.65.080 and 2021 c 316 s 10 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports

electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized,

excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3)((~~a~~)) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a(~~+~~

~~(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or~~

~~(ii) Railroad)) railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.~~

~~((b) Subsection (a) of this subsection does not apply to owners or operators of landfills that;~~

~~(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart III—Municipal Solid Waste landfills, and subsequent updates; and~~

~~(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.~~

~~(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.)~~

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption

provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; ~~((and))~~

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.--- RCW (the new chapter created in section 17 of this act).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to

other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under chapter 316, Laws of 2021 and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

Sec. 15. RCW 70A.15.3160 and 2021 c 317 s 25, 2021 c 315 s 16, and 2021 c 132 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25, 70A.60, 70A.450, ~~((or 70A.60))~~ 70A.535 ((RCW)), or 70A.--- RCW (the new chapter created in section 17 of this act), RCW 76.04.205, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Enforcement actions related to violations of RCW 76.04.205 must be consistent with the provisions of RCW 76.04.205.

(b) Any person who fails to take action as specified by an order issued pursuant

to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4)(a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department or the department of natural resources shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A.60 RCW must be paid into the state treasury and credited to the refrigerant emission management account created in RCW 70A.60.050.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by

the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly underreporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 16. RCW 70A.15.1010 and 2021 c 315 s 13 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 (~~(and)~~), 70A.15.5120, and section 13 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapters 70A.25 and 70A.--- (the new chapter created in section 17 of this act) RCW, and RCW 70A.60.060.

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 17.** Sections 1 through 13 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 18.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Duerr moved the adoption of amendment (907) to striking amendment (896):

On page 6, beginning on line 19 of the striking amendment, after "(8)" strike all material through "basis" on line 28 and insert: "The owner or operator of a municipal solid waste landfill must conduct a source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device is currently in compliance with source testing requirements as of the effective date of the act, the owner or operator must conduct the source test no less frequently than once every five years. If a gas control device is currently not in compliance with source testing requirements as of the effective date of the act, or if a subsequent source test shows the gas control device is out of compliance, the owner or operator must conduct the source test no less frequently than once per year until two subsequent consecutive tests both show compliance. Upon two subsequent

consecutive compliant tests, the owner or operator may return to conducting the source test no less frequently than once every five years"

Representatives Duerr and Harris spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (907) to striking amendment (896) was adopted.

Representative Duerr spoke in favor of the adoption of the striking amendment, as amended.

Representatives Dye and Goehner spoke against the adoption of the striking amendment, as amended.

Striking amendment (896), as amended, was adopted.

The bill was ordered engrossed.

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

Representative Duerr spoke in favor of the passage of the bill.

Representatives Dye, Klippert and Boehnke spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1663.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1663, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

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

Excused: Representative Steele.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1877, by Representatives Chambers, Gilday, Jacobsen, Simmons, Corry, Graham, Dolan, Riccelli, Eslick, Lekanoff and Wicks

Addressing expired certifications for certain health professions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1877 was substituted for House Bill No. 1877 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1877 was read the second time.

With the consent of the House, amendment (889) was withdrawn.

Representative Senn moved the adoption of amendment (905):

On page 1, line 14, after "aide;" strike "and"

On page 1, line 18, after "action" insert "; and"

(e) Submits to a state and federal background check as required by RCW 74.39A.056, if the certificate has been expired for more than one year"

Representatives Senn and Chambers spoke in favor of the adoption of the amendment.

Amendment (905) was adopted.

The bill was ordered engrossed.

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

Representatives Chambers and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1877.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1877, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Steele.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1975, by Representatives Wylie, Harris, Berry, Chopp, Stonier, Ryu, Peterson and Macri

Concerning property management services provided to housing authority properties.

The bill was read the second time.

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

Representatives Wylie, Harris and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1975.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1975, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.
Excused: Representative Steele.

HOUSE BILL NO. 1975, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1930, by Representatives Jacobsen, Sutherland, Dolan, Dent, Griffey, Chase, Riccelli, Chambers, Ryu and Graham

Concerning license renewals for cosmetologists, hair designers, barbers, manicurists, and estheticians.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1930 was substituted for House Bill No. 1930 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1930 was read the second time.

Representative Ryu moved the adoption of amendment (817):

On page 1, beginning on line 7, after "manicurists," strike "and estheticians" and insert "estheticians, master estheticians, and instructors"

On page 1, line 9, after "to" insert "instruct or"

On page 2, line 13, after "expired" insert "on or"

Representatives Ryu and Jacobsen spoke in favor of the adoption of the amendment.

Amendment (817) was adopted.

The bill was ordered engrossed.

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

Representatives Jacobsen and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1930.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1930, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1717, by Representatives Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri and Young

Concerning tribal participation in planning under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1717 was substituted for House Bill No. 1717 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1717 was read the second time.

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

Representatives Pollet and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1717.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1717, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self,

Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Hoff, Klippert, Kraft, McCaslin and Vick.

SUBSTITUTE HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1717.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1799, by Representatives Fitzgibbon, Berry, Duerr, Riccelli and Harris-Talley

Concerning organic materials management.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1799 was substituted for House Bill No. 1799 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1799 was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (921):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that landfills are a significant source of emissions of methane, a potent greenhouse gas. Among other economic and environmental benefits, the diversion of organic materials to productive uses will reduce methane emissions.

(2) In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of

interventions to support productive uses of organic material wastes, including by:

(a) Requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities and reduce the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills;

(b) Requiring local governments to consider state organic material management goals and requirements in the development of their local solid waste plans;

(c) Requiring some businesses to manage their organic material wastes in a manner that does not involve landfilling them, in order to address one significant source of organic materials that currently frequently end up in landfills;

(d) Reducing legal liability risk barriers to the donation of edible food in order to encourage the recovery of foods that might otherwise be landfilled;

(e) Establishing the Washington center for sustainable food management within the department of ecology in order to coordinate and improve statewide food waste reduction and diversion efforts;

(f) Establishing various new funding and financial incentives intended to increase composting and other forms of productive organic materials management, helping to make the responsible management of organic materials more cost-competitive with landfilling of organic material wastes;

(g) Facilitating the siting of organic material management facilities in order to ensure that adequate capacity exists to process organic materials at the volumes necessary to achieve state organic material diversion goals;

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products, and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

(i) Amending standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste streams handled by compost and organic material management facilities and improve the economic viability of those responsible organic material management options.

PART 1

State Targets and Organic Material Waste Collection Requirements

NEW SECTION. Sec. 101. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) The state establishes a goal for the landfill disposal of organic materials at a level representing a 75 percent reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.

(b) The state establishes a goal that no less than 20 percent of the volume of edible food that was disposed of as of 2015 be recovered for human consumption by 2025.

(2) The provisions of subsection (1) of this section are in addition to the food waste reduction goals of RCW 70A.205.715(1).

NEW SECTION. Sec. 102. A new section is added to chapter 70A.205 RCW to read as follows:

(1) Beginning January 1, 2027, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) Source-separated organic solid waste collection services must be provided at least every other week or at least 26 weeks annually to:

(i) All residents; and

(ii) Nonresidential customers that generate more than .25 cubic yard per week of organic materials for management; and

(b) All organic solid waste collected from residents and businesses under (a) of this subsection must be managed through organic materials management.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available; or

(ii) The jurisdiction has a total population of less than 25,000 people.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; and

(ii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in section 101(1) of this act have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

Sec. 103. RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for ~~((composting or anaerobic digestion))~~ organic materials management; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for ~~((composting or anaerobic digestion))~~ organic materials management;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

(3)(a) When newly developing, updating, or amending a solid waste management plan developed under this chapter, after July 1, 2024, each local

comprehensive plan must consider the transition to the requirements of section 102 of this act, and each comprehensive plan implemented by a county must identify:

(i) The priority areas within the county for the establishment of organic materials management facilities. Priority areas must be in industrial zones, agricultural zones, or rural zones, and may not be located in overburdened communities identified by the department of ecology under RCW 70A.65.020(1). Priority areas should be designated with an attempt to minimize incompatible uses and potential impacts on residential areas; and

(ii) Organic materials management facility volumetric capacity required to manage the county's organic materials in a manner consistent with the goals of section 101 of this act.

(b) When newly developing, updating, or amending a solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive plan must be consistent with the requirements of section 102 of this act.

(4) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

~~((4))~~ (5) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

~~((5))~~ (6) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste

management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

((+6+)) (7) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

NEW SECTION. Sec. 104. (1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

(a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;

(b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

(i) Reduce the quantity of organic waste to landfills;

(ii) Manage packaging and paper products through extended producer responsibility programs;

(iii) Manage other products through product stewardship or extended producer responsibility programs;

(iv) Improve or install new or updated methane capture systems;

(v) Increase postconsumer content requirements for materials collected in solid waste programs; and

(vi) Other related proposals that may impact solid waste funding resources.

(3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:

(a) The level of service provided by local government;

(b) Costs to the local government;

(c) Existing revenue levels; and

(d) The need for additional revenue.

(4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by July 1, 2023.

Sec. 105. RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70A.205.075(2), local governments may

identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70A.226 RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or

watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

(29)(a)(i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.

(ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.

(b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

(30) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.

PART 2

Requirements for Organics Management by Businesses

NEW SECTION. Sec. 201. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have capacity to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(A) of this subsection are met, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(B) of this subsection are met, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner or operator of a business subject to the requirements of this section.

(2) Wastes that are not managed on-site by the generating business, wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber, and wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event, do not count for purposes of determining waste volumes in (a) through (c) of this subsection.

(a) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(b) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(c) Beginning January 1, 2026, a business that generates at least four cubic yards of solid waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of solid waste or organic material waste than the threshold of four cubic yards of solid waste per week.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city, county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land

use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

(7) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

PART 3

Updates to the Washington Good Samaritan Act

Sec. 301. RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:

(1) This section may be cited as the "good samaritan food donation act."

(2) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Apparently fit grocery product" means a grocery product that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(b) "Apparently wholesome food" means food that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade,

size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value or is charged only a good samaritan reduced price.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Good samaritan reduced price" means the price of an apparently wholesome food or an apparently fit grocery product that is an amount not greater than the cost of handling, administering, and distributing the apparently wholesome food or apparently fit grocery product.

(g) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

~~((g))~~ (h) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

~~((h))~~ (i) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

~~((i))~~ (j) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

((+j)) (k) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(1) "Qualified direct donor" means any person required to obtain a food establishment permit under chapter 246-215 WAC, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(m)(i) "Safety and safety-related labeling" means a marking intended to communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking that federal or state law requires to be affixed to a food product including, but not limited to, markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021.

(ii) "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300 or a "best by," "best if used by," "use by," or "sell by" date or similarly phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

(3)(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith or sells at a good samaritan reduced price to a nonprofit organization for ultimate sale at a good samaritan reduced price, donation, or other distribution to needy individuals, except that this subsection does not

apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may donate food directly to end recipients for consumption. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith or sells at a good samaritan reduced price to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section.

(c) The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization or other end recipient that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the ~~((quality and))~~ safety and safety-related labeling standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.

PART 4

Washington Center for Sustainable Food Management

NEW SECTION. **Sec. 401.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington center for sustainable food management.

(2) "Department" means the department of ecology.

(3) "Organic material" has the same definition as provided in RCW 70A.205.015.

(4) "Plan" means the use food well Washington plan developed under RCW 70A.205.715.

NEW SECTION. **Sec. 402.** (1) The Washington center for sustainable food management is established within the department, to begin operations by January 1, 2024.

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in section 101 of this act and RCW 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i)(i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k)(i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(1) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery; and

(m) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

NEW SECTION. Sec. 403. A new section is added to chapter 70A.205 RCW to read as follows:

(1) In order to obtain data as necessary to support the goals of the Washington center for sustainable food management created in section 402 of this act and to achieve the goals of RCW 70A.205.715(1), the department may establish a voluntary reporting protocol for the receipt of reports by businesses that donate food under RCW 69.80.031 and recipients of the donated food, and may encourage the use of this voluntary reporting protocol by the businesses and recipients. The department may also request that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the donating facility or business, and food waste and wasted food generated by the donating facility or business. To the extent practicable, the department must seek to obtain information under this section in a

manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients.

(2) For the purposes of this subsection, "food waste" and "wasted food" have the same meaning as defined in RCW 70A.205.715.

Sec. 404. RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. The department must coordinate with the department of ecology to ensure that the information and referral service required under this section is implemented in a manner consistent with the activities of sections 402 and 403 of this act.

NEW SECTION. Sec. 405. (1) By January 1, 2025, and in consultation with the office of the attorney general, the department must research and adopt several model ordinances for optional use by counties and cities that provide for model mechanisms for commercial solid waste collection and disposal that are designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2)(a) The department must review the model ordinances created in this section under the provisions of chapter 43.21C RCW.

(b) A county or city that adopts a model ordinance created by the department under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is not required to review the ordinance under the provisions of chapter 43.21C RCW.

(3) No city, town, or county is required to adopt the model ordinances created in this section.

NEW SECTION. **Sec. 406.** A new section is added to chapter 43.21C RCW to read as follows:

Amendments to regulations and other nonproject actions taken by a city or county to adopt or implement the model ordinance created by the department under section 405 of this act is not subject to the requirements of this chapter.

PART 5

Funding and Incentives for Methane Emissions Reduction Activities Associated with Organic Materials Management

Sec. 501. RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than ~~((fifteen))~~ 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than ~~((twenty))~~ 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; ~~((and))~~

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;

(h) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

(i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

(j) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation

districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed (~~twenty five~~) 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

NEW SECTION. Sec. 502. A new section is added to chapter 15.04 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is

consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the

farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) A farming operation is not eligible to receive more than \$10,000 per fiscal year;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of expanding or furthering the strategies promoted in the program.

Sec. 503. RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities and composting and other organic materials management facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

PART 6

Organic Materials Management Facility Siting

Sec. 601. RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to

mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Development regulations to implement comprehensive plans that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii);

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 602. A new section is added to chapter 36.70A RCW to read as follows:

Development regulations to implement comprehensive plans that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 603. A new section is added to chapter 35.63 RCW to read as follows:

Development regulations to implement comprehensive plans under RCW 35.63.100 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. **Sec. 604.** A new section is added to chapter 35A.63 RCW to read as follows:

Development regulations to implement comprehensive plans required under RCW 35A.63.060 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

PART 7

Organic Materials Procurement

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.19A RCW to read as follows:

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

Sec. 702. RCW 39.30.040 and 2013 c 24 s 1 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120. Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) A unit of local government may award a contract to a bidder submitting the lowest bid before taxes are applied. The unit of local government must provide notice of its intent to award a contract based on this method prior to bids being submitted. For the purposes of this subsection (2), "taxes" means only those taxes that are included in "tax revenue" as defined in this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale.

(b) "Unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

NEW SECTION. **Sec. 703.** A new section is added to chapter 43.19A RCW to read as follows:

A contract by a local government or state agency must require the use of compost products to the maximum extent economically feasible to meet the requirements established in RCW 43.19A.120.

PART 8

Product Degradability Labeling

Sec. 801. RCW 70A.455.010 and 2019 c 265 s 1 are each amended to read as follows:

(1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being "compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the (~~state's attorney general and local governments~~) department of ecology, cities, and counties to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

Sec. 802. RCW 70A.455.020 and 2019 c 265 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b)(i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least ~~((ninety))~~ 90 percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" ~~((means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one time use and used for food or drink offered for sale or use))~~ has the same meaning as defined in RCW 70A.245.010.

(6) ~~("Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.~~

~~((7))~~ "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((8))~~ (7) "Plastic food packaging and food service products" means food packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

~~((9))~~ (8) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

~~((10))~~ (9) "Standard specification" means either:

(a) ASTM D6400 - standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 - standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

~~((11)(a) "Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.~~

~~((b) "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.~~

~~((12))~~ (10) "Utensil" means a product designed to be used by a consumer to

facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(11) "Department" means the department of ecology.

(12) "Producer" means the following person responsible for compliance under this chapter for a product sold, offered for sale, or distributed in or into this state:

(a) If the product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the product;

(b) If the product is manufactured by a person other than the brand owner, the producer is the person that is the licensee of a brand or trademark under which a product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the product has agreed to accept responsibility under this chapter; or

(c) If there is no person described in (a) and (b) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the product in or into the state.

Sec. 803. RCW 70A.455.040 and 2019 c 265 s 4 are each amended to read as follows:

(1)~~((a))~~ A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a ~~((supplier or manufacturer))~~ producer must:

~~((i))~~ (a) Meet ASTM standard specification D6400;

~~((ii))~~ (b) Meet ASTM standard specification D6868; or

~~((iii))~~ (c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only;

~~((b))~~ (2) A product described in ~~((a)(i) or (ii) of this)~~ subsection (1)(a) or (b) of this section must:

~~((i))~~ (a) Meet labeling requirements established under the United States federal trade commission's guides; and

~~((ii))~~ (b) Feature labeling that:

~~((A))~~ (i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

~~((B))~~ (ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; ~~(and~~

~~((C))~~ (iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

~~((2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.)~~

Sec. 804. RCW 70A.455.050 and 2019 c 265 s 5 are each amended to read as follows:

(1) A ~~((manufacturer or supplier))~~ producer of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is tinted or made of a uniform color of green, beige, or brown and labeled with the word "compostable" on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green, beige, or brown color lettering at least one inch in height; or

(B) Within a contrasting green, beige, or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than ~~((fourteen))~~ 14 inches by ~~((fourteen))~~ 14 inches, the lettering and stripe required under subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 805. RCW 70A.455.060 and 2020 c 20 s 1446 are each amended to read as follows:

(1)(a) A ~~((manufacturer or supplier))~~ producer of plastic food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of RCW 70A.455.050.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; ~~((and))~~

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities; and

(d) Be at least partially colored or partially tinted green, beige, or brown.

~~(3) ((A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.~~

~~(4))~~ It is encouraged that each product described in subsection (1) of this section ~~((+~~

~~(a) Display))~~ display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green, beige, or brown that contrast with background product color for easy identification ~~((+ or~~

~~(b) Be tinted green or brown)).~~

~~((+5))~~ (4) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, or a green, beige, or brown tint of the product.

~~((+6))~~ (5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 806. RCW 70A.455.070 and 2020 c 20 s 1447 are each amended to read as follows:

(1) A ~~((manufacturer or supplier of film products or food service products))~~ producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 ~~((and 70A.455.060))~~ is:

~~((1))~~ (a) Prohibited from using tinting, color schemes, labeling, ~~((and))~~ or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050 ~~((and 70A.455.060))~~;

~~((2))~~ (b) Discouraged from using ~~((coloration,))~~ labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable ~~((bags and food service packaging))~~ products are compostable; and

~~((3))~~ (c) Encouraged to use ~~((coloration,))~~ labeling, images, and terms to help consumers identify noncompostable bags ~~((and food service packaging))~~ as either: ~~((a))~~ (i) Suitable for recycling; or ~~((b))~~ (ii) necessary to dispose as waste.

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

Sec. 807. RCW 70A.455.080 and 2019 c 265 s 8 are each amended to read as follows:

(1) Upon the request by a person, including the department, a ~~((manufacturer or supplier))~~ producer shall submit to that person or the department, within ~~((ninety))~~ 90 days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, ~~((manufacturers))~~ producers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the ~~((manufacturer's))~~ producer's product has been field tested and found to degrade.

Sec. 808. RCW 70A.455.090 and 2020 c 20 s 1448 are each amended to read as follows:

(1)(a) ~~The~~ ~~((state, acting through the attorney general,))~~ department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to ~~((two thousand dollars))~~ \$2,000 for the first violation of this chapter, up to ~~((five thousand dollars))~~ \$5,000 for the second violation of this chapter, and up to ~~((ten thousand dollars))~~ \$10,000 for the third and any subsequent violation of this chapter. If a ~~((manufacturer or supplier))~~ producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to

receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

~~(2) ((Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney general on behalf of the state must be deposited in the compostable products revolving account created in RCW 70A.455.110)) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.~~

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing ~~((government entity))~~ city or county may recover reasonable enforcement costs and attorneys' fees from the liable ~~((manufacturer or supplier))~~ producer.

Sec. 809. RCW 70A.455.100 and 2020 c 20 s 1449 are each amended to read as follows:

~~((Manufacturers and suppliers))~~ (1) Producers who violate the requirements of this chapter are subject to civil penalties described in RCW 70A.455.090. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. ~~((A city, county, or the state))~~

(2)(a) A city or county enforcing a requirement of this chapter must send a written notice and a copy of the requirements to a noncompliant ~~((manufacturer or supplier))~~ producer of an alleged violation, who will have ~~((ninety))~~ 90 days to become compliant. ~~((A city, county, or the state may assess a first penalty if the manufacturer or supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state))~~

(b) A city or county enforcing a requirement of this chapter may assess a first penalty if the producer has not met the requirements 90 days following the date the notification was sent. A city or county may impose second, third, and subsequent penalties on a ~~((manufacturer or supplier))~~ producer that remains noncompliant with the requirements of this chapter for every month of noncompliance.

(3) The department may only impose penalties under this chapter consistent with the standards established in RCW 43.21B.300.

NEW SECTION. Sec. 810. A new section is added to chapter 70A.455 RCW to read as follows:

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) Producers of a product subject to RCW 70A.455.040, 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a declaration that the product meets the standards established under those sections of this chapter for the product. This declaration must be submitted to the department:

(a) By January 1, 2024, for a product that is or will be sold or distributed into Washington beginning January 1, 2024;

(b) Prior to the sale or distribution of a product newly sold or distributed into Washington after January 1, 2024; and

(c) Prior to the sale or distribution of a product whose method of compliance with the standards established in RCW 70A.455.040, 70A.455.050, or 70A.455.060 is materially changed from the method of compliance used at the last declaration submission under this section.

(3) The department must begin enforcing the requirements of this chapter by July 1, 2024.

Sec. 811. RCW 70A.455.030 and 2019 c 265 s 3 are each amended to read as follows:

(1) Except as provided in this chapter, no ~~((manufacturer or supplier))~~ producer may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable,"

"decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

Sec. 812. RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types

of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 813. RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within ~~((thirty))~~ 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary

circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority ~~((thirty))~~ 30 days after the date of receipt by the person penalized of the notice imposing the penalty or ~~((thirty))~~ 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within ~~((thirty))~~ 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within ~~((thirty))~~ 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW

70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

PART 9

Miscellaneous

NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 902.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate the collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1)RCW 70A.455.110 (Compostable products revolving account) and 2020 c 20 s 1450 & 2019 c 265 s 11; and

(2)RCW 70A.455.900 (Effective date— 2019 c 265) and 2019 c 265 s 13.

NEW SECTION. **Sec. 904.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 905.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Fitzgibbon spoke in favor of the adoption of the striking amendment.

Representative Dye spoke against the adoption of the striking amendment.

Striking amendment (921) was adopted.

The bill was ordered engrossed.

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

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representatives Dye and Wilcox spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1799.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1799, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute House Bill No. 1799.

Representative Corry, 14th District

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

SECOND READING

HOUSE BILL NO. 1691, by Representatives Gregerson, Lekanoff, Fitzgibbon, Ramel, Sells, Bateman, Duerr, Valdez, Davis, Fey, Macri, Peterson, Senn, Simmons, Pollet and Kloba

Concerning financial responsibility requirements related to oil spills.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1691 was substituted for House Bill No. 1691 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1691 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (892):

On page 9, line 13, after "director" strike "must" and insert "may"

On page 9, line 14, after "chapter." insert "The director must reevaluate the validity of a certificate of financial responsibility under this chapter upon notification of a spill for which the certificate holder may be liable and which may incur damages that exceed 15 percent of the financial resources reflected by the certificate."

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment.

Amendment (892) was adopted.

Representative Fitzgibbon moved the adoption of amendment (915):

On page 10, at the beginning of line 16, insert "(1)"

On page 10, after line 18, insert the following:

"(2) A determination by the department to issue, modify, suspend, revoke, or terminate a certificate issued under this chapter is appealable to the pollution control hearings board, as provided in RCW 43.21B.110(1)(c)."

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment.

Amendment (915) was adopted.

The bill was ordered engrossed.

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

Representatives Gregerson and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1691.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1691, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Graham, Harris, Hoff, Kraft, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 1691.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 2001, by Representatives McCaslin, Graham, Jacobsen, Chase and Sutherland

Expanding the ability to build tiny houses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2001 was substituted for House Bill No. 2001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2001 was read the second time.

With the consent of the House, amendment (914) was withdrawn.

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

Representatives McCaslin, Barkis and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2001, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 2001, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1688, by Representatives Cody, Schmick, Leavitt, Ryu, Graham, Taylor, Berry, Paul, Wicks, Springer, Sells, Bateman, Valdez, Davis, Eslick, Goodman, Klicker, Macri, Ramos, Simmons, Wylie, Callan, Sullivan, Chopp, Slatter, Tharinger, Thai, Pollet, Riccelli, Ormsby, Caldier, Kloba and Frame

Protecting consumers from charges for out-of-network health care services, by aligning state law and the federal no surprises act and addressing coverage of treatment for emergency conditions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1688 was substituted for House Bill No. 1688 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1688 was read the second time.

Representative Schmick moved the adoption of amendment (882):

On page 20, line 17, after "Until" strike "January" and insert "July"

On page 23, line 32, after "Until" strike "January" and insert "July"

On page 25, line 35, after "Effective" strike "January" and insert "July"

On page 26, line 2, after "on" strike "January" and insert "July"

On page 26, line 3, after "Until" strike "January" and insert "July"

On page 26, line 7, after "Effective" strike "January" and insert "July"

On page 26, beginning on line 8, after "48.49.020(3)" strike all material through "act)" on line 10

On page 26, line 13, after "on" strike "January" and insert "July"

On page 26, line 14, after "Until" strike "January" and insert "July"

On page 30, beginning on line 4, after "(13)" insert "Services for which dispute resolution is approved under RCW 48.49.150(2) (as recodified by this act) are subject to the arbitration process described in this section, and not to the independent dispute resolution process established in sections 2799A-1 and 2799A-2 of the public health service act (42 U.S.C. Secs. 300gg-111 and 300gg-112) and implementing federal regulations in effect on the effective date of this section."

(14)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

Amendment (882) was adopted.

Representative Caldier moved the adoption of amendment (963):

On page 20, line 22, after "(b)" strike "A" and insert "Except as provided in subsection (2)(c) of this section, a"

On page 20, line 30, after "(c)" insert "A nonparticipating provider furnishing nonemergency services may request that a patient waive the balance billing prohibitions provided in RCW 48.49.020 and 48.49.030 and sections 2799A-1 et seq. of the public health service act (P.L. 116-260) through notice and consent as provided in 2799B-2 of the Public Health Service Act (42 U.S.C. Sec. 300gg-

132(d)) and 45 C.F.R. Sec. 149.420 as in effect on the effective date of this section.

(d)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 25, line 18, after "(2)" strike "A" and insert "Except as provided in subsection (3) of this section, a"

On page 25, line 27, after "(3)" insert "A nonparticipating provider furnishing nonemergency services may request that a patient waive the balance billing prohibitions provided in RCW 48.49.020 and 48.49.030 and sections 2799A-1 et seq. of the public health service act (P.L. 116-260) through notice and consent as provided in 2799B-2 of the Public Health Service Act (42 U.S.C. Sec. 300gg-132(d)) and 45 C.F.R. Sec. 149.420 as in effect on the effective date of this section.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

With the consent of the House, Representative Caldier withdrew amendment (963).

The bill was ordered engrossed.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative J. Johnson was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1688.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1688, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Eslick, Goehner, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Rude, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative J. Johnson.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2008, by Representatives Taylor, Fitzgibbon, Peterson, Ramel, Santos, Sells, Shewmake, Valdez, Ryu, Macri, Berg, Bateman, Ormsby, Frame, Davis, Lekanoff and Pollet

Eliminating the use of intelligence quotient scores in determining eligibility for programs and services for individuals with developmental disabilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2008 was substituted for House Bill No. 2008 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2008 was read the second time.

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

Representatives Taylor and Gilday spoke in favor of the passage of the bill.

Representatives Schmick and Dye spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Sells was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2008.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2008, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Goehner, Graham, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, McCaslin, McEntire, Orcutt, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives J. Johnson and Sells.

SECOND SUBSTITUTE HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1964, by Representative Corry

Concerning the decommissioning of alternative energy facilities.

The bill was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (913):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy facility" means the development or construction of a facility that utilizes solar energy or wind energy to produce or distribute alternative energy.

(2) "Alternative energy facility agreement" means a lease agreement between a grantee and a surface property owner that authorizes the grantee to operate an alternative energy facility on leased property.

(3) "Commencement of construction" means the moment when a grantee issues a full notice to proceed order to the construction contractor.

(4) "Decommissioning plan" means a document detailing the steps that will be taken to decommission an alternative energy facility and the amount, form, and timing of financial assurance that will be provided by a grantee.

(5) "Department" means the department of ecology.

(6) "Grantee" means the owner of an alternative energy facility on leased property.

(7) "Nameplate capacity" means the maximum rated output of a generator, prime mover, or other electric power production equipment under the specific conditions designated by the manufacturer.

(8) "Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as defined in RCW 18.43.020, as attested by his or her legal registration as a professional engineer.

(9) "Salvage value" means the fair market value, as determined by an independent third-party professional engineer, of equipment owned by a grantee and permanently installed at an alternative energy facility. Salvage value does not apply to vehicles or other equipment that has not been permanently installed at an alternative energy facility, nor does it apply to equipment that is rented or leased by a grantee.

NEW SECTION. Sec. 2. (1) Except as provided under subsection (2) of this section, an alternative energy facility agreement executed on or after the effective date of this section must provide that a grantee is responsible for decommissioning the grantee's alternative energy facility on the surface property owner's property in accordance with this chapter no later than 18 months after the facility has ceased producing electricity.

(2) Subsection (1) of this section does not apply to a grantee who is actively working to recommence production of electricity, including an instance following the occurrence of a force majeure or similar event.

NEW SECTION. **Sec. 3.** (1)(a) A grantee who executes an alternative energy facility agreement on or after the effective date of this section must provide a decommissioning plan and submit proof to the applicable county auditor and applicable county planning department of financial assurance from either:

(i) A financial institution, as defined in RCW 31.12.005;

(ii) A trust institution, as authorized in RCW 30B.04.030; or

(iii) A surety company listed as an acceptable surety in circular 570, published by the United States department of the treasury, as of the date of the surety document.

(b) The financial assurance must conform to the requirements under this chapter to secure the performance of the grantee's obligation to decommission the grantee's alternative energy facility.

(2) The amount of financial assurance guaranteed must be at least equal to the cost of decommissioning the alternative energy facility in accordance with section 4 of this act and must be calculated and updated every five years by an independent third-party professional engineer retained by the grantee from a list of professional engineers compiled by the department and published on the department's publicly accessible internet website. The cost of decommissioning must be based on the costs to the grantee of hiring a third party to close the alternative energy facility. The amount of financial assurance may not be calculated to be less than \$10,000 per megawatt as measured in nominal alternating current nameplate capacity for an alternative energy facility. The amount of financial assurance must include a contingency factor of not less than 20 percent of the cost of decommissioning the alternative energy facility.

(3) A grantee must deliver a decommissioning plan and proof of financial assurance to the county auditor and county planning department in accordance with the following:

(a) No later than 30 days before the commencement of construction of the alternative energy facility, the grantee must provide the decommissioning plan and proof of financial assurance to the county auditor and county planning

department in an amount equal to 20 percent of the cost of decommissioning as determined by a third-party professional engineer, less an offset equal to 80 percent of the applicable salvage value.

(b) On or before the fifth anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 40 percent of the cost of decommissioning as determined by an independent third-party professional engineer, less an offset equal to 60 percent of the applicable salvage value.

(c) On or before the 10th anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 60 percent of the cost of decommissioning as determined by an independent third-party professional engineer, less an offset equal to 40 percent of the applicable salvage value.

(d) On or before the 15th anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 80 percent of the cost of decommissioning as determined by an independent third-party professional engineer, less an offset equal to 20 percent of the applicable salvage value.

(e) On or before the 20th anniversary of the commencement of construction of the alternative energy facility, the grantee must provide an updated decommissioning plan and proof of financial assurance to the county auditor and county planning department in an amount equal to 100 percent of the cost of decommissioning as determined by an independent third-party professional engineer.

(4) Acceptable methods of financial assurance include a bond or a trust account, a letter of credit, and any other form of financial assurance as developed in the course of rule making pursuant to section 4 of this act.

NEW SECTION. **Sec. 4.** (1)(a) Within 180 days of the effective date of this

section, the department must, in consultation with the alternative energy facility industry, develop guidance that contains provisions for:

(i) A provisional standard form for a decommissioning plan, which must include each of the elements set forth in subsection (2) of this section; and

(ii) Acceptable forms of financial assurance documents to be filed with the county auditor and county planning department in accordance with this chapter.

(b) After the development of the guidance under (a) of this subsection, the department must, by rule and in consultation with the alternative energy facility industry, develop a final standard form for a decommissioning plan and financial assurance to be filed with the county auditor and county planning department in accordance with this chapter.

(2) The provisional standard form and final standard form under subsection (1) of this section must include all of the following provisions:

(a) Unless the surface property owner and grantee mutually agree in writing on an alternative condition for restoring the property, the grantee's decommissioning plan must provide for all of the following:

(i) The removal of nonutility-owned equipment, conduits, structures, fencing, and foundations to a depth of no less than three feet below grade. The grantee is not required to remove equipment and materials that the public utility requires to remain on-site;

(ii) The removal of graveled areas and access roads unless the surface property owner requests in writing for graveled areas and access roads to stay in place;

(iii) The restoration of the property to a condition reasonably similar to the property's condition before the commencement of construction, including the replacement of topsoil removed or eroded on previously productive agricultural land;

(iv) The reseeded of a cleared area, unless requested in writing by the surface property owner to not reseed due to plans for agricultural planting;

(v) Requirements for the use of native vegetation in property restoration; and

(vi) Testing of soil and water sources on the property for contamination relating to or resulting from a grantee's activities. The plan must also include a description of how contamination will be addressed if it is discovered;

(b) In accordance with section 5 of this act, on or before the 20th anniversary of the commencement of construction of the alternative energy facility, the updated decommissioning plan must include an estimate of the materials to be removed that will be salvaged, recycled, refurbished, or disposed of in a landfill. No more than 20 percent of the total combined mass of an alternative energy facility may enter into a landfill as part of the grantee's decommissioning plan. For the purpose of determining the total combined mass under this subsection, the total combined mass includes wind turbines, solar photovoltaic modules, wind turbine blades, meteorological towers, guy wires, auxiliary equipment, and steel support structures. Cement support structures may not be considered when determining the total combined mass under this subsection; and

(c) The financial assurance specified under section 3 of this act.

NEW SECTION. **Sec. 5.** The regulation of the decommissioning of alternative energy facilities is a matter of general statewide interest that requires uniform statewide regulation. This chapter and the rules adopted under this chapter constitute a comprehensive plan with respect to all aspects of alternative energy facility agreements, financial assurance, and decommissioning plans associated with alternative energy facilities within this state. Any county, municipal, or other local government ordinance or regulation that materially impedes the purposes of this chapter, including any ordinance or regulation that requires a grantee to provide proof of financial assurance in an amount greater than the amounts set forth in section 3 of this act, is preempted and is without force and effect.

NEW SECTION. **Sec. 6.** This chapter does not apply to any of the following:

(1) A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 3,000 kilowatts; and

(2) An owner or operator of a farm who owns and operates an alternative energy

facility on the farm premises, regardless of the location or consumption of the energy generated.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

Representatives Fitzgibbon and Corry spoke in favor of the adoption of the striking amendment.

Striking amendment (913) was adopted.

The bill was ordered engrossed.

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

Representatives Corry, Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1964.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1964, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Callan, Goodman, Harris-Talley, Kraft, McCaslin, Ramel, Ramos, Ryu and Shewmake.

Excused: Representative J. Johnson.

ENGROSSED HOUSE BILL NO. 1964, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1835, by Representatives Hansen, Leavitt, Santos, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet and Ormsby

Creating outreach and completion initiatives to increase postsecondary enrollment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1835 was substituted for House Bill No. 1835 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1835 was read the second time.

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

Representatives Hansen and Chambers spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Vick was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1835.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representatives J. Johnson and Vick.

SECOND SUBSTITUTE HOUSE BILL NO. 1835, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2044, by Representatives Boehnke, Hackney, Fitzgibbon, Kloba, Ormsby, Sutherland, Ramel and Young

Concerning the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2044 was substituted for House Bill No. 2044 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2044 was read the second time.

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

Representatives Boehnke and Hackney spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Chopp was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2044.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2044, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Vick.

SECOND SUBSTITUTE HOUSE BILL NO. 2044, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1590, by Representatives Dolan, Callan, Pollet, Bateman, Ramel, Wicks, Johnson, J., Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey,

Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney and Frame

Concerning enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1590 was substituted for House Bill No. 1590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1590 was read the second time.

With the consent of the House, amendment (900) was withdrawn.

Representative Corry moved the adoption of amendment (897):

On page 3, line 10, after "enrollment" insert ", the school district does not impose a mask mandate for students on or after March 1, 2022,"

On page 3, line 16, after "enrollment" insert ", the school district does not impose a mask mandate for students on or after March 1, 2022,"

On page 5, line 36, after "enrollment" insert "and the school district does not impose a mask mandate for students on or after March 1, 2022"

On page 5, line 40, after "enrollment" insert "and the school district does not impose a mask mandate for students on or after March 1, 2022"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (897).

SPEAKER'S RULING

"The title of the bill is an act relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic.

The bill addresses school funding formulas and more specifically, the allocation of local effort assistance stabilization and enrichment levy stabilization funds based upon student enrollment.

Amendment (897) conditions school district eligibility to receive such funding on a district's decision to prohibit students from wearing masks on or after March 1, 2022.

Local school district adoption of public health measures is a separate and distinct topic from the issue presented in the bill before us – the funding of public schools.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Stokesbary moved the adoption of amendment (904):

On page 3, line 12, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2021-22 school years"

On page 3, line 18, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2022-23 school years"

On page 5, line 36, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2020-21 school years"

On page 5, line 40, after "means the" strike "2019-20 school year" and insert "average of the 2019-20 and 2021-22 school years"

Representatives Stokesbary and Walsh spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (904) was not adopted.

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

Representatives Dolan, Chambers, Stonier and Rude spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, and the bill passed the House by the following vote: Yeas, 77; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cody, Davis, Dolan, Donaghy, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-

Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Chase, Corry, Dent, Dye, Eslick, Graham, Klippert, Kraft, Orcutt, Schmick, Stokesbary, Sutherland, Walsh, Ybarra and Young.

Excused: Representatives Chopp, J. Johnson and Vick.

SUBSTITUTE HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1773, by Representatives Taylor, Davis, Leavitt, Callan, Cody, Macri, Ormsby and Harris-Talley

Concerning assisted outpatient treatment for persons with behavioral health disorders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1773 was substituted for House Bill No. 1773 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1773 was read the second time.

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

Representative Taylor spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1773.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1773, and the bill passed the House by the following vote: Yeas, 87; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter,

Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Goodman, Kraft, McCaslin, Orcutt, Simmons, Walsh and Young.

Excused: Representatives Chopp, J. Johnson and Vick.

SUBSTITUTE HOUSE BILL NO. 1773, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2097, by Representatives Donaghy, Ryu, Macri, Ramel, Walen, Paul, Frame and Taylor

Changing the definition of first-time home buyer.

The bill was read the second time.

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

Representatives Donaghy and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2097.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2097, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Vick.

HOUSE BILL NO. 2097, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1851, by Representatives Thai, Macri, Fitzgibbon, Bateman, Berry, Cody, Duerr, Peterson, Ramel, Santos, Senn, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Taylor, Ormsby and Harris-Talley

Preserving a pregnant individual's ability to access abortion care.

The bill was read the second time.

With the consent of the House, amendments (937) and (938) were withdrawn.

Representative Caldier moved the adoption of amendment (962):

On page 2, line 17, after "each" insert "woman's and"

On page 2, line 29, after "Every" strike "~~((woman))~~" and insert "woman and"

On page 2, line 35, after "a" strike "~~((woman's))~~" and insert "woman's and"

On page 3, line 3, after "a" strike "~~((woman's))~~" and insert "woman's and"

On page 3, line 5, after "protect" strike "~~((her))~~" and insert "her and"

On page 3, line 19, after "a" strike "~~((woman))~~" and insert "woman and"

On page 3, line 28, after "the" strike "~~((woman))~~" and insert "woman and"

On page 3, line 33, after "the" strike "~~((woman's))~~" and insert "woman's and"

On page 4, line 2, after "information" strike "~~((to women))~~" and insert "to women and other individuals"

On page 4, line 4, after "provide" strike "~~((women))~~" and insert "women and"

On page 5, line 8, after "against" strike "an" and insert "a woman and another"

On page 5, line 9, after "on" insert "her and"

On page 5, at the beginning of line 12, strike "individual in exercising" and insert "woman and individual in exercising her and"

On page 5, at the beginning of line 13, insert "her and"

Representatives Caldier and Thai spoke in favor of the adoption of the amendment.

Amendment (962) was adopted.

Representative Caldier moved the adoption of amendment (935):

On page 3, after line 13, insert the following:

"A physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may not terminate a pregnancy or assist in terminating a pregnancy unless they furnish proof in a form satisfactory to their disciplining authority that they meet the qualifications established in section 9 of this act."

On page 5, after line 13, insert the following:

"NEW SECTION. **Sec. 9.** A new section is added to chapter 9.02 RCW to read as follows:

(1) The Washington medical commission and the nursing care quality assurance committee shall jointly adopt rules establishing the minimum academic and experiential qualifications necessary for a physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice to terminate a pregnancy or assist in terminating a pregnancy. The qualifications established in the rules must, to the extent possible, be identical to the training and experience in abortions necessary for a physician to be board certified in obstetrics-gynecology.

(2) The Washington medical commission and the nursing care quality assurance commission shall adopt the rules required by subsection (1) of this section no later than January 1, 2023."

Correct the title.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Thai spoke against the adoption of the amendment.

Amendment (935) was not adopted.

Representative Caldier moved the adoption of amendment (936):

On page 3, after line 13, insert the following:

"A physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may only terminate a pregnancy by way of prescribing or administering medication. A physician assistant, advanced registered nurse practitioner, or other

health care provider acting within the provider's scope of practice may not perform any procedures to terminate a pregnancy, including, but not limited to, pregnancy terminations by way of vacuum aspiration, dilation and evacuation, and dilation and extraction."

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Thai spoke against the adoption of the amendment.

Amendment (936) was not adopted.

The bill was ordered engrossed.

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

Representatives Thai and Macri spoke in favor of the passage of the bill.

Representatives Caldier, Kraft, Klippert, Eslick and Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1851.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1851, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3.

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

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

Excused: Representatives Chopp, J. Johnson and Vick.

ENGROSSED HOUSE BILL NO. 1851, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1813, by Representatives Schmick, Macri, Graham and Chambers

Concerning freedom of pharmacy choice.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1813 was substituted for House Bill No. 1813 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1813 was read the second time.

Representative Schmick moved the adoption of striking amendment (956):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.200 RCW to read as follows:

(1) A pharmacy benefit manager that administers a prescription drug benefit may not:

(a) Require a covered person to use a mail order pharmacy;

(b) Require a covered person to obtain prescriptions from a mail order pharmacy unless the prescription drug is a specialty or limited distribution prescription drug; or

(c) Reimburse a covered person's chosen participating pharmacy an amount less than the amount the pharmacy benefit manager reimburses participating affiliated pharmacies.

(2) A pharmacy benefit manager shall:

(a) Include a provision in contracts with participating pharmacies and pharmacy services administrative organizations that authorizes the pharmacy to decline to fill a prescription if the pharmacy benefit manager refuses to reimburse the pharmacy at a rate that is at least equal to the pharmacy's acquisition cost of the drug;

(b) Maintain an adequate and accessible pharmacy network for the provision of prescription drugs for a health benefit plan. The pharmacy network must provide for convenient access for covered persons to pharmacies and critical access pharmacies;

(c) Regardless of the participating pharmacy, including mail order pharmacies, where the covered person obtains the prescription drug, apply the

same copays, fees, days allowance, and other conditions upon the enrollee; and

(d) Permit the covered person to receive delivery or mail order of a medication through any participating pharmacy.

(3) If a covered person is using a mail order pharmacy, the pharmacy benefit manager must:

(a) Allow for dispensing at local participating pharmacies under the following circumstances to ensure patient access to prescription drugs:

(i) If there are delays in mail order;

(ii) If the prescription drug arrives in an unusable condition; or

(iii) If the prescription drug does not arrive; and

(b) Ensure patients have easy and timely access to prescription counseling by a pharmacist.

(4) Subsection (1)(a) of this section does not apply to a health maintenance organization that is an integrated delivery system in which covered persons primarily use pharmacies that are owned and operated by the health maintenance organization.

(5) For purposes of this section:

(a) "Affiliated pharmacy" means a pharmacy that directly or indirectly through one or more intermediaries is owned by, controlled by, or is under common ownership or control of a pharmacy benefit manager, or where the pharmacy benefit manager has financial interest in the pharmacy.

(b) "Covered person" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(c) "Health benefit plan" means any entity or program that provides reimbursement for pharmaceutical services.

(d) "Participating pharmacy" means a pharmacy that has entered into an agreement to provide prescription drugs to the pharmacy benefit manager's covered persons.

(e) "Pharmacy network" means the pharmacies located in and licensed by the state and contracted by the pharmacy

benefit manager to sell prescription drugs to covered persons.

(f) "Specialty or limited distribution prescription drug" means a drug that's distribution is limited by a federal food and drug administration's element to assure safe use.

(6) This section applies to health benefit plans issued or renewed on or after January 1, 2023.

Sec. 2. RCW 48.200.020 and 2020 c 240 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" or "affiliated employer" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another specified person.

(2) "Certification" has the same meaning as in RCW 48.43.005.

(3) "Employee benefits programs" means programs under both the public employees' benefits board established in RCW 41.05.055 and the school employees' benefits board established in RCW 41.05.740.

(4)(a) "Health care benefit manager" means a person or entity providing services to, or acting on behalf of, a health carrier or employee benefits programs, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

(i) Prior authorization or preauthorization of benefits or care;

(ii) Certification of benefits or care;

(iii) Medical necessity determinations;

(iv) Utilization review;

(v) Benefit determinations;

(vi) Claims processing and repricing for services and procedures;

(vii) Outcome management;

(viii) Provider credentialing and recredentialing;

(ix) Payment or authorization of payment to providers and facilities for services or procedures;

(x) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;

(xi) Provider network management; or

(xii) Disease management.

(b) "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers.

(c) "Health care benefit manager" does not include:

(i) Health care service contractors as defined in RCW 48.44.010;

(ii) Health maintenance organizations as defined in RCW 48.46.020;

(iii) Issuers as defined in RCW 48.01.053;

(iv) The public employees' benefits board established in RCW 41.05.055;

(v) The school employees' benefits board established in RCW 41.05.740;

(vi) Discount plans as defined in RCW 48.155.010;

(vii) Direct patient-provider primary care practices as defined in RCW 48.150.010;

(viii) An employer administering its employee benefit plan or the employee benefit plan of an affiliated employer under common management and control;

(ix) A union administering a benefit plan on behalf of its members;

(x) An insurance producer selling insurance or engaged in related activities within the scope of the producer's license;

(xi) A creditor acting on behalf of its debtors with respect to insurance, covering a debt between the creditor and its debtors;

(xii) A behavioral health administrative services organization or other county-managed entity that has been approved by the state health care authority to perform delegated functions on behalf of a carrier;

(xiii) A hospital licensed under chapter 70.41 RCW or ambulatory surgical facility licensed under chapter 70.230 RCW;

(xiv) The Robert Bree collaborative under chapter 70.250 RCW;

(xv) The health technology clinical committee established under RCW 70.14.090; or

(xvi) The prescription drug purchasing consortium established under RCW 70.14.060.

(5) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(6) "Health care service" has the same meaning as in RCW 48.43.005.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Laboratory benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of clinical laboratory services and includes any requirement for a health care provider to submit a notification of an order for such services.

(9) "Mental health benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination of utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of mental health services and includes any requirement for a health care provider to submit a notification of an order for such services.

(10) "Network" means the group of participating providers, pharmacies, and suppliers providing health care services, drugs, or supplies to beneficiaries of a particular carrier or plan.

(11) "Person" includes, as applicable, natural persons, licensed health care providers, carriers, corporations, companies, trusts, unincorporated associations, and partnerships.

(12)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies;

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection;

(iv) Manage pharmacy networks; or

(v) Make credentialing determinations.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(13)(a) "Radiology benefit manager" means any person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, the services of a licensed radiologist or to advanced diagnostic imaging services including, but not limited to:

(i) Processing claims for services and procedures performed by a licensed radiologist or advanced diagnostic imaging service provider; or

(ii) Providing payment or payment authorization to radiology clinics, radiologists, or advanced diagnostic imaging service providers for services or procedures.

(b) "Radiology benefit manager" does not include a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an issuer as defined in RCW 48.01.053.

(14) "Utilization review" has the same meaning as in RCW 48.43.005.

(15) "Critical access pharmacy" means a pharmacy in Washington that is further than a 15-mile radius from any other pharmacy, is the only pharmacy on an island, or provides critical services to vulnerable populations. If one critical access pharmacy's 15-mile radius

intersects with that of another critical access pharmacy, both shall be considered a critical access pharmacy if either critical access pharmacy's closure could result in impaired access for rural areas or for vulnerable populations. The health care authority's chief pharmacy officer may also further identify pharmacies as critical access based on their unique ability to care for a population.

NEW SECTION. Sec. 3. A new section is added to chapter 48.200 RCW to read as follows:

If a pharmacy benefit manager or a managed health care system as defined in RCW 74.09.522 offers a distinct reimbursement to rural pharmacies, it shall provide a similar reimbursement to critical access pharmacies if the critical access pharmacy agrees to the terms and conditions set for affiliated pharmacies and the network as established by the health plan.

Sec. 4. RCW 48.200.280 and 2020 c 240 s 15 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "List" means the list of drugs for which predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under

RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of the predetermined reimbursement costs for multisource generic drugs;

(h) May not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(i) May not charge a pharmacy a fee related to the adjudication of a claim, credentialing, participation, certification, accreditation, or enrollment in a network including, but not limited to, a fee for the receipt and processing of a pharmacy claim, for the development or management of claims processing services in a pharmacy benefit

manager network, or for participating in a pharmacy benefit manager network;

(j) May not require accreditation standards inconsistent with or more stringent than accreditation standards established by a national accreditation organization;

(k) May not reimburse a pharmacy in the state an amount less than the amount the pharmacy benefit manager reimburses an affiliate for providing the same pharmacy services; and

(l) May not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless:

(i) The original claim was submitted fraudulently; or

(ii) The denial or reduction is the result of a pharmacy audit conducted in accordance with RCW 48.200.220.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy

benefit manager and speak with an individual who is responsible for processing appeals; and

(b) If the appeal is denied, the reason for the denial and the national drug code of a drug that has been purchased by other network pharmacies located in Washington at a price that is equal to or less than the predetermined reimbursement cost for the multisource generic drug. A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make a reasonable adjustment on a date no later than one day after the date of determination.

(b) If the request for an adjustment has come from a critical access pharmacy, (~~as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060,~~) the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

(7) This section does not apply to the state medical assistance program."

Correct the title.

Representatives Schmick and Cody spoke in favor of the adoption of the striking amendment.

Striking amendment (956) was adopted.

The bill was ordered engrossed.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1813.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1813, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Vick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1181
 HOUSE BILL NO. 1592
 HOUSE BILL NO. 1837
 HOUSE BILL NO. 1769
 HOUSE BILL NO. 1659
 HOUSE BILL NO. 1767
 HOUSE BILL NO. 1841
 HOUSE BILL NO. 2050
 HOUSE BILL NO. 1694
 HOUSE BILL NO. 2064
 HOUSE BILL NO. 1629
 HOUSE BILL NO. 1668
 HOUSE BILL NO. 1643
 HOUSE BILL NO. 1660
 HOUSE BILL NO. 1738
 HOUSE BILL NO. 2068
 HOUSE BILL NO. 1924
 HOUSE BILL NO. 1919
 HOUSE BILL NO. 1736
 HOUSE BILL NO. 1746
 HOUSE BILL NO. 2075
 HOUSE BILL NO. 1530
 HOUSE BILL NO. 1595
 HOUSE BILL NO. 1605
 HOUSE BILL NO. 1685

There being no objection, the House adjourned until 8:30 a.m., February 12, 2022, the 34th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 12, 2022

The House was called to order at 8:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by House Counsel Ohad Lowy.

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

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

MESSAGE FROM THE SENATE

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5406,
 SUBSTITUTE SENATE BILL NO. 5528,
 SUBSTITUTE SENATE BILL NO. 5638,
 SECOND SUBSTITUTE SENATE BILL NO. 5692,
 SECOND SUBSTITUTE SENATE BILL NO. 5736,
 SECOND SUBSTITUTE SENATE BILL NO. 5746,
 SENATE BILL NO. 5781,
 SUBSTITUTE SENATE BILL NO. 5785,
 SECOND SUBSTITUTE SENATE BILL NO. 5789,
 SENATE BILL NO. 5801,
 SUBSTITUTE SENATE BILL NO. 5814,
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5842,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5853,
 SENATE BILL NO. 5875,
 SUBSTITUTE SENATE BILL NO. 5907,
 SUBSTITUTE SENATE BILL NO. 5912,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

ESB 5054 by Senators Padden, Frockt, Conway, McCune and Short

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, 46.61.5055, 46.61.504, and 9.94A.525; prescribing penalties; providing and effective date; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5078 by Senate Committee on Law & Justice (originally sponsored by Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett)

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, by allowing continued possession of large capacity magazines limited to possession prior to, and inheritance on or after, the effective date of this act, subject to certain restrictions on the ability to sell or transfer such large capacity magazines and permitting their possession only on the owner's property or while engaged in lawful outdoor recreational activities or use at a licensed shooting range, or when transporting the large capacity magazine to or from these locations, and by providing limited exemptions applicable to certain government officers, agents, employees, or contractors, law enforcement and corrections officers and military members, licensed firearms manufacturers, dealers, and gunsmiths, and persons engaged in sport shooting or permanently relinquishing a large capacity magazine to law enforcement; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5082 by Senate Committee on Ways & Means (originally sponsored by Fortunato, Hunt and Kuderer)

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government & Tribal Relations.

SSB 5252 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hasegawa, Conway, Das, Hunt,

Kuderer, Lias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C.)

AN ACT Relating to school district consultation with local tribes; amending RCW 28A.345.070; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Appropriations.

SB 5487 by Senators Hawkins, Pedersen, Braun, Frockt, Hasegawa, Hunt, Keiser, Mullet, Nobles and Wagoner

AN ACT Relating to small school district consolidation incentives for infrastructure enhancement and modernization; amending RCW 28A.525.166; adding a new section to chapter 28A.315 RCW; and making an appropriation.

Referred to Committee on Capital Budget.

ESSB 5531 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Wilson, L. and Mullet)

AN ACT Relating to the revised uniform unclaimed property act; adding a new chapter to Title 63 RCW; creating a new section; repealing RCW 63.29.010, 63.29.020, 63.29.030, 63.29.040, 63.29.050, 63.29.060, 63.29.070, 63.29.080, 63.29.090, 63.29.100, 63.29.110, 63.29.120, 63.29.130, 63.29.133, 63.29.135, 63.29.140, 63.29.150, 63.29.160, 63.29.165, 63.29.170, 63.29.180, 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200, 63.29.210, 63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260, 63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320, 63.29.330, 63.29.340, 63.29.350, 63.29.360, 63.29.370, 63.29.380, 63.29.900, 63.29.902, 63.29.903, 63.29.905, and 63.29.906; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5532 by Senate Committee on Ways & Means (originally sponsored by Keiser, Robinson, Conway, Hasegawa, Nobles, Pedersen, Randall, Stanford and Wilson, C.)

AN ACT Relating to establishing a prescription drug affordability board; amending RCW 43.71C.100; adding a new section to chapter 48.43 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Appropriations.

SB 5539 by Senators Hunt and Wilson, C.

AN ACT Relating to state funding for educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Appropriations.

ESSB 5544 by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.)

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Community & Economic Development.

SSB 5555 by Senate Committee on State Government & Elections (originally sponsored by Van De Wege, Hunt, Mullet and Randall)

AN ACT Relating to public safety telecommunicators; amending RCW 38.52.520; and adding a new chapter to Title 38 RCW.

Referred to Committee on Community & Economic Development.

SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Wellman, Nobles, Conway, Das, Nguyen, Saldaña and Wilson, C.)

AN ACT Relating to pupil transportation allocations; amending RCW 28A.160.117, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Appropriations.

E2SSB 5597 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hunt, Conway, Das, Dhingra, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Stanford and Wilson, C.)

AN ACT Relating to the Washington voting rights act; amending RCW 29A.92.020, 29A.92.030, 29A.92.060, 29A.92.090, 29A.92.110, 29A.92.070, 29A.92.080, 29A.92.130, 36.32.010, 36.32.020, 36.32.030, and 29A.92.010; adding new sections to chapter 29A.92 RCW; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 5619 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to conserving and restoring kelp forests and eelgrass meadows in Washington state; adding a new section to chapter 79.135 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5628 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Frockt, Kuderer, Stanford, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking; amending RCW 9.61.260, 9A.90.030, 40.24.030, 7.77.170, 7.92.020, 7.105.010, 7.105.310, 9.94A.030, 9A.46.060, 9A.46.060, 26.50.060, and 26.50.070; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9A.90 RCW; recodifying RCW 9.61.260; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

SSB 5664 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Keiser and Nobles)

AN ACT Relating to forensic competency restoration programs; amending RCW 10.77.060, 10.77.068, 10.77.086, 10.77.088, 10.77.220, and 10.77.250; reenacting and amending RCW 10.77.010; and adding new sections to chapter 10.77 RCW.

Referred to Committee on Appropriations.

SB 5687 by Senators Wilson, C., Liias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

AN ACT Relating to certain traffic safety improvements; amending RCW 46.61.415, 46.61.405, 46.63.170, and 46.63.170; reenacting and amending RCW 46.61.250; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

ESSB 5690 by Senate Committee on Law & Justice (originally sponsored by Gildon, Nobles, Conway, Honeyford, McCune, Mullet, Padden, Randall, Rivers, Van De Wege and Wagoner)

AN ACT Relating to firearms on the capitol campus for the sole purpose of organized memorial events; and amending RCW 9.41.305.

Referred to Committee on Civil Rights & Judiciary.

SB 5713 by Senators Das, Liias, Nobles, Robinson, Saldaña and Wellman

AN ACT Relating to providing a property tax exemption for limited equity cooperative housing; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

SSB 5720 by Senate Committee on Ways & Means (originally sponsored by Mullet, Frockt, Gildon, Nguyen, Nobles and Randall)

AN ACT Relating to student financial literacy education; amending RCW 28A.300.460; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5741 by Senate Committee on Transportation (originally sponsored by Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.)

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

Referred to Committee on Transportation.

SB 5747 by Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.

AN ACT Relating to the statewide master oil and hazardous substance spill prevention and contingency plan; and amending RCW 90.56.060.

Referred to Committee on Environment & Energy.

SB 5748 by Senators Schoesler, Brown, Conway, Dozier, Hasegawa, Holy, Honeyford, Hunt, Lovick, Robinson and Short

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Appropriations.

ESSB 5761 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Randall, Keiser, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

AN ACT Relating to employer requirements for providing wage and salary information to applicants for employment; and amending RCW 49.58.110.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5764 by Senate Committee on Ways & Means (originally sponsored by Randall, Sheldon, Conway, Das, Hasegawa, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Wellman, Wilson, C. and Wilson, J.)

AN ACT Relating to apprenticeships and higher education; amending RCW 28B.92.030; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5793 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles and Saldaña)

AN ACT Relating to allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups; amending RCW 28A.300.802, 43.03.050, and 43.03.060; reenacting and amending RCW 43.03.220; adding a new section to chapter 43.03 RCW; and creating a new section.

Referred to Committee on Appropriations.

E2SSB 5803 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Dhingra, Frockt and Nobles)

AN ACT Relating to mitigating the risk of wildfires caused by an electric utility's equipment; amending RCW 76.04.780; adding new sections to chapter 76.04 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5819 by Senate Committee on Ways & Means (originally sponsored by Braun, Brown, Conway, Dozier, Frockt, Keiser, Randall, Rivers, Saldaña, Short, Trudeau, Warnick and Wilson, L.)

AN ACT Relating to the developmental disabilities administration's no-paid services caseload; and adding a new section to chapter 71A.10 RCW.

Referred to Committee on Appropriations.

SSB 5821 by Senate Committee on Ways & Means (originally sponsored by Rivers, Billig, Conway, Dhingra, Nobles, Stanford, Van De Wege, Wilson, C. and Wilson, L.)

AN ACT Relating to evaluating the state's cardiac and stroke emergency response system; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5838 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nobles, Rivers, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families; adding a new section to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5847 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Randall, Das, Hasegawa, Keiser, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to providing information to public service employees about the public service loan forgiveness program; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 41.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5854 by Senators Randall, Hunt, Lovick, Nobles and Wilson, C.

AN ACT Relating to ethical performance of faculty duties; amending RCW 42.52.200, 42.52.220, and 42.52.360; and reenacting and amending RCW 42.52.010.

Referred to Committee on College & Workforce Development.

SB 5855 by Senators Lovelett, Nobles, Wilson, C., Billig, Das, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Nguyen, Randall, Saldaña, Stanford and Trudeau

AN ACT Relating to the use of campaign funds to reimburse expenses for child care and other caregiving services; and amending RCW 42.17A.445.

Referred to Committee on State Government & Tribal Relations.

ESSB 5873 by Senate Committee on Ways & Means (originally sponsored by Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Liias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.)

AN ACT Relating to unemployment insurance; amending RCW 50.29.025 and 50.29.070; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5883 by Senate Committee on Law & Justice (originally sponsored by Trudeau, Keiser, Billig,

Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and Wilson, C.)

AN ACT Relating to an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries; and amending RCW 7.70.065.

Referred to Committee on Children, Youth & Families.

SSB 5886 by Senate Committee on Health & Long Term Care (originally sponsored by Holy, Frockt, Keiser, Kuderer, Lias, Lovick, Muzzall, Nobles, Rivers, Rolfes, Stanford, Trudeau, Van De Wege and Warnick)

AN ACT Relating to creating an advisory council on rare diseases; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5892 by Senate Committee on Health & Long Term Care (originally sponsored by Brown, Conway, Honeyford, King, Lovick, Short, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.)

AN ACT Relating to establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5895 by Senators Frockt and Mullet

AN ACT Relating to timing restrictions for remedial action grants to local government; amending RCW 70A.305.190; and creating a new section.

Referred to Committee on Capital Budget.

ESB 5919 by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

AN ACT Relating to the standard for law enforcement authority to detain or pursue persons; and amending RCW 10.116.060, 10.120.010, and 10.120.020.

Referred to Committee on Public Safety.

SB 5927 by Senators Honeyford and Saldaña

AN ACT Relating to the safety and security of retail cannabis outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Public Safety.

SSB 5933 by Senate Committee on Ways & Means (originally sponsored by Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.)

AN ACT Relating to establishing a school seismic safety grant program; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Capital Budget.

ESSB 5942 by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen and Hunt)

AN ACT Relating to the uniform college athlete name, image, or likeness act; amending RCW 42.56.270; adding a new chapter to Title 63 RCW; and prescribing penalties.

Referred to Committee on College & Workforce Development.

SSB 5961 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Sefzik, Warnick, Honeyford, Rolfes, Short and Van De Wege)

AN ACT Relating to incentivizing the use of biochar; adding a new section to chapter 43.19A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5531 which was referred to the committee on Finance.

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

SECOND READING

HOUSE BILL NO. 2037, by Representatives Goodman and Sutherland

Modifying the standard for use of force by peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2037 was substituted for House Bill No. 2037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2037 was read the second time.

With the consent of the House, amendments (983) and (972) were withdrawn.

Representative Goodman moved the adoption of amendment (911):

On page 3, beginning on line 4, after "circumstances," strike all material through "exist" on line 12 and insert "a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others"

Representatives Goodman, Klippert, Goodman (again) and Graham spoke in favor of the adoption of the amendment.

Amendment (911) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman, Mosbrucker, Harris-Talley, Hackney, Klippert, Maycumber and J. Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2037.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2037, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule,

Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Tharinger, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Fitzgibbon, Frame, Harris-Talley, Macri, McCaslin, McEntire, Pollet, Thai and Valdez.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1755, by Representatives Peterson, Leavitt, Bateman, Davis, Gregerson, Wylie, Sullivan, Simmons, Slatter, Bergquist, Pollet, Riccelli, Ormsby and Kloba

Concerning temporary assistance for needy families time limit extensions during times of high unemployment.

The bill was read the second time.

Representative Young moved the adoption of amendment (998):

On page 2, line 30, after "percent" insert "and the labor market supply and demand gap as calculated by the Washington employment security department is below zero or less than 75 percent of the five-year average"

Representative Young spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (998) was not adopted.

Representative Caldier moved the adoption of amendment (965):

On page 2, line 39, after "(6)" insert "The department shall not

exempt a recipient from the application of subsection (1) of this

section for a period exceeding 24 months if the extension is by reason of hardship under subsection (5)(C) of this section.

(7) "

Renumber the remaining subsections consecutively and correct any

internal references accordingly.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (965) was not adopted.

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

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1755.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1755, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Caldier, Chase, Corry, Dufault, Dye, Klicker, Klippert, Kraft, McCaslin, McEntire, Mosbrucker, Orcutt, Rude, Sutherland, Vick, Volz, Walsh and Young.

HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1876, by Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet

Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1876 was substituted for House Bill No. 1876 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1876 was read the second time.

Representative Volz moved the adoption of amendment (912):

On page 2, line 1, after "(1)" strike "The attorney general" and insert "A drafting committee, composed of two fiscal analysts employed by the office of program research in the house of representatives and two fiscal analysts employed by senate committee services in the senate,"

On page 2, beginning on line 19, after "The" strike "attorney general" and insert "drafting committee"

On page 2, at the beginning of line 28, strike "attorney general" and insert "drafting committee"

On page 2, line 31, after "(5) The" strike "attorney general" and insert "drafting committee"

Representatives Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (912) was not adopted.

Representative Walsh moved the adoption of amendment (917):

On page 2, line 10, after "adopted" insert ", except that the description may not include any services that the state is constitutionally required to fund"

On page 2, line 19, after "words." insert "However, the list of state services funded by the general fund in the description may not include any services that the state is constitutionally required to fund."

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (917) was not adopted.

Representative Graham moved the adoption of amendment (940):

On page 2, line 17, after "must" insert "(a)"

On page 2, line 19, after "words" insert ", and (b) include a chart detailing state revenue each year for the previous ten years, not subject to a word limitation"

Representatives Graham and Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (940) was not adopted.

Representative Volz moved the adoption of amendment (945):

On page 2, line 17, after "must" insert "(a)"

On page 2, line 19, after "words" insert ", and (b) include a statement of the state's estimated budget surplus, if applicable, not subject to a word limitation"

Representatives Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (945) was not adopted.

Representative Walsh moved the adoption of amendment (950):

On page 2, beginning on line 23, after "(3)" insert "If transportation is included in the disclosure description as an impacted investment, the disclosure must also state the total amount of taxes levied by the state on a gallon of gasoline, expressed as a percentage of the price. This statement is not included in, nor is subject to, any word limitations.

(4)"

Renumber the remaining subsections and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (950) was not adopted.

Representative Volz moved the adoption of amendment (957):

On page 2, beginning on line 23, after "(3)" insert "If public K-12 education is included in the disclosure description as an impacted investment, the disclosure must also state the average annual total compensation, including wages and benefits, of a public K-12 teacher, administrator, and classified staff member. This statement is not included in, and is not subject to, any word limitations.

(4)"

Renumber the remaining subsections and correct any internal references accordingly.

Representative Volz spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (957) was not adopted.

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

Representatives Gregerson and Valdez spoke in favor of the passage of the bill.

Representatives Volz, Orcutt, Walsh, Volz (again) and Graham spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1876.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1876, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

Pollet, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1876.

Representative Pollet, 46th District

SECOND READING

HOUSE BILL NO. 1723, by Representatives Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame

Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1723 was substituted for House Bill No. 1723 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1723 was read the second time.

Representative Ryu moved the adoption of amendment (964):

On page 3, beginning on line 19, after "to" strike all material through "for" on line 20 and insert "assist low-income persons with the costs of"

On page 4, beginning on line 21, after "act" strike all material through "persons." on line 22 and insert ". Telecommunications providers determine rates for eligible services. The commission shall, by rule, determine the amount of reimbursement to telecommunications providers under the program."

On page 4, beginning on line 33, after "levels." strike all material through "poor." on line 36

Representatives Ryu and Boehnke spoke in favor of the adoption of the amendment.

Amendment (964) was adopted.

Representative Gregerson moved the adoption of amendment (1006):

On page 3, line 21, after "(2)" strike "A" and insert "Subject to the availability of amounts appropriated for this specific purpose, a"

On page 3, line 24, after "act." insert "The department must notify telecommunications providers when annual appropriations made for the purposes of this section have been fully obligated."

On page 3, line 29, after "services" insert "to the extent that the program is funded"

On page 3, line 39, after "charged" insert ", subject to the availability of amounts appropriated for this specific purpose"

On page 4, line 29, after "consider" insert "the appropriation for the program for that fiscal period,"

Representatives Gregerson and Boehnke spoke in favor of the adoption of the amendment.

Amendment (1006) was adopted.

Representative Corry moved the adoption of amendment (944):

Beginning on page 2, line 29, strike all of Part 2

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

On page 9, beginning on line 20, after "Low-income" strike all material through "act." on line 21 and insert "means households as defined by the department, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator."

On page 11, at the beginning of line 29, strike all material through "program," on line 30 and insert "federal lifeline program"

On page 16, at the beginning of line 38, after "program," strike "Washington broadband assistance program,"

On page 17, beginning on line 5, after "(a)" strike all material through "(b)" on line 7

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Correct the title.

Representative Corry and Corry (again) spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (944) was not adopted.

The bill was ordered engrossed.

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

Representatives Gregerson and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1723.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1723, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klippert, Kraft, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2078, by Representatives Rule, Barkis, Ryu, Fitzgibbon, Simmons, Shewmake, Berry, Leavitt, Berg, Senn, Callan, Dent, Johnson, J., Kloba, Bergquist, Chambers, Wicks, Orwall, Tharinger, Taylor, Klippert and Pollet

Establishing the outdoor school for all program. Revised for 2nd Substitute: Establishing the outdoor learning grant program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2078 was substituted for House Bill No. 2078 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2078 was read the second time.

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

Representatives Rule, Ybarra, Barkis and Dent spoke in favor of the passage of the bill.

Representative Chase spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2078.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2078, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2078, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1942, by Representatives Donaghy, Stonier, Santos, Simmons, Riccelli, Wicks, Ormsby and Kloba

Concerning the provision of the paraeducator fundamental course of study.

The bill was read the second time.

Representative Stonier moved the adoption of amendment (1004):

On page 1, line 10, after "(2)" insert "(a)"

On page 1, at the beginning of line 15, insert "(b)"

On page 1, line 18, after ":" strike all material through "instruction" on page 2, line 3, and insert the following:

"(c) School districts must provide the four-day fundamental course of study by the deadlines provided in this subsection (c).

(i) The first day of the course must be provided within 30 days of a paraeducator's date of hire; however, a school district that has a particular challenge or hardship meeting this deadline for a paraeducator hired after September 1st must provide the first day of the course within 60 days of the paraeducator's date of hire.

(ii) The second day of the course must be provided within six months of a paraeducator's date of hire.

(iii) The third and fourth days of the course must be provided within one year of a paraeducator's date of hire; although, school districts are encouraged to provide the third and fourth days of the course within 6 months of a paraeducator's date of hire.

(d) At least two days of the four-day fundamental course of study must be provided in person and up to two days of the fundamental course of study may be provided as synchronous online instruction; although, school districts are encouraged to provide the entire four-day fundamental course of study in person"

Representative Stonier spoke in favor of the adoption of the amendment.

Amendment (1004) was adopted.

The bill was ordered engrossed.

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

Representatives Donaghy and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1942.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1942, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 1942, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1687, by Representatives Bergquist, Leavitt, Ramel, Sells, Johnson, J., Bateman, Valdez, Paul, Callan, Davis, Goodman, Gregerson, Taylor, Ramos, Santos, Sullivan, Riccelli, Harris-Talley, Hackney and Kloba

Enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges.

The bill was read the second time.

Representative Chambers moved the adoption of amendment (792):

On page 3, line 25, after "time" strike "during" and insert "beginning with"

On page 5, after line 13, insert the following:

"**Sec. 3.** RCW 28B.118.090 and 2021 c 283 s 4 are each amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college

bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of enrolled students for the college bound scholarship program in seventh, eighth, or ninth grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education, including how many enroll who graduated high school with less than a "C" average;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education and by high school grade point average;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

(3) Beginning July 1, 2023, and annually thereafter, the education data center shall submit to the student achievement council the data listed in this section that is submitted by institutions of higher education for the purposes of completing the annual legislative report required by this section.

(4) Beginning November 1, 2023, and annually thereafter, the student achievement council shall submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 on the data listed in this section."

Correct the title.

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment.

Amendment (792) was adopted.

The bill was ordered engrossed.

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

Representatives Bergquist, Jacobsen, Orcutt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1687.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1687, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Corry, Dufault, Hoff, Klippert, Kraft, McCaslin, McEntire, Rude, Vick, Walsh, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1687, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1815, by Representatives Ryu, Boehnke, Johnson, J., Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young and Frame

Deterring catalytic converter theft.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1815 was substituted for House Bill No. 1815 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1815 was read the second time.

Representative Ryu moved the adoption of amendment (971):

On page 5, beginning on line 10, after "coordination with" strike all material through "months" on line 11 and insert "other appropriate entities, such as those involved in enforcement against metal theft"

On page 5, line 12, after "applicants" insert "with a demonstrated increase in metal theft over the previous 24 months"

Representatives Ryu and Mosbrucker spoke in favor of the adoption of the amendment.

Amendment (971) was adopted.

The bill was ordered engrossed.

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

Representatives Ryu, Barkis and Stonier spoke in favor of the passage of the bill.

Representatives Walsh, Chambers, Harris and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1815.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker,

Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Volz, Walsh and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1389, by Representatives Corry and Eslick

Concerning transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1389 was substituted for House Bill No. 1389 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1389 was read the second time.

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

Representatives Corry and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1389.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1389, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and Pollet.

SUBSTITUTE HOUSE BILL NO. 1389, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

MESSAGE FROM THE SENATE

February 11, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5561,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5794,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5884,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

HOUSE BILL NO. 1175, by Representatives Johnson, J., Caldier, Callan, Young, Griffey, Sutherland, Harris-Talley, Ormsby and Fitzgibbon

Providing a property tax exemption for real property used as a host home associated with a host home program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1175 was substituted for House Bill No. 1175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1175 was read the second time.

Representative Young moved the adoption of amendment (1009):

On page 8, line 6, after "least" strike "90" and insert "180"

Representatives Young and Frame spoke in favor of the adoption of the amendment.

Amendment (1009) was adopted.

The bill was ordered engrossed.

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

Representatives J. Johnson and Young spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Corry was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1175.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, Dent, Dufault, Hoff, Kraft, McEntire, Orcutt, Vick, Walsh and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1841, by Representatives Walen, Springer, Goodman, Shewmake, Wylie, Slatter, Duerr, Riccelli and Ormsby

Incentivizing rental of accessory dwelling units to low-income households.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1841 was substituted for House Bill No. 1841 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1841 was read the second time.

Representative Walen moved the adoption of striking amendment (941):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.400 and 2020 c 204 s 1 are each amended to read as follows:

(1) Any physical improvement to single-family dwellings upon real property, including constructing an accessory dwelling unit, whether attached to or within the single-family dwelling or as a detached unit on the same real property, shall be exempt from taxation for the three assessment years subsequent to the completion of the improvement to the extent that the improvement represents (~~(thirty)~~) 30 percent or less of the value of the original structure. A taxpayer desiring to obtain the exemption granted by this section must file notice of his or her intention to construct the improvement prior to the improvement being made on forms prescribed by the department of revenue and furnished to the taxpayer by the county assessor(~~(+ PROVIDED, That this))~~). The exemption in this subsection cannot be claimed more than once in a five-year period.

The department of revenue shall promulgate such rules and regulations as are necessary and convenient to properly administer the provisions of this (~~section~~) subsection (1).

(2)(a) A county legislative authority may exempt from taxation the value of an accessory dwelling unit if the following conditions are met:

(i) The improvement represents 30 percent or less of the value of the original structure;

(ii) The taxpayer demonstrates that the unit is maintained as a rental property for low-income households. For the purposes of this subsection, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development;

(iii) The taxpayer files notice of the taxpayer's intention to participate in the exemption program on forms prescribed by and furnished to the taxpayer by the county assessor; and

(iv) Rent charged to a tenant does not exceed more than 30 percent of the tenant's monthly income.

(b) An exemption granted under this subsection (2) may continue for as long as the exempted accessory dwelling unit is leased to a low-income household.

(c) A county legislative authority that has opted to exempt accessory dwelling units under this subsection (2) may:

(i) Allow the exemption for dwelling units that are attached to or within a single-family dwelling or are detached units on the same real property, or both;

(ii) Collect a fee from the taxpayer to cover the costs of administering this subsection (2);

(iii) Designate administrative officials or agents that will verify that both the low-income household and the taxpayer are in compliance with the requirements of this subsection (2). The designated official or agent may not be the county assessor but may include housing authorities or other qualified organizations as determined by the county legislative authority; and

(iv) Determine what property tax and penalties will be due, if any, in the case of a finding of noncompliance by a taxpayer.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 1, chapter . . . , Laws of 2022 (section 1 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as:

(a) One intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a); and

(b) A general purpose not identified in RCW 82.32.808(2) (a) through (e) as indicated in RCW 82.32.808(2)(f) and further described in subsection (3) of this section.

(3) It is the legislature's specific public policy objective to encourage homeowners to rent accessory dwelling

units to low-income households in order to increase the use of accessory dwelling units for low-income housing.

(4) If a review finds that any county offers this exemption and the exemption is used by any number of homeowners, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2033.

NEW SECTION. **Sec. 4.** This act applies to taxes levied for collection in 2023 and thereafter."

Correct the title.

Representatives Walen and Orcutt spoke in favor of the adoption of the amendment.

Striking amendment (941) was adopted.

The bill was ordered engrossed.

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

Representatives Walen and Frame spoke in favor of the passage of the bill.

Representatives Orcutt and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1841.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1841, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Leavitt, Lekanoff, Macri, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chandler, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Klicker, Klippert, Kloba, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Wilcox and Ybarra.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1905, by Representatives Senn, Macri, Berry, Leavitt, Taylor, Ryu, Santos, Simmons, Peterson, Chopp, Goodman, Ormsby, Johnson, J., Dolan, Eslick, Ramel, Kloba, Callan, Frame, Davis, Bateman, Harris-Talley, Valdez and Pollet

Reducing homelessness for youth and young adults discharging from a publicly funded system of care.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1905 was substituted for House Bill No. 1905 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1905 was read the second time.

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

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1905.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1905, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Kraft and McCaslin.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1905, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1724, by Representatives Macri, Ryu, Berry, Taylor, Wicks, Valdez, Morgan, Bateman, Davis, Goodman, Gregerson, Peterson, Santos, Simmons, Chopp, Pollet, Stonier, Ormsby, Harris-Talley and Kloba

Ensuring oversight and coordination of permanent supportive housing resources to maximize the creation of high quality housing opportunities for people living with disabling conditions in communities across Washington.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1724 was read the second time.

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

Representatives Macri and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1724.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1724, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Corry.

SUBSTITUTE HOUSE BILL NO. 1724, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1643, by Representatives Hackney, Stokesbary, Bateman, Ryu, Simmons, Leavitt, Robertson, Walen, Valdez, Paul, Callan, Gilday, Macri, Peterson, Ramos, Chopp, Bergquist and Kloba

Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, public corporation, county, or municipal corporation from the real estate excise tax.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1643 was substituted for House Bill No. 1643 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1643 was read the second time.

Representative Hackney moved the adoption of amendment (869):

On page 8, line 37, after "housing" insert "for a period of at least 10 years"

On page 15, line 40, after "housing" insert "for a period of at least 10 years"

On page 17, beginning on line 12, after "effect" strike "October 1, 2022" and insert "January 1, 2023"

Representatives Hackney and Orcutt spoke in favor of the adoption of the amendment.

Amendment (869) was adopted.

The bill was ordered engrossed.

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

Representatives Hackney, Stokesbary and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin, McEntire and Walsh.

Excused: Representative Corry.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2010, by Representatives Donaghy, Peterson, Ramel, Ryu, Macri, Bateman and Ormsby

Eliminating unnecessary homeless funding budget and auditing requirements.

The bill was read the second time.

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

Representative Donaghy spoke in favor of the passage of the bill.

Representative Gilday spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2010.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2010, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representative Corry.

HOUSE BILL NO. 2010, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1709, by Representatives Orcutt, Wylie, Springer, Griffey and Leavitt

Addressing safety measures for tow truck operators and vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1709 was substituted for House Bill No. 1709 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1709 was read the second time.

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

Representatives Orcutt, Fey and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chapman, Goehner, Kloba, Kraft, Robertson, Rule, Stokesbary and Young.

Excused: Representative Corry.

SUBSTITUTE HOUSE BILL NO. 1709, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1709.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1818, by Representatives Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby

Promoting successful reentry and rehabilitation of persons convicted of criminal offenses.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1818 was substituted for House Bill No. 1818 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1818 was read the second time.

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

Representatives Simmons and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1818.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1818, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary,

Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Dufault, Kraft, McEntire, Mosbrucker, Orcutt, Rude, Vick, Walsh and Young.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1818, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1865, by Representatives Davis, Caldier, Callan, Dent, Duerr, Goodman, Macri, Senn, Wylie, Paul, Sullivan, Simmons, Chopp, Slatter, Bergquist, Valdez, Pollet, Ormsby, Graham and Frame

Addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1865 was read the second time.

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

Representatives Davis, Caldier, Klippert and Dent spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1865.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Graham, Harris, Hoff, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Robertson, Rude, Rule, Stokesbary, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representative Corry.

SECOND SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1859 and HOUSE BILL NO. 1967 and the bills held their place on the second reading calendar.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1638
HOUSE BILL NO. 1706
HOUSE BILL NO. 1776
HOUSE BILL NO. 1784
HOUSE BILL NO. 1812
HOUSE BILL NO. 1860
HOUSE BILL NO. 2076
HOUSE BILL NO. 2074
HOUSE BILL NO. 1641
HOUSE BILL NO. 1791
HOUSE BILL NO. 1908
HOUSE BILL NO. 1666
HOUSE BILL NO. 1744
HOUSE BILL NO. 1704
HOUSE BILL NO. 2073

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

SECOND READING

The House resumed consideration of HOUSE BILL NO. 1859 on second reading.

HOUSE BILL NO. 1859, by Representatives Kloba, Chambers, Wylie and Wicks

Concerning quality standards for laboratories conducting cannabis analysis.

The bill was read the second time.

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

Representatives Kloba and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1859.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused: 1

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representative Kraft

Excused: Representative Corry

HOUSE BILL NO. 1859, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of HOUSE BILL NO. 1967 on second reading.

HOUSE BILL NO. 1967, by Representatives Steele, Riccelli, Berry, Lekanoff, Santos and Duerr

Concerning property tax exemptions for nonprofits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1967 was substituted for House Bill No. 1967 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1967 was read the second time.

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

Representatives Steele and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1967.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1967, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1859 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representative Kraft

HOUSE BILL NO. 1859, on reconsideration, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1760, by Representatives Paul, Berg, Johnson, J., Valdez, Fey, Ramel, Santos, Sullivan, Slatter, Bergquist, Pollet, Stonier, Ormsby and Taylor

Expanding access to dual credit programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1760 was substituted for House Bill No. 1760 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1760 was read the second time.

With the consent of the House, amendments (874) and (1010) were withdrawn.

Representative Paul moved the adoption of amendment (1013):

On page 1, line 8, after "(1)" strike "At the beginning of each" and insert "Prior to course scheduling or course registration for the next"

On page 3, at the beginning of line 29, strike "~~((universities))~~ institutions of higher education" and insert "universities"

On page, 3, line 31, after "program." insert the following:

"(3)"

Remember the remaining subsections consecutively and correct any internal references accordingly.

Representatives Paul and Ybarra spoke in favor of the adoption of the amendment.

Amendment (1013) was adopted.

The bill was ordered engrossed.

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

Representatives Paul and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1760.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1760, and the

bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1760, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1169, by Representatives Goodman, Davis, Dolan, Simmons, Bateman, Lekanoff, Springer, Gregerson, Senn, Fitzgibbon, Ramos, Frame, Ramel, Peterson, Lovick, Ryu, Callan, Slatter, Duerr, Ormsby, Macri and Hackney

Concerning sentencing enhancements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1169 was substituted for House Bill No. 1169 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

Representative Goodman moved the adoption of striking amendment (923):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.030 and 2021 c 237 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring

and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within (~~eight hundred eighty~~) 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is

committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned

release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to

be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~(twenty-four)~~) 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age (~~(fourteen)~~) 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of (~~fourteen~~) 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was (~~ten~~) 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is (~~eighteen~~) 18 years of age or older or is less than (~~eighteen~~) 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home

detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) (~~Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;~~

~~(xi))~~ Residential Burglary (RCW 9A.52.025);

(~~(xi))~~) (xi) Burglary 2 (RCW 9A.52.030);

((~~xiii~~)) (xii) Malicious Mischief 1
(RCW 9A.48.070);

((~~xiv~~)) (xiii) Malicious Mischief 2
(RCW 9A.48.080);

((~~xv~~)) (xiv) Theft of a Motor
Vehicle (RCW 9A.56.065);

((~~xvi~~)) (xv) Possession of a Stolen
Motor Vehicle (RCW 9A.56.068);

((~~xvii~~)) (xvi) Taking a Motor
Vehicle Without Permission 1 (RCW
9A.56.070);

((~~xviii~~)) (xvii) Taking a Motor
Vehicle Without Permission 2 (RCW
9A.56.075);

((~~xix~~)) (xviii) Extortion 1 (RCW
9A.56.120);

((~~xx~~)) (xix) Extortion 2 (RCW
9A.56.130);

((~~xxi~~)) (xx) Intimidating a Witness
(RCW 9A.72.110);

((~~xxii~~)) (xxi) Tampering with a
Witness (RCW 9A.72.120);

((~~xxiii~~)) (xxii) Reckless
Endangerment (RCW 9A.36.050);

((~~xxiv~~)) (xxiii) Coercion (RCW
9A.36.070);

((~~xxv~~)) (xxiv) Harassment (RCW
9A.46.020); or

((~~xxvi~~)) (xxv) Malicious Mischief 3
(RCW 9A.48.090);

(b) That at least one of the offenses
listed in (a) of this subsection shall
have occurred after July 1, 2008;

(c) That the most recent committed
offense listed in (a) of this subsection
occurred within three years of a prior
offense listed in (a) of this subsection;
and

(d) Of the offenses that were
committed in (a) of this subsection, the
offenses occurred on separate occasions
or were committed by two or more persons.

(37) "Persistent offender" is an
offender who:

(a)(i) Has been convicted in this
state of any felony considered a most
serious offense; and

(ii) Has, before the commission of the
offense under (a) of this subsection,
been convicted as an offender on at least
two separate occasions, whether in this
state or elsewhere, of felonies that

under the laws of this state would be
considered most serious offenses and
would be included in the offender score
under RCW 9.94A.525; provided that of the
two or more previous convictions, at
least one conviction must have occurred
before the commission of any of the other
most serious offenses for which the
offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape
in the first degree, rape of a child in
the first degree, child molestation in
the first degree, rape in the second
degree, rape of a child in the second
degree, or indecent liberties by forcible
compulsion; (B) any of the following
offenses with a finding of sexual
motivation: Murder in the first degree,
murder in the second degree, homicide by
abuse, kidnapping in the first degree,
kidnapping in the second degree, assault
in the first degree, assault in the
second degree, assault of a child in the
first degree, assault of a child in the
second degree, or burglary in the first
degree; or (C) an attempt to commit any
crime listed in this subsection
(37)(b)(i); and

(ii) Has, before the commission of the
offense under (b)(i) of this subsection,
been convicted as an offender on at least
one occasion, whether in this state or
elsewhere, of an offense listed in (b)(i)
of this subsection or any federal or out-
of-state offense or offense under prior
Washington law that is comparable to the
offenses listed in (b)(i) of this
subsection. A conviction for rape of a
child in the first degree constitutes a
conviction under (b)(i) of this
subsection only when the offender was
(~~sixteen~~) 16 years of age or older when
the offender committed the offense. A
conviction for rape of a child in the
second degree constitutes a conviction
under (b)(i) of this subsection only when
the offender was (~~eighteen~~) 18 years of
age or older when the offender committed
the offense.

(38) "Predatory" means: (a) The
perpetrator of the crime was a stranger
to the victim, as defined in this
section; (b) the perpetrator established
or promoted a relationship with the
victim prior to the offense and the
victimization of the victim was a
significant reason the perpetrator
established or promoted the
relationship; or (c) the perpetrator was:
(i) A teacher, counselor, volunteer, or
other person in authority in any public

or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;
 (v) Assault in the first degree;
 (vi) Kidnapping in the first degree;
 (vii) Rape in the first degree;
 (viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary

range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~(twenty-four)~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~(twenty-four)~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of

2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within (~~eight hundred eighty~~) 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060,

9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal

services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is

capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony

classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~(twenty-four)~~) 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an

emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age (~~(fourteen)~~) 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense

that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of (~~(fourteen)~~) 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was (~~(ten)~~) 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is (~~(eighteen)~~) 18 years of age or older or is less than (~~(eighteen)~~) 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in

a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

~~(x) ((Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;~~

~~(xi)) Residential Burglary (RCW 9A.52.025);~~

~~((~~xii~~))~~ (xi) Burglary 2 (RCW 9A.52.030);

~~((~~xiii~~))~~ (xii) Malicious Mischief 1 (RCW 9A.48.070);

~~((~~xiv~~))~~ (xiii) Malicious Mischief 2 (RCW 9A.48.080);

~~((~~xv~~))~~ (xiv) Theft of a Motor Vehicle (RCW 9A.56.065);

~~((~~xvi~~))~~ (xv) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

~~((~~xvii~~))~~ (xvi) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

~~((~~xviii~~))~~ (xvii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

~~((~~xix~~))~~ (xviii) Extortion 1 (RCW 9A.56.120);

~~((~~xx~~))~~ (xix) Extortion 2 (RCW 9A.56.130);

~~((~~xxi~~))~~ (xx) Intimidating a Witness (RCW 9A.72.110);

~~((~~xxii~~))~~ (xxi) Tampering with a Witness (RCW 9A.72.120);

~~((~~xxiii~~))~~ (xxii) Reckless Endangerment (RCW 9A.36.050);

~~((~~xxiv~~))~~ (xxiii) Coercion (RCW 9A.36.070);

~~((~~xxv~~))~~ (xxiv) Harassment (RCW 9A.46.020); or

~~((~~xxvi~~))~~ (xxv) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection,

been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~sixteen~~) 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~eighteen~~) 18 years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the

relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the

purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~(twenty-four)~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~(twenty-four)~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been

forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any

drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 3. RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by ~~((seventy five))~~ 75 percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes

listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e)(i) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory~~((, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether))~~. For any person sentenced to multiple firearm enhancements on or after the

effective date of this section, the court may order the enhancements to run consecutively.

(ii) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

~~((+))~~ (A) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

~~((+))~~ (B) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. ~~((If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the

standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

~~(e)(i) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory((, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether)).~~ For any person sentenced to multiple deadly weapon enhancements on or after the effective date of this section, the court may order the enhancements to run consecutively.

(ii) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

~~((+))~~ (A) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

~~((+))~~ (B) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock,

possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. ~~((If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional ~~((twenty four))~~ 24 months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW ~~((69.50.435 or))~~ 9.94A.827. ~~((All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.))~~

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory ~~((shall be served in total confinement,))~~ and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter. If the offender has three or more prior offenses as defined in RCW 46.61.5055, all enhancements in this subsection must be served in total confinement.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of ~~((total))~~ confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least ~~((twenty))~~ 20 years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ~~((ten))~~ 10 years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation

enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory(~~(, shall be served in total confinement,)~~) and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender(~~(- If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced))~~);

(e) (~~The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;~~

~~(f))~~) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered

to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of (~~total~~) confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(~~(a) For a person age eighteen or older convicted of any criminal street gang related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.~~

~~(b) This subsection does not apply to any criminal street gang related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.~~

~~(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.~~

~~(11))~~) An additional (~~twelve~~) 12 months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special

allegation of endangering one or more persons under RCW 9.94A.834.

~~((12))~~ (11) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

~~((13))~~ (12) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of ~~((sixteen))~~ 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory ~~((shall be served in total confinement,))~~ and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. ~~((If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.))~~ If the defendant has three or more prior offenses as defined in RCW 46.61.5055, all enhancements in this subsection must be served in total confinement.

~~((14))~~ (13) An additional ~~((twelve))~~ 12 months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

~~((15))~~ (14) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age ~~((eighteen))~~ 18, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

Sec. 4. RCW 9.94A.599 and 1998 c 235 s 3 are each amended to read as follows:

If the presumptive sentence duration given in the sentencing grid exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence. ~~((If~~

~~the addition of a firearm or deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.))~~

Sec. 5. RCW 9.94A.729 and 2020 c 330 s 2 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2)~~((a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.~~

~~(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.~~

~~(3))~~ An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ~~((ten))~~ 10 percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed ~~((fifteen))~~ 15 percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ~~((ten))~~ 10 percent of the sentence.

(d) An offender is qualified to earn up to ~~((fifty))~~ 50 percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection ~~((4))~~ (3) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery

or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

~~((4))~~ (3) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection ~~((3))~~ (2)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection ~~((3))~~ (2)(d) of this section does not apply to offenders convicted after July 1, 2010.

~~((5))~~ (4)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the

sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(1)(e);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

~~((6+))~~ (5) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 6. RCW 10.01.210 and 2002 c 290 s 23 are each amended to read as follows:

Any and all law enforcement agencies and personnel, criminal justice

attorneys, sentencing judges, and state and local correctional facilities and personnel may, but are not required to, give any and all offenders either written or oral notice, or both, of the sanctions imposed and criminal justice changes regarding armed offenders, including but not limited to the subjects of:

(1) Felony crimes involving any deadly weapon special verdict under ~~((RCW 9.94A.602))~~ 9.94A.825;

(2) Any and all deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, as well as any federal firearm, ammunition, or other deadly weapon enhancements;

(3) Any and all felony crimes requiring the possession, display, or use of any deadly weapon as well as the many increased penalties for these crimes including the creation of theft of a firearm and possessing a stolen firearm;

(4) New prosecuting standards established for filing charges for all crimes involving any deadly weapons;

~~(5) ((Removal of good time for any and all deadly weapon enhancements; and~~

~~(6+))~~ Providing the death penalty for those who commit first degree murder: (a) To join, maintain, or advance membership in an identifiable group; (b) as part of a drive-by shooting; or (c) to avoid prosecution as a persistent offender as defined in RCW 9.94A.030.

Sec. 7. RCW 72.01.410 and 2019 c 322 s 2 are each amended to read as follows:

(1) Whenever any person is convicted as an adult in the courts of this state of a felony offense committed under the age of ~~((eighteen))~~ 18, and is committed for a term of confinement, that person shall be initially placed in a facility operated by the department of children, youth, and families. The department of corrections shall determine the person's earned release date.

(a) While in the custody of the department of children, youth, and families, the person must have the same treatment, housing options, transfer, and access to program resources as any other person committed to that juvenile correctional facility or institution pursuant to chapter 13.40 RCW. Except as provided under (d) of this subsection, treatment, placement, and program decisions shall be at the sole discretion of the department of children, youth, and

families. The person shall not be transferred to the custody of the department of corrections without the approval of the department of children, youth, and families until the person reaches the age of (~~(twenty-five)~~) 25.

(b) If the person's sentence includes a term of community custody, the department of children, youth, and families shall not release the person to community custody until the department of corrections has approved the person's release plan pursuant to RCW 9.94A.729(~~(+5)~~) (4)(b). If a person is held past his or her earned release date pending release plan approval, the department of children, youth, and families shall retain custody until a plan is approved or the person completes the ordered term of confinement prior to age (~~(twenty-five)~~) 25.

(c) If the department of children, youth, and families determines that retaining custody of the person in a facility of the department of children, youth, and families presents a significant safety risk, the department of children, youth, and families may transfer the person to the custody of the department of corrections.

(d) The department of corrections must retain authority over custody decisions relating to a person whose earned release date is on or after the person's (~~(twenty-fifth)~~) 25th birthday and who is placed in a facility operated by the department of children, youth, and families under this section, unless the person qualifies for partial confinement under RCW 72.01.412, and must approve any leave from the facility. When the person turns age (~~(twenty-five)~~) 25, he or she must be transferred to the department of corrections, except as described under RCW 72.01.412. The department of children, youth, and families has all routine and day-to-day operations authority for the person while the person is in its custody.

(2)(a) Except as provided in (b) and (c) of this subsection, a person under the age of (~~(eighteen)~~) 18 who is transferred to the custody of the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from other persons in custody who are (~~(eighteen)~~) 18 years of age or older, until the person reaches the age of (~~(eighteen)~~) 18.

(b) A person who is transferred to the custody of the department of corrections and reaches (~~(eighteen)~~) 18 years of age may remain in a housing unit for persons under the age of (~~(eighteen)~~) 18 if the secretary of corrections determines that: (i) The person's needs and the rehabilitation goals for the person could continue to be better met by the programs and housing environment that is separate from other persons in custody who are (~~(eighteen)~~) 18 years of age and older; and (ii) the programs or housing environment for persons under the age of (~~(eighteen)~~) 18 will not be substantially affected by the continued placement of the person in that environment. The person may remain placed in a housing unit for persons under the age of (~~(eighteen)~~) 18 until such time as the secretary of corrections determines that the person's needs and goals are no longer better met in that environment but in no case past the person's (~~(twenty-fifth)~~) 25th birthday.

(c) A person transferred to the custody of the department of corrections who is under the age of (~~(eighteen)~~) 18 may be housed in an intensive management unit or administrative segregation unit containing offenders (~~(eighteen)~~) 18 years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender must be kept physically separate from other offenders at all times.

(3) The department of children, youth, and families must review the placement of a person over age (~~(twenty-one)~~) 21 in the custody of the department of children, youth, and families under this section to determine whether the person should be transferred to the custody of the department of corrections. The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the person reaches age (~~(twenty-three)~~) 23 if the person's commitment period in a juvenile institution extends beyond the person's (~~(twenty-third)~~) 23rd birthday.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

(1) For any offender who is currently serving a sentence imposed prior to the effective date of this section involving multiple, consecutive firearm or deadly weapon enhancements under RCW 9.94A.533,

either the offender or the applicable county prosecuting attorney may petition the sentencing court for resentencing on the basis that the consecutive enhancements no longer advance the interests of justice.

(2) The sentencing court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the offender in the same manner as if the offender had not previously been sentenced, except: The court may, in its discretion, order the firearm or deadly weapon enhancements to be served concurrently, regardless of the date of the offense; and the new sentence, if any, may not be greater than the initial sentence.

(3) If a resentencing hearing is scheduled pursuant to this section, the prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition and the date of hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.

(4) A resentencing under this section does not reopen a qualifying offender's conviction to challenges that would otherwise be barred.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 9.94A.833 (Special allegation—Involving minor in felony offense—Procedures) and 2008 c 276 s 302; and

(2) RCW 69.50.435 (Violations committed in or on certain public places or facilities—Additional penalty—Defenses—Construction—Definitions) and 2015 c 265 s 37 & 2003 c 53 s 346.

NEW SECTION. Sec. 10. The changes to restrictions on partial confinement and earned early release for sentencing enhancements under sections 3 and 5 of this act apply retroactively to offenders currently serving a sentence in any facility or institution either operated by the state or utilized under contract. Pursuant to RCW 9.94A.729, the department

of corrections shall recalculate the earned release date for any qualifying offender, regardless of the date of sentencing or date of offense. For offenders whose offense was committed prior to the effective date of this section, the recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject.

NEW SECTION. Sec. 11. The legislature declares that section 10 of this act does not create any liberty interest. The department of corrections' recalculations of earned release time do not create any expectation that the percentage of earned release time will be revised before the effective date of this section, and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement. The department of corrections has discretion to implement the retroactive changes to earned early release for qualifying offenders over a period of time not to exceed 12 months following the effective date of this section.

NEW SECTION. Sec. 12. Section 1 of this act expires July 1, 2022.

NEW SECTION. Sec. 13. Section 2 of this act takes effect July 1, 2022."

Correct the title.

Representative Mosbrucker moved the adoption of amendment (951) to striking amendment (923):

On page 46, after line 28 of the striking amendment, insert the following:

"NEW SECTION. Sec. 12. (1) The department of commerce shall establish an annual grant program to reallocate the state savings achieved through the policies in this act to local jurisdictions to offset rising local costs associated with administering law enforcement activities, local correctional systems, and criminal court caseloads.

(2) All local governments are eligible to apply for grants. The department of commerce shall develop criteria for submitting applications for grant funding and for evaluating and selecting grant recipients. The selection criteria must prioritize applications based on need. Grant funds must be used to offset local costs incurred in law enforcement and correctional activities, and

criminal court caseloads. Grants must be issued on an annual basis. Initial grant recipients must be selected and funds must be issued by September 1, 2023. Grant recipients may reapply for future annual grant awards.

(3) The grant program must be funded through appropriations based on a biennial calculation by the department of corrections, with assistance of the caseload forecast council, of the projected annual savings to the department of corrections achieved through the policies in this act. The department of corrections shall report its initial projected savings to the legislature by December 1, 2022, and provide an updated calculation of projected savings on September 1, 2023, and on a biennial basis thereafter, starting with September 1, 2024, and reporting September 1st of each even year.

(4) The department of commerce must report to the legislature regarding distribution of grant funds by December 1st of each year, starting in 2023."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (951) to striking amendment (923) was not adopted.

Representative Graham moved the adoption of amendment (949) to striking amendment (923):

On page 35, at the beginning of line 7 of the striking amendment, strike "~~((69.50.435-0*))~~" and insert "69.50.435 or"

On page 46, beginning on line 1 of the striking amendment, after "**Sec. 9.**" strike all material through "2003 c 53 s 346" on line 7 and insert "RCW 9.94A.833 (Special allegation-Involving minor in felony offense-Procedures) and 2008 c 276 s 302 are each repealed"

Representative Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

Amendment (949) to striking amendment (923) was not adopted.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the striking amendment.

Striking amendment (923) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman and Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Orcutt, Klippert and Maycumber spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1169.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1169, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1827, by Representatives Morgan, Simmons, Ormsby, Harris-Talley and Kloba

Creating the community reinvestment account and community reinvestment program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1827 was substituted for House Bill No. 1827 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1827 was read the second time.

Representative Boehnke moved the adoption of amendment (925):

On page 2, line 23, after "services;" strike "and"

On page 2, line 26, after "Washington" insert "; and"

(e) Costs and fees of participants in Washington's therapeutic courts that serve residents of disproportionately impacted areas. For purposes of this subsection, "therapeutic courts" includes veterans treatment courts, adult and juvenile drug courts, family dependency treatment courts, mental health courts, and DUI courts"

Representatives Boehnke and Klippert spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (925) was not adopted.

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

Representative Morgan spoke in favor of the passage of the bill.

Representative Boehnke spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1827.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1827, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

SECOND SUBSTITUTE HOUSE BILL NO. 1827, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1746, by Representatives Ortiz-Self, Taylor, Davis, Ramel and Santos

Updating the 2015 report and recommendations for supporting student success through measuring and mitigating community risk and protective predictors since the emergence of the COVID-19 pandemic.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1746 was substituted for House Bill No. 1746 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1746 was read the second time.

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

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1746.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1746, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Eslick, Gilday, Goehner, Graham, Griffey, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1684, by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli

Concerning public health and fluoridation of drinking water.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1684 was substituted for House Bill No. 1684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1684 was read the second time.

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

Representatives Harris and Pollet spoke in favor of the passage of the bill.

Representatives Jacobsen and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1684.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1684, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chandler, Chapman, Chase, Dent, Dufault, Dye, Eslick, Goehner, Goodman, Graham, Griffey, Jacobsen, Klicker, Kraft, Kretz,

Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1684, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2096, by Representatives Thai, Frame, Berry, Sutherland, Kloba and Pollet

Concerning the working families' tax exemption, also known as the working families tax credit.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (1045):

On page 1, beginning on line 19, after "year, and" strike all material through "the year" on line 21 and insert "was a Washington resident during the year"

On page 2, after line 23, insert the following:

"(f) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day."

Representatives Stokesbary and Frame spoke in favor of the adoption of the amendment.

Amendment (1045) was adopted.

The bill was ordered engrossed.

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

Representatives Thai and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2096.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2096, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

ENGROSSED HOUSE BILL NO. 2096, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1902, by Representatives Schmick and Pollet

Providing an exception to the process for reopening a workers' compensation claim when the claimant submits a reopening application in a timely manner.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1902 was substituted for House Bill No. 1902 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1902 was read the second time.

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

Representatives Schmick, Sells and Ormsby spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1902.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1902, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen,

Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1902, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1738, by Representatives Peterson, Bateman, Macri, Wylie, Tharinger and Ormsby

Changing the total amount of outstanding indebtedness of the Washington state housing finance commission.

The bill was read the second time.

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

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1738.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1738, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

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

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

HOUSE BILL NO. 1738, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1769, by Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri and Slatter

Concerning community municipal corporations.

The bill was read the second time.

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

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1769.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1769, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Dent, Dufault, Eslick, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, McCaslin, McEntire, Orcutt, Rude, Sutherland, Thai, Vick, Volz, Walsh, Ybarra and Young.

HOUSE BILL NO. 1769, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1770, by Representatives Duerr, Ramel, Berry, Dolan, Fitzgibbon, Ryu, Wylie, Berg, Davis, Goodman, Macri, Peterson, Slatter, Valdez, Pollet, Hackney, Kloba and Frame

Strengthening energy codes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1770 was substituted for House Bill No. 1770 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1770 was read the second time.

Representative Hoff moved the adoption of amendment (960):

On page 2, line 13, after "December 1," strike "2034" and insert "2040"

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (960) was not adopted.

Representative Boehnke moved the adoption of amendment (985):

On page 2, line 13, after "2034" insert ", provided that at least 60 percent of the solar equipment for photovoltaic panel installation for residential use in Washington can be recycled"

Representative Boehnke spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (985) was not adopted.

Representative Duerr moved the adoption of amendment (943):

On page 2, line 17, after "measures." insert "The 80 percent reduction requirement does not apply to the increased load for electronic vehicle charging."

On page 3, at the beginning of line 2, strike "exceed net-zero energy use" and insert "require more annual renewable production than a residential building is predicted to use"

On page 4, line 14, after "the" strike "reductions" and insert "70 percent reduction"

On page 4, line 16, after "RCW 19.27A.160" insert "in incremental steps by the 2027 energy code"

Representative Duerr spoke in favor of the adoption of the amendment.

Representative Goehner spoke against the adoption of the amendment.

Amendment (943) was adopted.

Representative Robertson moved the adoption of amendment (1005):

On page 2, line 17, after "measures." insert "The 80 percent reduction requirement does not apply to heating and air conditioning systems."

Representative Robertson spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (1005) was not adopted.

Representative Goehner moved the adoption of amendment (982):

On page 2, line 18, after "(2)" insert "The council must provide an exception to the code requirements for experimental or custom homes that are unique or showcase architectural and design elements that would otherwise be prohibited by the energy code.

(3)"

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (982) was not adopted.

Representative Dye moved the adoption of amendment (1003):

On page 2, line 18, after (2) insert "The state building code council may by rule establish a later effective date or suspend enforcement of any requirements of subsection (1) of this section if the council determines that there is insufficient affordable equipment and technology identified and able to meet the additional requirements.

(3)"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (1003) was not adopted.

Representative Hoff moved the adoption of amendment (974):

On page 2, after line 28, insert the following:

"(3) The obligation of any city, town, or county to comply with new adjustments made to the Washington state energy code or any rules implementing the code is contingent on the provision of state funding to the Washington association of building officials to provide training to its members virtually and in Vancouver, Spokane, the Tri-Cities area, Thurston County, Skagit County, and King County for every code update implementing the provisions of this act."

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (974) was not adopted.

Representative Goehner moved the adoption of amendment (981):

On page 2, after line 28, insert the following:

"(3) Modifications to the energy code may not impose a cost of more than \$10,000 on any housing unit."

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (981) was not adopted.

Representative Dent moved the adoption of amendment (986):

On page 2, after line 28, insert the following:

"(3) The Washington state energy code may not have window requirements so stringent as to prohibit windows in rooms. Windows must be allowed even if the resulting energy consumption would

exceed the required annual net energy consumption reductions."

Representative Dent spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (986) was not adopted.

Representative Hoff moved the adoption of amendment (959):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

(1) Any changes to the Washington state energy code for residential buildings shall require a home affordability cost analysis provided by the state building code council to determine whether the changes increase or decrease the cost of accessing housing.

(2) The state building code council may contract with a public or private organization to conduct the home affordability cost analysis required in subsection (1) of this section."

Correct the title.

Representatives Hoff and Ramel spoke in favor of the adoption of the amendment.

Amendment (959) was adopted.

Representative Abbarno moved the adoption of amendment (975):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The requirements outlined in this act must not result in decreased reliability of the energy grid as determined by the department of commerce in consultation with the utilities and transportation commission."

Correct the title.

Representative Abbarno spoke in favor of the adoption of the amendment.

Representative Ramel spoke against the adoption of the amendment.

Amendment (975) was not adopted.

Representative Dent moved the adoption of amendment (984):

On page 4, after line 32, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27A RCW to read as follows:

The Washington state energy code for residential buildings must allow for the use of gas fireplaces or secondary heat sources in residential buildings for backup heat in the event of a power outage."

Correct the title.

Representative Dent spoke in favor of the adoption of the amendment.

Representative Pollet spoke against the adoption of the amendment.

Amendment (984) was not adopted.

Representative Griffey moved the adoption of amendment (980):

Beginning on page 1, line 15, strike all of section 2

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Griffey spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (980) was not adopted.

Representative Griffey moved the adoption of striking amendment (973):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington has an affordable housing crisis. There are only nine out of 49 counties where households can afford to purchase the median value

home. In the most populous county the median home price is over \$500,000. It is imperative that the government take steps to make homes more affordable and ensure that the energy code is reliant on readily available technology that is easily procured by the industry.

(2) The state building code council was directed in 2009 to achieve a 70 percent reduction in annual net energy consumption for residential and nonresidential construction by 2031. This reduction has increased the cost of housing, restricted the amount of windows that are allowed, and has been a struggle because the technology to achieve the energy efficiency is not broadly available in the market.

(3) Based on opposition from builders, engineers, air conditioning contractors, utility providers, electricity providers, natural gas providers, real estate agents, plumbers, pipefitters, HVAC service technicians, laborers, and contractors, the transition requirements to 80 percent reduction of annual net energy consumption and net zero ready buildings within four years after the 2031 deadline is aspirational and unwanted by the industry.

(4) The legislature finds that natural sunlight is good for people's health. It finds that houses should have windows that allow natural light and the ability to have fresh air circulate within a building. A requirement to reduce net energy consumption drastically requires fewer windows because windows cause the need for higher energy consumption in the winter to provide heat and air conditioning in the summer.

(5) The legislature finds for safety reasons it is important that homes are not reliant on just electricity, which is what net zero homes would require. It is important that homes have a second source of power to provide heat during winter storms when the power goes out. Natural gas heat is reliable and low cost in many locations. Natural gas fireplaces are a desirable aesthetic option in homes, as well as a back up source for heat.

(6) The legislature finds that the national renewable energy laboratory found that western Washington is the worst place outside of Alaska to put solar panels. Solar in Washington is the most expensive way to generate low carbon dioxide energy. Prewiring for solar panels adds over \$1,000 in costs to a

home and may never be used. The average payback period for solar panels if installed is 25 to 29 years. Solar panels require adjustment, cleaning, and maintenance that the average homeowner may not be able to provide, thus making it not an ideal form of energy for working families, seniors, and individuals with mobility issues.

(7) The legislature finds for every \$1,000 additional cost in a home, 2,524 more households are unable to qualify for a new mortgage in state. Strengthening the energy code with making a home net zero ready and prewiring solar panels will price tens of thousands of households out of the market, which is an undesirable outcome. It is more important to provide homes for each person that have reliable heat, hot water, and appliances at an affordable rate and avoid people living in tents on the side of the road.

(8) The legislature finds that the industry is more knowledgeable about what is possible in the marketplace to improve livability in homes while providing increased energy efficiency. There is no need for a local reach code created by government entities that will add confusion, inconsistency, and need for training of building code inspectors.

(9) The legislature respects the industry's need to have a consistent, achievable energy code. It acknowledges that this is why the state adopts codes created by the international code council. This organization makes gradual, industry-approved updates to the building codes every three years. The energy code would be strengthened by using an internationally accepted energy code rather than creating a directive of achieving goals with insufficient details for the industry to understand the costs, aesthetics of the building structure, reliability of the electrical sources for daily living, sustainability of heat in winter conditions, and overall desirability of living conditions in the building.

(10) For these reasons, the legislature finds that strengthening the energy code must be an industry-driven approach, not a government-mandated approach."

Correct the title.

Representative Griffey spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Striking amendment (973) was not adopted.

The bill was ordered engrossed.

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

Representatives Duerr and Ramel spoke in favor of the passage of the bill.

Representatives Goehner, Corry, Boehnke, Maycumber, Walsh, Barkis, Griffey, McEntire, Ybarra and Wilcox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1770.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1770, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1770, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1571, by Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby

Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1571 was substituted for House Bill No. 1571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1571 was read the second time.

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

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1571.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 13, 2022, the 35th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIFTH DAY

House Chamber, Olympia, Sunday, February 13, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Senior Leadership Counsel Cathy Hoover.

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

The Speaker assumed the chair.

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

INTRODUCTION & FIRST READING

HB 2120 by Representatives Young and Walsh

AN ACT Relating to crimes involving emergency services; amending RCW 9.94A.515 and 9.94A.515; adding new sections to chapter 9A.56 RCW; creating a new section; prescribing penalties; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

2SSB 5406 by Senate Committee on Transportation (originally sponsored by Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick and Wilson, J.)

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

SSB 5528 by Senate Committee on Transportation (originally sponsored by Pedersen, Liias and Hawkins)

AN ACT Relating to the imposition of supplemental revenue sources within a regional transit authority area to finance high capacity transportation improvements, serving that area; amending RCW 81.104.160, 81.104.015, 81.104.100, 81.104.110, 81.104.140, 81.104.180, and 81.104.190; and adding new sections to chapter 81.104 RCW.

Referred to Committee on Transportation.

SSB 5575 by Senate Committee on Law & Justice (originally sponsored by Lovick, Robinson, Das, Liias, Nobles, Padden, Salomon, Stanford and Wellman)

AN ACT Relating to adding additional superior court judges in Snohomish county; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5616 by Senate Committee on Transportation (originally sponsored by Rolfes)

AN ACT Relating to accounts; amending RCW 43.330.767, 46.68.067, 38.52.105, 41.05.143, 41.06.280, 43.08.190, 43.09.475, 46.68.290, 71.24.580, 82.08.170, and 90.50A.090; reenacting and amending RCW 43.70.715, 43.155.050, 47.56.876, 79.105.150, and 82.14.310; reenacting and amending 2018 c 298 s 7008 (uncodified); reenacting RCW 43.79.550, 43.79.555, 43.79.557, and 28A.300.820; adding a new section to chapter 43.79 RCW; creating a new section; repealing RCW 43.60A.153 and 43.79.467; and providing an effective date.

Referred to Committee on Appropriations.

SSB 5638 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner and Dhingra)

AN ACT Relating to expediting approval for applicants for an associate license as a social worker, mental health counselor, or marriage and family therapist; and amending RCW 18.225.145.

Referred to Committee on Health Care & Wellness.

2SSB 5692 by Senate Committee on Ways & Means (originally sponsored by Gildon, Honeyford, Randall, Rivers and Wagoner)

AN ACT Relating to programming at the department of corrections; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

SB 5726 by Senators Randall, Holy, Conway, Lovick, Nobles, Robinson, Rolfes and Wilson, C.

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Appropriations.

2SSB 5736 by Senate Committee on Ways & Means (originally sponsored by Frockt, Dhingra, Conway, Hasegawa, Honeyford, Keiser, Kuderer, Lovelett, Lovick, Nobles, Randall, Salomon and Stanford)

AN ACT Relating to partial hospitalizations and intensive outpatient treatment services for minors; reenacting and amending RCW 71.24.385; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5746 by Senate Committee on Ways & Means (originally sponsored by Warnick, Nobles and Stanford)

AN ACT Relating to drought preparedness, response, and funding; amending RCW 43.83B.415, 43.83B.430, and 90.86.030; and adding new sections to chapter 43.83B RCW.

Referred to Committee on Appropriations.

SB 5781 by Senators Padden and Wilson, L.

AN ACT Relating to organized retail theft; and amending RCW 9A.56.350.

Referred to Committee on Public Safety.

SB 5782 by Senators Conway, Hunt and Randall

AN ACT Relating to the defense community compatibility account; and amending RCW 43.330.515 and 43.330.520.

Referred to Committee on Capital Budget.

SSB 5785 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Lovelett, Wilson, C., Das, Dhingra, Hasegawa, Nobles, Saldaña and Stanford)

AN ACT Relating to transitional food assistance; amending RCW 74.08A.010; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 5789 by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles,

Conway, Das, Frockt, Kuderer, Lias, Nguyen and Wilson, C.)

AN ACT Relating to creating the Washington career and college pathways innovation challenge program; amending RCW 28B.120.040; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and repealing RCW 28B.120.005, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, and 28B.120.900.

Referred to Committee on Appropriations.

SB 5801 by Senators Keiser, Conway, Hasegawa and Nobles

AN ACT Relating to attorney and witness fees in industrial insurance court appeals; and amending RCW 51.52.130.

Referred to Committee on Labor & Workplace Standards.

SSB 5814 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C.)

AN ACT Relating to providing funding for medical evaluations of suspected victims of child abuse; adding new sections to chapter 7.68 RCW; and creating new sections.

Referred to Committee on Appropriations.

E2SSB 5842 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Lias, Das, Nguyen and Nobles)

AN ACT Relating to state laws that address climate change; amending RCW 70A.65.070, 70A.65.100, 70A.65.200, 70A.65.020, 70A.65.150, 70A.65.160, 70A.65.230, 70A.15.2200, 70A.65.010, and 70A.65.140; and adding new sections to chapter 70A.65 RCW.

Referred to Committee on Environment & Energy.

ESSB 5853 by Senate Committee on Transportation (originally sponsored by Billig, Lias, Kuderer, Lovick, Saldaña and Wilson, C.)

AN ACT Relating to establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations; amending RCW 47.12.120 and 47.12.125; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 5875 by Senators Nguyen, Lovelett, Lovick, Nobles, Stanford and Wilson, C.

AN ACT Relating to adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act; and amending RCW 51.32.181.

Referred to Committee on Labor & Workplace Standards.

SSB 5907 by Senate Committee on Transportation (originally sponsored by Wilson, J., Lovick, Fortunato, Lovelett, Randall, Saldaña, Stanford and Wilson, L.)

AN ACT Relating to roadside safety measures; amending RCW 46.37.184, 46.37.196, and 46.61.212; adding a new section to chapter 46.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 47.04 RCW; creating new sections; and providing effective dates.

Referred to Committee on Transportation.

SSB 5912 by Senate Committee on Health & Long Term Care (originally sponsored by Sefzik, Braun, Fortunato, Honeyford, Muzzall, Nguyen, Randall, Robinson and Short)

AN ACT Relating to improving health outcomes for children on medicaid by ensuring early and periodic screening, diagnosis, and treatment; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5946 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Mullet and Nguyen)

AN ACT Relating to protecting consumers from the discontinuance of the London interbank offered rate; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

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

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

SECOND READING

HOUSE BILL NO. 1866, by Representatives Chopp, Riccelli, Macri, Bateman, Davis, Fey, Goodman, Leavitt,

Ortiz-Self, Peterson, Ramel, Ryu, Santos, Orwall, Wylie, Cody, Simmons, Slatter, Valdez, Wicks, Pollet, Taylor, Stonier, Ormsby, Hackney, Harris-Talley and Frame

Assisting persons receiving community support services through medical assistance programs to receive supportive housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1866 was substituted for House Bill No. 1866 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1866 was read the second time.

Representative Macri moved the adoption of striking amendment (1034):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The epidemic of homelessness apparent in communities throughout Washington is creating immense suffering. It is threatening the health of homeless families and individuals, sapping their human potential, eroding public confidence, and undermining the shared values that have driven our state's prosperity, including public safety and access to public streets, parks, and facilities;

(b) In seeking to identify the causes of this epidemic, a large proportion of those unsheltered also suffer from serious behavioral health or physical health conditions that will inevitably grow worse without timely and effective health care;

(c) Housing is an indispensable element of effective health care. Stable housing is a prerequisite to addressing behavioral health needs and lack of housing is a precursor to poor health outcomes;

(d) A home, health care, and wellness are fundamental for Washington residents;

(e) Reducing homelessness is a priority of the people of Washington state and that reducing homelessness through policy alignment and reform lessens fiscal impact to the state and improves the economic vitality of our businesses;

(f) The impact of this epidemic is falling most heavily on those communities that already suffer the most serious health disparities: Black, indigenous, people of color, and historically marginalized and underserved communities. It is a moral imperative to shelter chronically homeless populations; and

(g) Washington state has many of the tools needed to address this challenge, including a network of safety net health and behavioral health care providers in both urban and rural areas, an effective system of health care coverage through apple health, and excellent public and nonprofit affordable housing providers. Yet far too many homeless families and individuals are going without the housing and health care resources they need because these tools have yet to be combined in an effective way across the state.

(2) It is the intent of the legislature to treat chronic homelessness as a medical condition and that the apple health and homes act address the needs of chronically homeless populations by pairing a health care problem with a health care solution.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Community support services" means active search and promotion of access to, and choice of, appropriate, safe, and affordable housing and ongoing supports to assure ongoing successful tenancy. The term includes, but is not limited to, services to medical assistance clients who are homeless or at risk of becoming homeless through outreach, engagement, and coordination of services with shelter and housing. The term includes benefits offered through the foundational community supports program established pursuant to the authority's federal waiver, entitled "medicaid transformation project," as amended and reauthorized.

(2) "Community support services provider" means a local entity that contracts with a coordinating entity to provide community support services. A community support services provider may

also separately perform the functions of a housing provider.

(3) "Coordinating entity" means one or more organizations, including medicaid managed care organizations, under contract with the authority to coordinate community support services as required under sections 3 and 4 of this act. There may only be one coordinating entity per regional service area.

(4) "Department" means the department of commerce.

(5) "Homeless person" has the same meaning as in RCW 43.185C.010.

(6) "Housing provider" means a public or private organization that supplies permanent supportive housing units consistent with RCW 36.70A.030 to meet the housing needs of homeless persons. A housing provider may supply permanent supportive housing in a site-based or scattered site arrangement using a variety of public, private, philanthropic, or tenant-based sources of funds to cover operating costs or rent. A housing provider may also perform the functions of a community support services provider.

(7) "Office" means the office of apple health and homes created in section 5 of this act.

(8) "Program" means the apple health and homes program established in section 3 of this act.

(9) "Permanent supportive housing" has the same meaning as in RCW 36.70A.030.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Effective November 1, 2022, the apple health and homes program is established to provide a permanent supportive housing benefit and a community support services benefit through a network of community support services providers for persons assessed with specific health needs and risk factors.

(a) The program shall operate through the collaboration of the department, the authority, the department of social and health services, local governments, the coordinating entity or entities, community support services providers, local housing providers, local health care entities, and community-based organizations in contact with

potentially eligible individuals, to assure seamless integration of community support services, stable housing, and health care services.

(b) The entities operating the program shall coordinate resources, technical assistance, and capacity building efforts to help match eligible individuals with community support services, health care, including behavioral health care and long-term care services, and stable housing.

(2) To be eligible for community support services and permanent supportive housing under subsection (3) of this section, a person must:

(a) Be 18 years of age or older;

(b)(i) Be enrolled in a medical assistance program under this chapter and eligible for community support services;

(ii)(A) Have a countable income that is at or below 133 percent of the federal poverty level, adjusted for family size, and determined annually by the federal department of health and human services; and

(B) Not be eligible for categorically needy medical assistance, as defined in the social security Title XIX state plan; or

(iii) Be assessed as likely eligible for, but not yet enrolled in, a medical assistance program under this chapter due to the severity of behavioral health symptom acuity level which creates barriers to accessing and receiving conventional services;

(c) Have been assessed:

(i) By a licensed behavioral health agency to have a behavioral health need which is defined as meeting one or both of the following criteria:

(A) Having mental health needs, including a need for improvement, stabilization, or prevention of deterioration of functioning resulting from the presence of a mental illness; or

(B) Having substance use disorder needs indicating the need for outpatient substance use disorder treatment which may be determined by an assessment using the American society of addiction medicine criteria or a similar assessment tool approved by the authority;

(ii) By the department of social and health services as needing either

assistance with at least three activities of daily living or hands-on assistance with at least one activity of daily living and have the preliminary determination confirmed by the department of social and health services through an in-person assessment conducted by the department of social and health services; or

(iii) To be a homeless person with a long-continuing or indefinite physical condition requiring improvement, stabilization, or prevention of deterioration of functioning, including the ability to live independently without support; and

(d) Have at least one of the following risk factors:

(i)(A) Be a homeless person at the time of the eligibility determination for the program and have been homeless for 12 months prior to the eligibility determination; or

(B) Have been a homeless person on at least four separate occasions in the three years prior to the eligibility determination for the program, as long as the combined occasions equal at least 12 months;

(ii) Have a history of frequent or lengthy institutional contact, including contact at institutional care facilities such as jails, substance use disorder or mental health treatment facilities, hospitals, or skilled nursing facilities;

(iii) Have a history of frequent stays at adult residential care facilities or residential treatment facilities;

(iv) Have frequent turnover of in-home caregivers; or

(v) Have at least one chronic condition and have been determined by the authority to be at risk for a second chronic condition as determined by the use of a predictive risk scoring tool that considers the person's age, gender, diagnosis, and medications.

(3) Once a coordinating entity verifies that a person has met the eligibility criteria established in subsection (2) of this section, it must connect the eligible person with a community support services provider. The community support services provider must:

(a) Deliver pretenancy support services to determine the person's specific housing needs and assist the person in identifying permanent supportive housing options that are appropriate and safe for the person;

(b) Fully incorporate the eligible person's available community support services into the case management services provided by the community support services provider; and

(c) Deliver ongoing tenancy-sustaining services to support the person in maintaining successful tenancy.

(4) Housing options offered to eligible participants may vary, subject to the availability of housing and funding.

(5) The community support services benefit must be sustained or renewed in accordance with the eligibility standards in subsection (2) of this section, except that the standards related to homelessness shall be replaced with an assessment of the person's likelihood to become homeless in the event that the community support services benefit is terminated. The coordinating entity must adopt procedures to conduct community support services benefit renewals, according to authority standards.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) To establish and administer section 3 of this act, the authority shall:

(a)(i) Establish or amend a contract with a coordinating entity to:

(A) Assure the availability of access to eligibility determinations services for community support services benefits and permanent supportive housing benefits;

(B) Verify that persons meet the eligibility standards of section 3(2) of this act;

(C) Coordinate enrollment in medical assistance programs for persons who meet the eligibility standards of section 3(2) of this act, except for actual enrollment in a medical assistance program under this chapter; and

(D) Coordinate with a network of community support services providers to arrange with local housing providers for

the placement of an eligible person in permanent supportive housing appropriate to the person's needs and assure that community support services are provided to the person by a community support services provider.

(ii) The primary role of the coordinating entity or entities is administrative and operational, while the authority shall establish the general policy parameters for the work of the coordinating entity or entities.

(iii) In selecting the coordinating entity or entities, the authority shall: Choose one or more organizations that are capable of coordinating access to both community support services and permanent supportive housing services to eligible persons under section 3 of this act; and select no more than one coordinating entity per region which is served by medicaid managed care organizations. The authority shall convene key stakeholders to discuss implementation of the program and potential approaches to more closely align medicaid managed care organizations to the coordination of community support services;

(b) Report to the office for the ongoing monitoring of the program; and

(c) Adopt any rules necessary to implement the program.

(2) The authority shall establish a work group to provide feedback to the agency on its foundational community supports program as it aligns with the work of the housing benefit. The work group may include representatives of state agencies, counties, cities, and contracted agencies providing foundational community supports services. Topics may include, but are not limited to, best practices in eligibility screening processes and case rate billing for foundational community supports housing, regional cost differentials, costs consistent with specialized needs, improved data access and data sharing with foundational community supports providers, and requirements related to the use of a common practice tool among community support services providers to integrate social determinants of health into service delivery. The authority shall convene the work group at least once each quarter and may expand upon, but not duplicate, existing work groups or advisory councils.

(3) To support the goals of the program and the goals of other statewide

initiatives to identify and address social needs, including efforts within the 1115 waiver renewal to advance health equity and health-related supports, the authority shall work with the office and the department of social and health services to identify and implement statewide universal measures to identify and consider social determinants of health domains, including housing, food security, transportation, financial strain, and interpersonal safety. The authority shall select an accredited or nationally vetted tool, including criteria for prioritization, for the community support services provider to use when making determinations about housing options and other support services to offer individuals eligible for the program. This screening and prioritization process may not exclude clients transitioning from inpatient or other behavioral health residential treatment settings.

(4)(a) The authority and the department may seek and accept funds from private and federal sources to support the purposes of the program.

(b) The authority shall seek approval from the federal department of health and human services to:

(i) Receive federal matching funds for administrative costs and services provided under the program to persons enrolled in medicaid;

(ii) Align the eligibility and benefit standards of the foundational community supports program established pursuant to the waiver, entitled "medicaid transformation project" and initially approved November 2017, between the authority and the federal centers for medicare and medicaid services, as amended and reauthorized, with the standards of the program, including extending the duration of the benefits under the foundational community supports program to not less than 12 months; and

(iii) Implement a medical and psychiatric respite care benefit for certain persons enrolled in medicaid.

(5)(a) By December 1, 2022, the authority and the office shall report to the governor and the legislature on preparedness for the first year of program implementation, including the estimated enrollment, estimated program costs, estimated supportive housing unit availability, funding availability for

the program from all sources, efforts to improve billing and administrative burdens for foundational community supports providers, efforts to streamline continuity of care and system connection for persons who are potentially eligible for foundational community supports, and any statutory or budgetary needs to successfully implement the first year of the program.

(b) By December 1, 2023, the authority and the office shall report to the governor and the legislature on the progress of the first year of program implementation and preparedness for the second year of program implementation.

(c) By December 1, 2024, the authority and the office shall report to the governor and the legislature on the progress of the first two years of program implementation and preparedness for ongoing housing acquisition and development.

(d) By December 1, 2026, the authority and the office shall report to the governor and the legislature on the full implementation of the program, including the number of persons served by the program, available permanent supportive housing units, estimated unmet demand for the program, ongoing funding requirements for the program, and funding availability for the program from all sources. Beginning December 1, 2027, the authority and the office shall provide annual updates to the governor and the legislature on the status of the program.

NEW SECTION. Sec. 5. A new section is added to chapter 43.330 RCW to read as follows:

(1) There is created the office of apple health and homes within the department.

(2) Activities of the office of apple health and homes must be carried out by a director of the office of apple health and homes, supervised by the director of the department.

(3) The office of apple health and homes is responsible for leading efforts under this section and sections 3 and 4 of this act to coordinate a spectrum of practice efforts related to providing permanent supportive housing, including leading efforts related to every aspect of creating housing, operating housing, obtaining services, and delivering those services to connect people with housing and maintain them in that housing.

(4) The office of apple health and homes shall:

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under section 3 of this act;

(b) Collaborate with department divisions responsible for making awards or loans to appropriate housing providers to acquire, build, and operate the housing units, including but not limited to nonprofit community organizations, local counties and cities, public housing authorities, and public development authorities;

(c) Collaborate with the authority on administrative functions, oversight, and reporting requirements, as necessary to implement the apple health and homes program established under section 3 of this act;

(d) Establish metrics and collect racially disaggregated data from the authority and the department related to the program's effect on providing persons with permanent supportive housing, moving people into independent housing, long-term housing stability, improving health outcomes for people in the program, estimated reduced health care spending to the state on persons enrolled in the program, and outcomes related to social determinants of health;

(e) Create work plans and establish milestones to achieve the goal of providing permanent supportive housing for all eligible individuals; and

(f) Oversee the allocation of community support services provider and housing provider capacity-building grants to further the state's interests of enhancing the ability of community support services providers and housing providers to deliver community support services and permanent supportive housing and assure that an initial infrastructure is established to create strong networks of community support services providers and housing providers.

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with

other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

(a) "Community support services provider" has the same meaning as in section 2 of this act.

(b) "Coordinating entity" has the same meaning as in section 2 of this act.

(c) "Housing provider" has the same meaning as in section 2 of this act.

(d) "Permanent supportive housing" has the same meaning as in section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

The apple health and homes account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for permanent supportive housing programs administered by the office created in section 5 of this act, including acquisition and development of permanent supportive housing units, operations, maintenance, and services costs of permanent supportive housing units, project-based vouchers, provider grants, and other purposes authorized by appropriations made in the operating budget. The department must prioritize allocating at least 10 percent of the expenditures from the account to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness and behavioral health conditions, including black, indigenous, and other people of color, lesbian, gay, bisexual, queer, transgender, and other gender diverse individuals. When selecting projects supported by funds from the account, the office shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities of this act in geographically diverse parts of the state.

Sec. 7. RCW 36.22.176 and 2021 c 214 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in

addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); ~~((and))~~

(c)(i) The remainder of funds must be distributed to the home security fund account, with no less than 60 percent of funds to be used for project-based vouchers for nonprofit housing providers or public housing authorities, housing services, rapid rehousing, emergency housing, ~~((or))~~ acquisition, or operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030 for persons with disabilities. Permanent supportive housing programs administered by the office of apple health and homes created in section 5 of this act are also eligible to use these funds. Priority for use must be given to ~~((project based vouchers and related services, housing acquisition, or emergency housing, for))~~ purposes intended to house persons who are chronically homeless or maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children. ~~((At least 50 percent of persons receiving a project based voucher, rapid rehousing, emergency housing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement.))~~ In addition, funds may be used for eviction prevention rental assistance pursuant to RCW 43.185C.185, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.

(ii) The department shall provide counties with the right of first refusal to receive grant funds distributed under this subsection (c). If a county refuses

the funds or does not respond within a time frame established by the department, the department shall identify an alternative grantee. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

NEW SECTION. Sec. 8. Subject to amounts appropriated from the apple health and homes account created in section 6 of this act the department of commerce shall establish a rapid permanent supportive housing acquisition and development program to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 and to public development authorities established under RCW 35.21.730 through 35.21.755, for the acquisition and development of permanent supportive housing units, subject to the following conditions and limitations:

(1) Awards or loans provided under this section may be used to acquire real property for quick conversion into permanent supportive housing units or for predevelopment or development activities, renovation, and building update costs. Awards or loans provided under this section may not be used for operating or maintenance costs associated with providing permanent supportive housing, supportive services, or debt service.

(2) Units acquired or developed under this section must serve individuals eligible for a community support services benefit through the apple health and homes program, as established in section 3 of this act.

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, which must follow the guidelines and compliance requirements of the housing trust fund program's established criteria under RCW 43.185.070(5), except as provided in

subsection (5) of this section, and the federal coronavirus state fiscal recovery fund. The criteria must include:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants through the end of the award or loan contract.

(4) The department of commerce shall provide a progress report on its website by June 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(5) The funding in this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department of commerce receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For the purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of qualifying permanent supportive housing units;

(b) The scarcity of the permanent supportive housing units applied for compared to the number of available permanent supportive housing units in the same geographic location; and

(c) The housing trust fund program's established funding priorities under RCW 43.185.070(5).

NEW SECTION. Sec. 9. This act may be known and cited as the apple health and homes act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Schmick moved the adoption of amendment (1061) to striking amendment (1034):

On page 7, line 1 of the striking amendment, after "delivery." insert "In addition, the work group must select the common practice tool to be adopted and implemented statewide by the authority under subsection (3) of this section."

On page 7, line 12 of the striking amendment, after "shall" strike "select" and insert "adopt and implement statewide"

On page 7, line 13 of the striking amendment, after "prioritization," insert "as selected by the work group in subsection (2) of this section,"

Representative Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against the adoption of the amendment to the striking amendment.

Amendment (1061) to striking amendment (1034) was not adopted.

Representative Schmick moved the adoption of amendment (1060) to striking amendment (1034):

On page 7, line 12 of the striking amendment, after "tool" insert "from among the common practice tools used by community support services providers in Washington"

Representatives Schmick and Cody spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1060) to striking amendment (1034) was adopted.

Representative Barkis moved the adoption of amendment (1047) to striking amendment (1034):

Representative Chandler, 15th District

On page 10, line 28 of the striking amendment, after "act" insert "on a statewide basis, including in rural areas and"

Representatives Barkis and Macri spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1047) to striking amendment (1034) was adopted.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1034), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Chopp, Schmick, Barkis and Eslick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1866.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1866, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1866.

SECOND READING

HOUSE BILL NO. 1868, by Representatives Riccelli, Volz, Berry, Fitzgibbon, Shewmake, Bateman, Berg, Bronoske, Callan, Cody, Davis, Duerr, Goodman, Gregerson, Johnson, J., Kirby, Macri, Peterson, Ramel, Ramos, Ryu, Santos, Sells, Senn, Sullivan, Simmons, Chopp, Bergquist, Graham, Valdez, Wicks, Dolan, Pollet, Ortiz-Self, Paul, Stonier, Donaghy, Ormsby, Slatter, Hackney, Taylor, Harris-Talley, Kloba and Frame

Improving worker safety and patient care in health care facilities by addressing staffing needs, overtime, meal and rest breaks, and enforcement.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1868 was substituted for House Bill No. 1868 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1868 was read the second time.

Representative Riccelli moved the adoption of striking amendment (1008):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the COVID-19 public health emergency has pushed our health care system to its breaking point. Our nurses and health care workers who directly care for and support patients have continued to provide high-quality care despite the incredible challenges. But it has not been without significant cost. Nurses and health care workers are facing unprecedented levels of stress and job turnover. These concerns existed before the pandemic and have only worsened during this public health emergency. The legislature finds that improving nurse and health care worker safety and working conditions leads to better patient care. Specifically, establishing minimum nurse-to-patient staffing standards, expanding break and overtime laws for certain health care workers and to more health care facilities, and requiring hospitals to create staffing plans, all of which are subject to enforcement and penalties for violations, will better serve patients and our community.

Sec. 2. RCW 70.41.410 and 2008 c 47 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section (~~and~~), RCW 70.41.420 and 70.41.425 (as recodified by this act), and section 7 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of labor and industries.

(2) "Direct care nursing assistant-certified" means an individual certified under chapter 18.88A RCW who provides direct care to patients.

(3) "Direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

(4) "Hospital" has the same meaning as defined in RCW 70.41.020, and also includes state hospitals as defined in RCW 72.23.010.

~~((2))~~ (5) "Hospital staffing committee" means the committee established by a hospital under RCW 70.41.420 (as recodified by this act).

(6) "Intensity" means the level of patient need for nursing care, as determined by the nursing assessment.

~~((3))~~ (7) "Nursing and ancillary health care personnel" means ((registered nurses, licensed practical nurses, and unlicensed assistive nursing personnel providing direct patient care)) a person who is providing direct care or supportive services to patients but is not a physician licensed under chapter 18.71 or 18.57 RCW, a physician's assistant licensed under chapter 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.250 unless working as a direct care registered nurse.

~~((4))~~ "Nurse staffing committee" means the committee established by a hospital under RCW 70.41.420.

~~(5))~~ (8) "Patient care unit" means any unit or area of the hospital that provides patient care by registered nurses.

~~((6))~~ (9) "Reasonable efforts" means that the employer exhausts and documents all of the following but is unable to obtain staffing coverage:

(a) Seeks individuals to volunteer to work extra time from all available qualified staff who are working;

(b) Contacts qualified employees who have made themselves available to work extra time;

(c) Seeks the use of per diem staff; and

(d) Seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(10) "Skill mix" means the experience of, and number and relative percentages of ((registered nurses, licensed practical nurses, and unlicensed assistive personnel among the total number of nursing personnel)), nursing and ancillary health personnel.

(11) "Unforeseeable emergent circumstance" means:

(a) Any unforeseen national, state, or municipal emergency; or

(b) When a hospital disaster plan is activated.

NEW SECTION. Sec. 3. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of labor and industries.

(b) "Direct care nursing assistant-certified" means an individual certified under chapter 18.88A RCW who provides direct care to patients.

(c) "Direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

(d) "Hospital" has the same meaning as defined in RCW 70.41.020.

(e) "Hospital staffing committee" means the committee established by a hospital under RCW 70.41.420 (as recodified by this act).

(f) "Patient care unit" means any unit or area of the hospital that provides patient care by registered nurses.

(2)(a) A hospital shall comply with minimum staffing standards in accordance with this section.

(b) The department shall enforce compliance with this section under sections 12 through 14 of this act.

(3) Direct care registered nurses shall not be assigned more patients than the following for any shift:

(a) Emergency department: One direct care registered nurse to three nontrauma or noncritical care patients and one direct care registered nurse to one trauma or critical care patient;

(b) Intensive care unit, such as critical care unit, special care unit, coronary care unit, pediatric intensive care, neonatal intensive care, neurological critical care unit, or a burn unit: One direct care registered nurse to two patients or one direct care registered nurse to one patient depending on the stability of the patient as assessed by the direct care registered nurse on the unit;

(c) Labor and delivery: One direct care registered nurse to two patients and one direct care registered nurse to one patient for active labor and in all stages of labor for any patients with complications;

(d) Postpartum, antepartum, and well-baby nursery: One direct care registered nurse to six patients in postpartum, antepartum, and well-baby nursery. In this context, the mother and the baby are each counted as separate patients. This would mean, for example, one direct care registered nurse to three mother-baby couplets;

(e) Operating room: One direct care registered nurse to one patient;

(f) Oncology: One direct care registered nurse to four patients;

(g) Postanesthesia care unit: One direct care registered nurse to two patients;

(h) Progressive care unit, intensive specialty care unit, or stepdown unit: One direct care registered nurse to three patients;

(i) Medical-surgical unit: One direct care registered nurse to five patients;

(j) Telemetry unit: One direct care registered nurse to four patients;

(k) Psychiatric unit: One direct care registered nurse to six patients;

(l) Pediatrics: One direct care registered nurse to three patients.

(4) Direct care nursing assistants-certified shall not be assigned more patients than the following for any shift:

(a) Intensive care unit, such as critical care unit, special care unit, coronary care unit, pediatric intensive care, neonatal intensive care, neurological critical care unit, or a burn unit: One direct care nursing assistant-certified to eight patients;

(b) Cardiac unit: One direct care nursing assistant-certified to four patients;

(c) Labor and delivery: One direct care nursing assistant-certified to eight patients and one direct care nursing assistant-certified to four patients for active labor and in all stages of labor for any patients with complications;

(d) Postanesthesia care unit: One direct care nursing assistant-certified to eight patients;

(e) Progressive care unit, intensive specialty care unit, or stepdown unit: One direct care nursing assistant-certified to eight patients;

(f) Medical-surgical unit: One direct care nursing assistant-certified to eight patients;

(g) Telemetry unit: One direct care nursing assistant-certified to eight patients;

(h) Psychiatric unit: One direct care nursing assistant-certified to eight patients;

(i) Pediatrics: One direct care nursing assistant-certified to 13 patients;

(j) Emergency department: One direct care nursing assistant-certified to eight patients;

(k) Telesitting unit: One direct care nursing assistant-certified to eight patients.

(5)(a) The personnel assignment limits established in this section are based on the type of care provided in these patient care units, regardless of the specific name or reference the hospital calls these units.

(b) The personnel assignment limits established in this section represent the maximum number of patients to which a direct care registered nurse or direct care nursing assistant-certified may be assigned at all points during a shift.

(c) A hospital may not average the number of patients and the total number of direct care registered nurses and direct care nursing assistants-certified assigned to patients in a unit during any one shift or over any period of time, in order to meet the personnel assignment limits established in this section.

(6) Nothing in this section precludes a hospital from assigning fewer patients to a direct care registered nurse or direct care nursing assistant-certified than the limits established in this section.

(7) The personnel assignment limits established in this section do not decrease any nurse-to-patient staffing levels:

(a) In effect pursuant to a collective bargaining agreement; or

(b) Established under a hospital's staffing plan in effect as of January 1, 2022, except with majority vote of the staffing committee.

(8) A direct care registered nurse or direct care nursing assistant-certified may not be assigned to a nursing unit or clinical area unless that nurse has first received orientation in that clinical area sufficient to provide competent care to patients in that area and has demonstrated current competence in providing care in that area.

(9)(a) Except as provided in (b) of this subsection, a hospital shall develop and implement minimum staffing standards into its staffing plan required under RCW 70.41.420 (as recodified by this act), no later than two years after the effective date of this section.

(b) The following hospitals shall develop and implement minimum staffing standards into their staffing plan required under RCW 70.41.420 (as recodified by this act) no later than four years after the effective date of this section:

(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(ii) Hospitals with fewer than 25 acute care beds in operation; and

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision.

NEW SECTION. **Sec. 4.** (1)(a) The department may grant a variance from the minimum staffing standards in section 3 of this act for "good cause."

(b) "Good cause" means situations where a hospital can establish that compliance with the minimum staffing standards are infeasible, and that granting a variance does not have a significant harmful effect on the health, safety, and welfare of the involved employees and patients.

(2) A hospital, as defined in section 3 of this act, may seek a variance from the minimum staffing standards by submitting a written application to the department. The application must contain the following:

(a) A justification for the variance, which establishes good cause for not complying with minimum staffing standards;

(b) The alternative minimum staffing standards that will be imposed;

(c) The group of employees for whom the variance is sought;

(d) Evidence that infeasibility was discussed along with underlying data supporting the claim of infeasibility at least twice by the hospital staffing committee and a statement from the staffing committee where consensus exists or statements where there is dispute; and

(e) Evidence that the hospital provided to the involved employees and, if applicable, to their union representatives, the following:

(i) A copy of the written request for a variance;

(ii) Information about the right of the involved employees and, if applicable, their union representatives, to be heard by the department during the variance application review process;

(iii) Information about the process by which involved employees and, if applicable, their union representatives, may make a written request to the director for reconsideration, subject to the provisions established in subsection (7) of this section; and

(iv) The department's address and phone number, or other contact information.

(3) The department must allow the hospital, any involved employees and, if applicable, their union representatives, the opportunity for oral or written presentation during the variance application review process whenever circumstances of the particular application warrant it.

(4) No later than 60 days after the date on which the department received the application for a variance, the department must issue a written decision either granting or denying the variance. The department may extend the 60-day time period by providing advance written notice to the hospital and, if applicable, the union representatives of any involved employees, setting forth a reasonable justification for an extension of the 60-day time period, and specifying the duration of the extension. The hospital must provide involved employees with notice about any such extension.

(5) Variances shall be granted if the department determines that there is good cause for allowing a hospital to not comply with the minimum staffing standards in section 3 of this act. The variance order shall state the following:

(a) The alternative minimum staffing standards approved in the variance;

(b) The basis for a finding of good cause;

(c) The group of employees impacted; and

(d) The period of time for which the variance will be valid, not to exceed five years from the date of issuance.

(6) Upon making a determination for issuance of a variance, the department must provide notification in writing to the hospital and, if applicable, the union representatives of any involved employees. If the variance is denied, the written notification must include a stated basis for the denial.

(7) A hospital, involved employee and, if applicable, their union representative, may file with the director a request for reconsideration within 15 days after receiving notice of the variance determination. The request for reconsideration must set forth the grounds upon which the reconsideration is being made. If reasonable grounds exist, the director may grant such review and, to the extent deemed appropriate, afford all interested parties an opportunity to be heard. If the director grants such review, the written decision of the department will remain in place until the reconsideration process is complete.

(8) Unless subject to the reconsideration process, the director may revoke or terminate the variance order at any time after giving the hospital at least 30 days' notice before revoking or terminating the order.

(9) Where immediate action is necessary pending further review by the department, the department may issue a temporary variance. The temporary variance will remain valid until the department determines whether good cause exists for issuing a variance. A hospital need not meet the requirement in subsection (2)(d) of this section in order to be granted a temporary variance.

(10) If a hospital obtains a variance under this section, the hospital must provide the involved employees with information about the minimum staffing standards that apply within 15 days of receiving notification of such approval from the department. A hospital must make this information readily available to all employees.

(11) Variances under this section may be renewed.

(12) The director may adopt rules to establish additional variance eligibility criteria.

Sec. 5. RCW 70.41.420 and 2017 c 249 s 2 are each amended to read as follows:

(1) By September 1, (~~2008~~) 2023, each hospital shall establish a (~~nurse~~) hospital staffing committee, either by creating a new committee or assigning the functions of (~~a~~) an existing nurse staffing committee to (~~an existing~~) a hospital staffing committee.

(a) At least (~~one-half~~) 50 percent of the members of the (~~nurse~~) hospital staffing committee shall be (~~registered~~

~~nurses~~) nursing and ancillary health care personnel, who are nonsupervisory and nonmanagerial, currently providing direct patient care ((and up to one half of the members shall be determined by the hospital administration)). The selection of the ~~((registered nurses providing direct patient care))~~ nursing and ancillary health care personnel shall be according to the collective bargaining ((agreement)) representative or representatives if there is one ((in effect)) or more at the hospital. If there is no ((applicable)) collective bargaining ((agreement)) representative, the members of the ((nurse)) hospital staffing committee who are ((registered nurses)) nursing and ancillary health care personnel providing direct patient care shall be selected by their peers.

(b) Up to 50 percent of the members of the hospital staffing committee shall be determined by the hospital administration and shall include but not be limited to the chief financial officer, the chief nursing officers, and patient care unit directors or managers or their designees.

(2) Participation in the ((nurse)) hospital staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. ((Nurse)) Hospital staffing committee members shall be relieved of all other work duties during meetings of the committee. Additional staffing relief must be provided if necessary to ensure committee members are able to attend hospital staffing committee meetings.

(3) Primary responsibilities of the ((nurse)) hospital staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based ((nurse)) staffing plan, in compliance with the standards established in section 3 of this act and based on the needs of patients, to be used as the primary component of the staffing budget. The hospital staffing committee shall use a uniform format or form, created by the department, in consultation with stakeholders from hospitals and labor organizations, for complying with the requirement to submit the annual staffing plan. The uniform format or form must provide space to include the factors considered under this section and allow patients and the public to clearly understand and compare staffing patterns

and actual levels of staffing across facilities. Hospitals may include a description of additional resources available to support unit-level patient care and a description of the hospital, including the size and type of facility. Factors to be considered in the development of the plan should include, but are not limited to:

(i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;

(ii) Level of intensity of all patients and nature of the care to be delivered on each shift;

(iii) Skill mix;

(iv) Level of experience and specialty certification or training of nursing personnel providing care;

(v) The need for specialized or intensive equipment;

(vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment;

~~((Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;~~

~~((viii))~~ Availability of other personnel supporting nursing services on the unit; and

~~((ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or))~~ (viii) Ability to comply with the terms of an applicable collective bargaining agreement, if any, ((between the hospital and a representative of the nursing staff)) and relevant state and federal laws and rules, including those regarding meal and rest breaks and use of overtime and on-call shifts;

(b) Semiannual review of the staffing plan against the ability to meet staffing standards established under section 3 of this act, patient need, and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or ((concerns)) complaints presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources must be taken into account in the development of the ~~((nurse))~~ staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement ~~((, if any, between the hospital and a representative of the nursing staff))~~.

(6)(a) The committee ~~((will))~~ shall produce the hospital's annual ~~((nurse))~~ staffing plan. If this staffing plan is not adopted by consensus of the hospital ~~((, the))~~ staffing committee, the prior annual staffing plan remains in effect and the hospital is subject to daily fines of \$5,000 for hospitals licensed under chapter 70.41 RCW or daily fines of \$100 for: (i) Hospitals certified as critical access hospitals; (ii) hospitals with fewer than 25 acute care beds in operation; and (iii) hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision until adoption of a new annual staffing plan by consensus of the committee.

(b) The chief executive officer shall provide ~~((a written explanation of the reasons why the plan was not adopted to the committee))~~ feedback to the hospital staffing committee on a semiannual basis, prior to the committee's semiannual review and adoption of an annual staffing plan. The ~~((chief executive officer))~~ feedback must ~~((then either))~~: ~~((a))~~ (i) Identify those elements of the ~~((proposed plan being changed prior to adoption of the plan by the hospital or~~ (b) prepare an alternate annual staffing plan that must be adopted by the hospital)) staffing plan the chief executive officer requests changes to; or (ii) provide a status report on implementation of the staffing plan including nursing sensitive quality indicators collected by the hospital, patient surveys, and recruitment and retention efforts.

(c) Beginning ~~((January 1, 2019))~~ July 1, 2024, each hospital shall submit its

staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning ~~((January 1, 2019))~~ July 1, 2024, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse, ancillary health care personnel, collective bargaining representative, patient, or other individual may report to the staffing committee any variations where the ~~((nurse))~~ personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse or nursing assistant-certified on a patient care unit objects to a shift-to-shift adjustment, the registered nurse or nursing assistant-certified may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data. All complaints submitted to the hospital staffing committee must be reviewed, regardless of what format the complainant uses to submit the complaint.

(8) Each hospital shall post, in a public area on each patient care unit, the ~~((nurse))~~ staffing plan and the ~~((nurse))~~ staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

(9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the ~~((nurse))~~ staffing committee; or

(b) An employee, patient, or other individual who notifies the ~~((nurse))~~ staffing committee or the hospital

administration of his or her concerns on nurse or ancillary health care personnel staffing.

(10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having ~~((nurse))~~ hospital staffing committees work by video conference, telephone, or email.

(11) The hospital staffing committee shall file with the department a charter that must include, but is not limited to:

(a) Roles, responsibilities, and processes by which the hospital staffing committee functions, including processes to ensure adequate quorum and ability of committee members to attend;

(b) Schedule for monthly meetings with more frequent meetings as needed that ensures committee members have 30-days notice of meetings;

(c) Processes by which all staffing complaints will be reviewed, noting the date received as well as initial, contingent, and final disposition of complaints and corrective action plan where applicable;

(d) Processes by which complaints will be resolved within 90 days of receipt, or longer with majority approval of the committee, and processes to ensure the complainant receives a letter stating the outcome of the complaint;

(e) Processes for attendance by any employee, and a labor representative if requested by the employee, who is involved in a complaint;

(f) Processes for the hospital staffing committee to conduct quarterly reviews of staff turnover rates including new hire turnover rates during first year of employment and hospital plans regarding workforce development;

(g) Standards for hospital staffing committee approval of meeting documentation including meeting minutes, attendance, and actions taken; and

(h) Policies for retention of meeting documentation for a minimum of three years and consistent with each hospital's document retention policies.

Sec. 6. RCW 70.41.425 and 2017 c 249 s 3 are each amended to read as follows:

(1)(a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 (as recodified by this act) or section 3 of this act following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a hospital staffing committee;

(ii) Conduct a semiannual review of a ~~((nurse))~~ staffing plan;

(iii) Submit a ~~((nurse))~~ staffing plan on an annual basis and any updates; or

(iv)~~((A))~~ Follow the ~~((nursing))~~ personnel assignments in a patient care unit in violation of section 3 of this act, RCW 70.41.420(7)(a) (as recodified by this act), or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b) (as recodified by this act).

~~((B) The department may only investigate a complaint under this subsection (1)(a)(iv) after making an assessment that the submitted evidence indicates a continuing pattern of unresolved violations of RCW 70.41.420(7) (a) or (b), that were submitted to the nurse staffing committee excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The submitted evidence must include the aggregate data contained in the complaints submitted to the hospital's nurse staffing committee that indicate a continuing pattern of unresolved violations for a minimum sixty day continuous period leading up to receipt of the complaint by the department.~~

~~(C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.)~~

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within ~~((forty five))~~ 45 days of the presentation of findings from the department to the hospital.

(c) Hospitals will not be found in violation of section 3 of this act or RCW 70.41.420 (as recodified by this act) if it has been determined, following an investigation, that:

(i) There were unforeseeable emergent circumstances; or

(ii) The hospital, after consultation with the hospital staffing committee, documents that the hospital has made reasonable efforts to obtain and retain staffing to meet required personnel assignments but has been unable to do so.

(d) No later than 30 days after a hospital deviates from its staffing plan as adopted by the staffing committee under RCW 70.41.420 (as recodified by this act), the hospital incident command shall report to the cochairs of the hospital staffing committee an assessment of the staffing needs arising from the unforeseeable emergent circumstance and the hospital's plan to address those identified staffing needs. Upon receipt of the report, the hospital staffing committee shall convene to develop a contingency staffing plan to address the needs arising from the unforeseeable emergent circumstance. The hospital's deviation from its staffing plan may not be in effect for more than 90 days without the approval of the hospital staffing committee.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of ~~((one hundred dollars))~~ \$5,000 per day for hospitals licensed under chapter 70.41 RCW, or \$100 per day for:

(a) Hospitals certified as critical access hospitals; (b) hospitals with fewer than 25 acute care beds in operation; and (c) hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than 150 acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision. Civil penalties apply until the hospital submits ~~((or begins to follow))~~ a corrective plan of action ~~((or takes~~

~~other action agreed to))~~ that has been approved by the department and follows the corrective plan of action for 90 days. Once the approved corrective action plan has been followed by the hospital for 90 days, the department may reduce the accumulated fine. The fine shall continue to accumulate until the 90 days has passed. Revenue from these fines must be deposited into the supplemental pension fund established under RCW 51.44.033.

(3) The department shall maintain for public inspection records of any civil ~~((penalties,))~~ penalties and administrative actions ~~((, or license suspensions or revocations))~~ imposed on hospitals under this section. In addition, the department must report violations of this section on its website.

(4) ~~((For purposes of this section, "unforeseeable emergency circumstance" means:~~

~~(a) Any unforeseen national, state, or municipal emergency;~~

~~(b) When a hospital disaster plan is activated;~~

~~(c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or~~

~~(d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients who are from another hospital or hospitals.~~

~~(5))~~ Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420 (as recodified by this act).

~~((6) The department shall submit a report to the legislature on December 31, 2020. This report shall include the number of complaints submitted to the department under this section, the disposition of these complaints, the number of investigations conducted, the associated costs for complaint investigations, and recommendations for any needed statutory changes. The department shall also project, based on experience, the impact, if any, on hospital licensing fees over the next four years. Prior to the submission of the report, the secretary shall convene a stakeholder group consisting of the~~

~~Washington state hospital association, the Washington state nurses association, service employees international union healthcare 1199NW, and united food and commercial workers 21. The stakeholder group shall review the report prior to its submission to review findings and jointly develop any legislative recommendations to be included in the report.~~

~~(7) No fees shall be increased to implement chapter 249, Laws of 2017 prior to July 1, 2021.)~~

NEW SECTION. Sec. 7. (1)(a) The department shall review each hospital staffing plan submitted by a hospital to ensure it is received by the appropriate deadline and is completed on the department-issued staffing plan form.

(b) The hospital must complete all portions of the staffing plan form. The department may determine that a hospital has failed to timely submit its staffing plan if the staffing plan form is incomplete.

(c) Failure to submit the staffing plan by the appropriate deadline will result in a violation and civil penalty of \$25,000 issued by the department. Revenue from these fines must be deposited into the supplemental pension fund established under RCW 51.44.033.

(2) Failure to submit a staffing committee charter to the department by the appropriate deadline will result in a violation and a civil penalty of \$25,000 issued by the department. Revenue from these fines must be deposited into the supplemental pension fund established under RCW 51.44.033.

(3) The department must post on its website:

- (a) Hospital staffing plans;
- (b) Staffing committee charters; and
- (c) Violations of this section.

Sec. 8. RCW 49.12.480 and 2019 c 296 s 1 are each amended to read as follows:

(1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

(a) Rest periods must be scheduled at any point during each work period during which the employee is required to receive a rest period;

(b) Employers must provide employees with uninterrupted meal and rest breaks. This subsection (1)(b) does not apply in the case of:

(i) An unforeseeable emergent circumstance, as defined in RCW 49.28.130(~~;~~ ~~or~~

~~(ii) A clinical circumstance, as determined by the employee, employer, or employer's designee, that may lead to a significant adverse effect on the patient's condition;~~

~~(A) Without the knowledge, specific skill, or ability of the employee on break; or~~

~~(B) Due to an unforeseen or unavoidable event relating to patient care delivery requiring immediate action that could not be planned for by an employer;~~

~~(c) For any rest break that is interrupted before ten complete minutes by an employer or employer's designee under the provisions of (b)(ii) of this subsection, the employee must be given an additional ten minute uninterrupted rest break at the earliest reasonable time during the work period during which the employee is required to receive a rest period. If the elements of this subsection are met, a rest break shall be considered taken for the purposes of the minimum wage act as defined by chapter 49.46 RCW) (as recodified by this act); or~~

(ii) A clinical circumstance, as determined by the employee that may lead to a significant adverse effect on the patient's condition, unless the employer or employer's designee determines that the patient may suffer life-threatening adverse effects.

(c) For any work period for which an employee is entitled to one or more meal period and more than one rest period, the employee and the employer may agree that a meal period may be combined with a rest period. This agreement may be revoked at any time by the employee. If the employee is required to remain on duty during the combined meal and rest period, the time shall be paid. If the employee is released from duty for an uninterrupted combined meal and rest period, the time corresponding to the meal period shall be unpaid, but the time corresponding to the rest period shall be paid.

(2) The employer shall provide a mechanism to record when an employee misses a meal or rest period and maintain these records.

(3) For purposes of this section, the following terms have the following meanings:

(a) "Employee" means a person who:

(i) Is employed by ~~((a health care facility))~~ an employer;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement ~~((; and~~

~~(iv) Is a licensed practical nurse or registered nurse licensed under chapter 18.79 RCW, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant certified as defined in RCW 18.88A.020)).~~

(b) "Employer" means hospitals licensed under chapter 70.41 RCW ~~((; except that the following hospitals are excluded until July 1, 2021:~~

~~(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i 4;~~

~~(ii) Hospitals with fewer than twenty-five acute care beds in operation; and~~

~~(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than one hundred fifty acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision)).~~

Sec. 9. RCW 49.28.130 and 2019 c 296 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 49.28.140 and 49.28.150 (as recodified by this act) unless the context clearly requires otherwise.

(1)(a) "Employee" means a person who:

(i) Is employed by a health care facility;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement ~~((; and~~

~~(iv) Is either:~~

~~(A) A licensed practical nurse or registered nurse licensed under chapter 18.79 RCW; or~~

~~(B) Beginning July 1, 2020, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant certified as defined in RCW 18.88A.020)).~~

(b) "Employee" does not mean a person who is both:

(i) ~~((Is employed))~~ Employed by a health care facility as defined in subsection (3)(a)(v) of this section; and

(ii) ~~((Is a))~~ A surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a certified nursing assistant as defined in RCW 18.88A.020.

(2) "Employer" means an individual, partnership, association, corporation, the state, a political subdivision of the state, or person or group of persons, acting directly or indirectly in the interest of a health care facility.

(3)(a) "Health care facility" means the following facilities, or any part of the facility, including such facilities if owned and operated by a political subdivision or instrumentality of the state, that operate on a twenty-four hours per day, seven days per week basis:

(i) Hospices licensed under chapter 70.127 RCW;

(ii) Hospitals licensed under chapter 70.41 RCW ~~((; except that until July 1, 2021, the provisions of section 3, chapter 296, Laws of 2019 do not apply to;~~

~~(A) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i 4;~~

~~(B) Hospitals with fewer than twenty-five acute care beds in operation; and~~

~~(C) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than one hundred fifty acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision));~~

(iii) Rural health care facilities as defined in RCW 70.175.020;

(iv) Psychiatric hospitals licensed under chapter 71.12 RCW; or

(v) Facilities owned and operated by the department of corrections or by a governing unit as defined in RCW 70.48.020 in a correctional institution as defined in RCW 9.94.049 that provide health care services.

(b) If a nursing home regulated under chapter 18.51 RCW or a home health agency regulated under chapter 70.127 RCW is operating under the license of a health care facility, the nursing home or home health agency is considered part of the health care facility for the purposes of this subsection.

(4) "Overtime" means the hours worked in excess of an agreed upon, predetermined, regularly scheduled shift within a twenty-four hour period not to exceed twelve hours in a twenty-four hour period or eighty hours in a consecutive fourteen-day period.

(5) "On-call time" means time spent by an employee who is not working on the premises of the place of employment but who is compensated for availability or who, as a condition of employment, has agreed to be available to return to the premises of the place of employment on short notice if the need arises.

(6) "Reasonable efforts" means that the employer(~~(, to the extent reasonably possible, does)~~) exhausts and documents all of the following but is unable to obtain staffing coverage:

(a) Seeks individuals to volunteer to work extra time from all available qualified staff who are working;

(b) Contacts qualified employees who have made themselves available to work extra time;

(c) Seeks the use of per diem staff; and

(d) Seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(7) "Unforeseeable emergent circumstance" means (a) any unforeseen declared national, state, or municipal emergency; or (b) when a health care facility disaster plan is activated(~~(, or (c) any unforeseen disaster or other catastrophic event which substantially affects or increases the need for health care services)~~).

Sec. 10. RCW 49.28.140 and 2019 c 296 s 3 are each amended to read as follows:

(1) No employee of a health care facility may be required to work overtime. Attempts to compel or force employees to work overtime are contrary to public policy, and any such requirement contained in a contract, agreement, or understanding is void.

(2) The acceptance by any employee of overtime is strictly voluntary, and the refusal of an employee to accept such overtime work is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decision adverse to the employee.

(3) This section does not apply to overtime work that occurs:

(a) Because of mandatory any unforeseeable emergent circumstance;

(b) Because of prescheduled on-call time not to exceed more than 24 hours per week, subject to the following:

(i) Mandatory prescheduled on-call time may not be used in lieu of scheduling employees to work regularly scheduled shifts when a staffing plan indicates the need for a scheduled shift; and

(ii) Mandatory prescheduled on-call time may not be used to address regular changes in patient census or acuity or expected increases in the number of employees not reporting for predetermined scheduled shifts;

(c) When the employer documents that the employer has used reasonable efforts to obtain and retain staffing. An employer has not used reasonable efforts if overtime work is used to fill vacancies resulting from chronic staff shortages that persist longer than three months; or

(d) When an employee is required to work overtime to complete a patient care procedure already in progress where the absence of the employee could have an adverse effect on the patient.

(4) An employee accepting overtime who works more than twelve consecutive hours shall be provided the option to have at least eight consecutive hours of uninterrupted time off from work following the time worked.

Sec. 11. RCW 49.28.150 and 2002 c 112 s 4 are each amended to read as follows:

The department of labor and industries shall investigate complaints of violations of RCW 49.28.140 (as recodified by this act) as provided under section 12 of this act. ~~((A violation of RCW 49.28.140 is a class 1 civil infraction in accordance with chapter 7.80 RCW, except that the maximum penalty is one thousand dollars for each infraction up to three infractions. If there are four or more violations of RCW 49.28.140 for a health care facility, the employer is subject to a fine of two thousand five hundred dollars for the fourth violation, and five thousand dollars for each subsequent violation. The department of labor and industries is authorized to issue and enforce civil infractions according to chapter 7.80 RCW.))~~

NEW SECTION. Sec. 12. (1)(a) If a complainant files a complaint with the department alleging a violation of this chapter, the department shall investigate the complaint.

(b) The department may not investigate any such alleged violation of rights that occurred more than three years before the date that the complainant filed the complaint.

(c) Upon the investigation of a complaint, the department shall issue either a citation and notice of assessment or a closure letter, within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the

period by providing advance written notice to the complainant and the employer setting forth good cause for an extension of the period, and specifying the duration of the extension.

(d) The department shall send a citation and notice of assessment or the closure letter to both the employer and the complainant by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department's investigation finds that the complainant's allegation cannot be substantiated, the department shall issue a closure letter to the complainant and the employer detailing such finding.

(3)(a) If the department finds a violation of this chapter, the department shall order the employer to pay the department a civil penalty.

(b) Except as provided otherwise in this chapter, the maximum penalty is \$1,000 for each violation up to three violations. If there are four or more violations of this chapter for a health care facility, the employer is subject to a civil penalty of \$2,500 for the fourth violation, and \$5,000 for each subsequent violation.

(4) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director of the department determines that the employer has taken corrective action to resolve the violation.

(5) The department shall deposit all civil penalties paid under this chapter in the supplemental pension fund established under RCW 51.44.033.

NEW SECTION. Sec. 13. (1) A person, firm, or corporation aggrieved by a citation and notice of assessment by the department under this chapter may appeal the citation and notice of assessment to the director of the department by filing a notice of appeal with the director within 30 days of the department's issuance of the citation and notice of assessment. A citation and notice of assessment not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director of the department under this section shall stay the effectiveness of the citation and notice of assessment

pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director of the department shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(4) The director of the department shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. Sec. 14. Collections of unpaid citations assessing civil penalties will be pursuant to RCW 49.48.086.

NEW SECTION. Sec. 15. (1) Any employee employed by a health care facility covered by RCW 49.12.480, 49.28.130, and 49.28.140 (as recodified by this act), and any direct care nurse or direct care nursing assistant-certified covered by section 3 of this act, or any labor organization that is the exclusive bargaining representative of any such persons, alleging a violation of this chapter may bring a civil action against the health care facility or hospital.

(2) A health care facility's or hospital's violation of this chapter or

rules adopted under this chapter constitutes a concrete and particularized injury in fact to employees employed by the health care facility.

(3) The court may award to a prevailing plaintiff:

(a) An amount not less than \$100 and not greater than \$5,000 per violation per day;

(b) Reasonable attorneys' fees and litigation costs;

(c) Any other relief, including equitable and declaratory relief, that the court deems appropriate.

(4) The remedy under this section is in addition to any administrative enforcement under this chapter.

NEW SECTION. Sec. 16. The department may adopt and implement rules to carry out and enforce the provisions of this chapter, including but not limited to protecting employees from retaliation for filing complaints under this chapter.

NEW SECTION. Sec. 17. (1) By November 1, 2023, the department of health must submit a report to the appropriate committees of the legislature that assesses the state's alternatives to increase the registered nurse licensure reciprocity between Washington and other states, in particular bordering states. In developing the report under this section, the department must consult with stakeholders including, but not limited to, the nursing commission, unions representing registered nurses, and the Washington state hospital association. The department must also consult with the military department to gather relevant information pertaining to impacts on military spouses and partners.

(2) The report must include, at a minimum:

(a) An assessment of current registered nurse reciprocity laws, compacts, and rules;

(b) Alternatives to current reciprocity laws and rules, and the impacts of these alternatives; and

(c) Information on how military spouses or partners may benefit from a compact or reciprocity.

(3) This section expires November 1, 2024.

NEW SECTION. Sec. 18. 2017 c 249 s 4 (uncodified) is repealed.

NEW SECTION. Sec. 19. Sections 3, 4, 7, and 12 through 16 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 20. RCW 70.41.410, 70.41.420, and 70.41.425 are each recodified as sections in chapter 49.--- RCW (the new chapter created in section 19 of this act).

NEW SECTION. Sec. 21. RCW 49.12.480, 49.28.130, 49.28.140, and 49.28.150 are each recodified as sections in chapter 49.--- RCW (the new chapter created in section 19 of this act).

NEW SECTION. Sec. 22. This act takes effect January 1, 2023.

NEW SECTION. Sec. 23. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Schmick moved the adoption of amendment (1050) to striking amendment (1008):

On page 1, beginning on line 13 of the striking amendment, after "Specifically," strike all material through "standards," on line 14

On page 2, beginning on line 37 of the striking amendment, strike all of sections 3 and 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, beginning on line 20 of the striking amendment, after "plan," strike all material through "and" on line 21

On page 10, beginning on line 19 of the striking amendment, after "against" strike all material through "act," on line 20

On page 13, line 18 of the striking amendment, after "act)" strike "or section 3 of this act"

On page 13, line 25 of the striking amendment, after "violation of" strike "section 3 of this act,"

On page 14, beginning on line 12 of the striking amendment, after "violation of" strike all material through "or" on line 13

On page 24, beginning on line 1 of the striking amendment, after "act)," strike all material through "act," on line 2

On page 25, line 5 of the striking amendment, after "Sections" strike all material through "7," and insert "7"

Representatives Schmick and Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1050) to striking amendment (1008) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Harris-Talley, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Springer, Steele, Stokesbary, Sutherland, Tharinger, Vick, Volz, Walen, Walsh, Wilcox, Ybarra, and Young

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

Representative Hoff moved the adoption of amendment (1046) to striking amendment (1008):

On page 1, line 24 of the striking amendment, after "department of" strike "labor and industries" and insert "health"

On page 3, line 1 of the striking amendment, after "department of" strike "labor and industries" and insert "health"

On page 25, beginning on line 7 of the striking amendment, strike all of section 20

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

Amendment (1046) to striking amendment (1008) was not adopted.

Representative Volz moved the adoption of amendment (1025) to striking amendment (1008):

On page 23, beginning on line 37 of the striking amendment, strike all of section 15

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Volz and Sells spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1025) to striking amendment (1008) was adopted.

Representatives Riccelli and Hoff spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1008), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Simmons, Macri, Sells and Cody spoke in favor of the passage of the bill.

Representatives Schmick, Volz, Dent, Caldier, Dye, Mosbrucker, Corry, Harris, Stokesbary, McEntire, Walsh, Maycumber and Hoff spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1868.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1868, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake,

Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1868, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2007, by Representatives Slatter, Cody, Bergquist, Goodman, Leavitt, Peterson, Ramel, Ryu, Santos, Senn, Tharinger, Chopp, Macri, Bateman, Ormsby, Riccelli, Lekanoff and Pollet

Establishing a nurse educator loan repayment program under the Washington health corps.

The bill was read the second time.

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

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2007.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2007, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

HOUSE BILL NO. 2007, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Bronoske to preside.

HOUSE BILL NO. 1706, by Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba

Concerning truck drivers ability to access restroom facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1706 was substituted for House Bill No. 1706 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1706 was read the second time.

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

Representatives Sells, Barkis and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1706.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1706, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1706, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1694, by Representatives Berry, Fitzgibbon, Ramel, Bateman, Duerr, Callan, Macri, Harris-Talley, Hackney and Frame

Concerning logistical processes for the regulation of priority chemicals in consumer products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1694 was substituted for House Bill No. 1694 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

Representative Dye moved the adoption of amendment (846):

On page 1, beginning on line 8, after "(1)" strike all material through "(2)" on line 18

Re-number the remaining subsection consecutively and correct any internal references accordingly.

On page 2, line 20, after "and" strike "at least"

On page 2, line 24, after "and" strike "at least"

On page 2, line 28, after "and" strike "at least"

On page 2, line 32, after "and" strike "at least"

Beginning on page 4, line 3, strike sections 3, 4, and 5

Correct the title.

Representative Dye spoke in favor of the adoption of the amendment.

Representative Duerr spoke against the adoption of the amendment.

Amendment (846) was not adopted.

Representative Berry moved the adoption of amendment (1023):

On page 2, line 13, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 16, after "of" strike "June" and insert "September"

On page 2, line 18, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 20, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 24, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 28, after "By" strike "June" and insert "~~((June))~~ September"

On page 2, line 32, after "By" strike "June" and insert "~~((June))~~ September"

Representatives Berry and Dye spoke in favor of the adoption of the amendment.

Amendment (1023) was adopted.

The bill was ordered engrossed.

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

Representative Berry spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1694.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1694, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1812, by Representatives Fitzgibbon, Wylie, Berry, Valdez, Pollet and Harris-Talley

Modernizing the energy facility site evaluation council to meet the state's clean energy goals.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1812 was substituted for House Bill No. 1812 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1812 was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (1016):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.50.010 and 2001 c 214 s 1 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington requires ~~((the development of))~~ a procedure for the selection and ~~((utilization))~~ use of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

The legislature finds that the in-state manufacture of industrial products that enable a clean energy economy is critical to advancing the state's objectives in providing affordable electricity, promoting renewable energy, strengthening the state's economy, and reducing greenhouse gas emissions. Therefore, the legislature intends to provide the council with additional authority regarding the siting of clean energy product manufacturing facilities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods ~~((7))~~ that the location and operation of ~~((such))~~ all energy facilities and certain clean energy

product manufacturing facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. In addition, it is the intent of the legislature to streamline application review for energy facilities to meet the state's energy goals and to authorize applications for review of certain clean energy product manufacturing facilities to be considered under the provisions of this chapter.

Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; ~~((and))~~ to pursue beneficial changes in the environment; and to promote environmental justice for overburdened communities.

(3) To encourage the development and integration of clean energy sources.

(4) To provide abundant clean energy at reasonable cost.

~~((+4))~~ (5) To avoid costs of complete site restoration and demolition of improvements and infrastructure at unfinished nuclear energy sites, and to use unfinished nuclear energy facilities for public uses, including economic development, under the regulatory and management control of local governments and port districts.

~~((+5))~~ (6) To avoid costly duplication in the siting process and ensure that decisions are made timely and without unnecessary delay while also encouraging meaningful public comment and participation in energy facility decisions.

Sec. 2. RCW 80.50.020 and 2021 c 317 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal action; ~~((or))~~ (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; or (g) renewable or green electrolytic hydrogen.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" means a liquid or gaseous fuel derived from organic matter ~~((intended for use as a transportation fuel))~~ including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the

state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas

in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day;

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities; and

(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel.

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any (~~transmission~~) facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with federally recognized tribes, cities, towns, and counties prior to accepting applications for ((all transmission facilities)) any facility.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, clean energy product manufacturing facility, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal ((power)) energy regulatory commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(23) "Clean energy product manufacturing facility" means a facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock;

(d) Equipment and products used to produce energy from alternative energy resources; and

(e) Equipment and products used at storage facilities.

(24) "Director" means the director of the energy facility site evaluation council appointed by the chair of the council in accordance with section 4 of this act.

(25)(a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis.

(b) "Green electrolytic hydrogen" does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(26) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

(27) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

(28) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) renewable natural gas; (f) renewable hydrogen; (g) wave, ocean, or tidal power; (h) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (i) biomass energy.

(29) "Storage facility" means a plant that: (a) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity;

or (b) stores renewable hydrogen or green electrolytic hydrogen for subsequent delivery or consumption.

Sec. 3. RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

(1) ~~((There is created and established the))~~ The energy facility site evaluation council is created and established.

(2) ~~((a))~~ The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

~~((b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington utilities and transportation commission shall provide all administrative and staff support for the council. The commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.))~~

(3)(a) The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:~~

~~(i) Department of ecology;~~

~~(ii) Department of fish and wildlife;~~

~~(iii) Department of commerce;~~

~~(iv) Utilities and transportation commission; and~~

~~(v) Department of natural resources))~~ chair of the council and:

(i) The director of the department of ecology or the director's designee;

(ii) The director of the department of fish and wildlife or the director's designee;

(iii) The director of the department of commerce or the director's designee;

(iv) The chair of the utilities and transportation commission or the chair's designee; and

(v) The commissioner of public lands or the commissioner's designee.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

(i) Department of agriculture;

(ii) Department of health;

(iii) Military department; and

(iv) Department of transportation.

~~((c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.))~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or

designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

(7) A quorum of the council consists of a majority of members appointed for business to be conducted.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The chair of the council or the chair's designee shall execute all official documents, contracts, and other materials on behalf of the council.

(2) The chair of the council shall appoint a director to oversee the operations of the council and carry out the duties of this chapter as delegated by the chair. The chair of the council may delegate to the director its status as appointing authority for the council.

(3) The director shall employ such administrative and professional personnel as may be necessary to perform the administrative work of the council and implement this chapter. The director has supervisory authority over all staff of the council. Not more than four employees may be exempt from chapter 41.06 RCW.

Sec. 5. RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight under the regulatory authority established in this chapter of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities under the regulatory authority established in this chapter;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies

pursuant to interagency agreement: PROVIDED FURTHER, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

Sec. 6. RCW 80.50.060 and 2021 c 317 s 18 are each amended to read as follows:

(1) ~~((Except for biofuel refineries specified in RCW 80.50.020(12)(g), the))~~
(a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (12) and (21). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, ((after July 15, 1977,)) without first

obtaining certification in the manner provided in this chapter.

~~((2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.~~

~~(3))~~ (b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:

(i) Biofuel refineries specified in RCW 80.50.020(12)(g);

(ii) Alternative energy resource facilities;

(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 150,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;

(iv) Clean energy product manufacturing facilities; and

(v) Storage facilities.

(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.

(2)(a) The provisions of this chapter must apply to the construction, reconstruction, or modification of electrical transmission facilities when((+

~~(i) The))~~ the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045((+

~~(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and~~

~~(B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or~~

~~(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3)).~~

(b) For the purposes of this subsection, (~~"modify"~~) "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

~~((4))~~ (3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (12) and (21).

~~((5))~~ (4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW ~~((80.50.190 and))~~ 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((6))~~ (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

NEW SECTION. Sec. 7. A new section is added to chapter 80.50 RCW to read as follows:

(1) A person proposing to construct, reconstruct, or enlarge a clean energy product manufacturing facility may choose to receive certification under this chapter.

(2) All of the council's powers with regard to energy facilities apply to clean energy product manufacturing facilities, and such a facility is subject to all provisions of this chapter that apply to an energy facility.

Sec. 8. RCW 80.50.071 and 2016 sp.s. c 10 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay actual costs incurred by the council (~~and the utilities and transportation commission~~) in processing an application.

(a) Each applicant shall, at the time of application submission, (~~deposit with the utilities and transportation commission~~) pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the applicant. The council (~~and the utilities and transportation commission~~) shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed (~~the commission, on behalf of~~) the council((~~τ~~)) for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council((~~τ after consultation with the utilities and transportation commission, τ~~)) shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse (~~the utilities and transportation commission, on behalf of~~) the council((~~τ~~)) for actual expenditures that arise in considering the application, including the cost of any independent consultant study. The (~~utilities and transportation commission, on behalf of the~~) council((~~τ~~)) shall submit to each applicant an invoice of actual expenditures made during the preceding calendar quarter in sufficient detail to explain the expenditures. The applicant

shall pay the (~~utilities and transportation commission~~) council the amount of the invoice by the due date.

(2) Each certificate holder shall pay (~~to the utilities and transportation commission~~) the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, (~~deposit with the utilities and transportation commission~~) pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the certificate holder. The council (~~and the utilities and transportation commission~~) shall charge costs against the deposit if the certificate holder ceases operations and has not reimbursed (~~the commission, on behalf of~~) the council((~~τ~~)) for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse (~~the utilities and transportation commission, on behalf of~~) the council((~~τ~~)) for actual expenditures that arise in administering this chapter and determining compliance. The council((~~τ after consultation with the utilities and transportation commission, τ~~)) shall submit to each certificate holder an invoice of the expenditures actually made during the preceding calendar quarter in sufficient detail to explain the expenditures. The certificate holder shall pay (~~the utilities and transportation commission~~) the amount of the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the invoice from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case

of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ~~((utilities and transportation commission who shall make payments as instructed by the council from the funds submitted))~~ council for deposit into the energy facility site evaluation council account created in section 15 of this act. All such funds shall be subject to state auditing procedures. Any unexpended portions of the deposit shall be returned to the applicant within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5)(a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant, clean energy product manufacturing facility, or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy

resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its website the appropriate information for contacting the United States department of defense.

Sec. 9. RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances ~~((. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site))~~ on the date of the application.

(3)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a facility is likely to cause a significant adverse environmental impact under chapter 43.21C RCW, the director must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the director must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist to clarify or make changes to features of the proposal that are designed to mitigate the impacts that were the basis of the director's anticipated determination of significance. The director shall make the

threshold determination based upon the changed or clarified proposal following the applicant's submittal. The director must provide an opportunity for public comment on a project for which a project applicant has withdrawn and revised the application and environmental checklist and subsequently received a threshold determination of nonsignificance or mitigated determination of nonsignificance.

(b) The notification required under (a) of this subsection is not an official determination by the director and is not subject to appeal under chapter 43.21C RCW.

((+3)) (4) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held.

(a) At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification by raising one or more specific issues, provided that the person has raised the issue or issues in writing with specificity during the application review process or during the public comment period that will be held prior to the start of the adjudicative hearing.

(b) If the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent under subsection (2) of this section should be preempted.

(5) After expedited processing is granted under RCW 80.50.075, the council must hold a public meeting to take comments on the proposed application prior to issuing a council recommendation to the governor.

((+4)) (6) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 10. RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1)(a) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(b) The council shall review and consider comments received during the application process in making its recommendation.

(c) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating))~~ generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter~~((7))~~ including, but not limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the ~~((energy))~~ facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3)(a) Within ~~((sixty))~~ 60 days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within ~~((sixty))~~ 60 days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

Sec. 11. RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

~~((The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.~~

~~(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the~~

~~potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant. PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.~~

~~(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.~~

~~(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.))~~ (a) The council, upon agreement with any potential applicant, is authorized as provided in this section to conduct a preliminary study of any potential project prior to receipt of an application for site certification. This preliminary study must be completed before any environmental review or process under RCW 43.21C.031 is initiated. A fee of \$10,000 for each potential project, to be applied toward the cost of any study agreed upon pursuant to (b) of this subsection, must accompany the agreement and is a condition precedent to any action on the agreement by the council.

(b) Upon agreement with the potential applicant, the council may commission its own independent consultant to study matters relative to the potential

project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential project is located, any federal, state, local, or tribal governmental agency that might be requested to comment on the potential project, and any municipal or public corporation having an interest in the matter. The full cost of the study must be paid by the potential applicant. However, costs exceeding a total of \$10,000 are payable subject to the potential applicant giving prior approval to such an excess amount.

(3) All payments required of the potential applicant under this section must be deposited into the energy facility site evaluation council account created in section 15 of this act. All of these funds are subject to state auditing procedures. Any unexpended portions of the funds must be returned to the potential applicant.

(4) If a potential applicant subsequently submits a formal application for site certification to the council for a site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071.

NEW SECTION. Sec. 12. A new section is added to chapter 80.50 RCW to read as follows:

(1) Except for the siting of electrical transmission facilities, any potential applicant may request a preapplication review of a proposed project. Council staff must review the preapplicant's draft application materials and provide comments on either additional studies or stakeholder and tribal input, or both, that should be included in the formal application for site certification. Council staff must inform affected federally recognized tribes under RCW 80.50.060 of the preapplication review. The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

(2) After initial review, the director and the applicant may agree on fees to be paid by the applicant so that council staff may conduct further review and

consultation, including contracting for review by other parties.

Sec. 13. RCW 80.50.340 and 2007 c 325 s 4 are each amended to read as follows:

(1) A preapplicant applying under RCW 80.50.330 shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within ~~((sixty))~~ 60 days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to RCW 80.50.330.

(4) Fees paid under this section must be deposited in the energy facility site evaluation council account created in section 15 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter do not apply to the following positions at the energy facility site evaluation council: The director; the personal secretary to the director and the council chair; and up to two professional staff members.

NEW SECTION. Sec. 15. A new section is added to chapter 80.50 RCW to read as follows:

The energy facility site evaluation council account is created in the custody of the state treasurer. All receipts from funds received by the council for all

payments, including fees, deposits, and reimbursements received under this chapter must be deposited into the account. Expenditures from the account may be used for purposes set forth in this chapter. Only the chair of the council or the chair's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 16. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~(account)~~) account, the Washington advanced college tuition payment program account, the Washington

college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences

discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive (~~eighty~~) 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 17. A new section is added to chapter 80.50 RCW to read as follows:

(1) Those administrative powers, duties, and functions of the utilities and transportation commission that were performed under the provisions of this chapter for the council prior to the effective date of this section are transferred to the council as set forth in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be delivered to the custody of the council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property under the inventory of the utilities and transportation commission for the council must be transferred to the council. All funds, credits, or other assets held by the utilities and transportation commission for the benefit of the council, of which were paid to the utilities and transportation commission pursuant to this chapter must be assigned to the council and transferred to the energy facility site evaluation council account created in section 15 of this act.

(b) Any appropriations made to the utilities and transportation commission for the council to carrying out its powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the council. Any funds received pursuant to payment made under this chapter must be credited to the council and deposited in the energy facility site evaluation council account created in section 15 of this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall decide as to the proper allocation and certify the same to the state agencies concerned.

(3) All pending business before the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be continued and acted upon by the council. All existing contracts and obligations remain in full force and must be performed by the council.

(4) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted or nonbudgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the utilities and transportation commission that are engaged in performing the powers, functions, and duties of the council, are transferred to the council. All employees classified under chapter 41.06 RCW, the state civil service law, assigned to the council shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

Sec. 18. RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of ~~((an energy facility or an alternative energy resource))~~ any facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed ~~((energy))~~ facility is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the

proposed ~~((energy facility or alternative energy resource))~~ facility on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

NEW SECTION. Sec. 19. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 20. This act takes effect June 30, 2022.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 80.50.190 (Disposition of receipts from applicants) and 1977 ex.s. c 371 s 15; and

(2) RCW 80.50.904 (Effective date—1996 c 4) and 1996 c 4 s 6."

Correct the title.

Representative Dye moved the adoption of amendment (1095) to striking amendment (1016):

On page 28, after line 22 of the striking amendment, insert the following:

"NEW SECTION. Sec. 19. (1)(a) The department must consult with stakeholders from rural communities, agriculture, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean

energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members including low-income community and vulnerable population members or representatives, legislators, local elected officials and staff, those involved with agriculture and forestry, renewable energy project property owners, utilities, large energy consumers, and others.

(b) The consultation must include at least three stakeholder meetings in eastern and western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new non-emitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs,

including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW;

(iv) Effects on other rural land uses, such as agriculture and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington; and

(vi) Potential forms of economic development assistance and impact mitigation payments.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2022, the department must submit an interim report on rural clean energy and resilience to the joint select committee created in section 20 of this act, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(e) By December 1, 2023, the department must submit a final report on rural clean energy and resilience to the joint select committee created in section 20 of this act, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

NEW SECTION. Sec. 20. (1)(a) A joint select committee on alternative energy facility siting is established, with members as provided in this subsection:

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate and an alternate from each caucus; and

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives and an alternate from each caucus.

(b) The committee shall choose its cochairs from among its legislative leadership. The two cochairs must be from different caucuses.

(c) The committee shall select other officers from among its members as the committee deems appropriate.

(d) Alternates appointed to the committee may vote on any pending committee business in place of an absent member during a committee meeting.

(2)(a) The committee shall review the following issues:

(i) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, have been sited in Washington;

(ii) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, are forecast to be sited in Washington; and

(iii) Forms of economic development assistance, mitigation payments, and viewshed impairment payments that counties not hosting their per capita share of alternative energy resources should provide to counties that host more than their per capita share.

(b) In support of its obligations under (a) of this subsection, the committee must review the report produced by the department of commerce under section 19 of this act.

(3) The committee must hold at least four meetings, at least two of which must be in eastern Washington. One cochair shall preside over the meetings in

western Washington and the other cochair shall preside over the meetings in eastern Washington. The first meeting of the committee must occur by September 30, 2022.

(4) The committee must be staffed by senate committee services and the house of representatives office of program research.

(5) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the cochairs reasonably request.

(6) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(7) The expenses of the committee shall be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2023. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee. Notice of the completion of the findings and recommendations required in this subsection must be published in the Washington State Register by December 1, 2023.

(9) For the purposes of this section, "alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(10) This section expires June 30, 2024."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1095) to striking amendment (1016) was adopted.

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1016), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1812.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1812, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and McCaslin.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2064, by Representatives Peterson, Simmons, Chopp, Lekanoff and Taylor

Concerning security deposits and damages arising out of residential tenancies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2064 was substituted for House Bill No. 2064 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2064 was read the second time.

Representative Barkis moved the adoption of amendment (909):

On page 7, after line 35, insert the following:

"(6) As used in this section, "collection activity" means attempts to collect any monetary obligation or damages from the tenant, including threats or notice to collect any such amounts through a collection agency or filing of a judicial action, provided that it shall not mean the transmission of an invoice and supporting detail of unpaid rent, unpaid fees or the cost of repairing damages beyond wear resulting from ordinary use of the premises."

On page 7, beginning on line 36, strike all of section 2

Correct the title.

Representatives Barkis and Peterson spoke in favor of the adoption of the amendment.

Amendment (909) was adopted.

The bill was ordered engrossed.

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

Representatives Peterson and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2064.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2064, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff,

MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1659, by Representatives Slatter, Sullivan, Leavitt, Ryu, Morgan, Berry, Ramel, Thai, Wicks, Sells, Johnson, J., Berg, Bateman, Valdez, Chopp, Walen, Fey, Goodman, Gregerson, Taylor, Macri, Simmons, Wylie, Kloba, Pollet, Ormsby, Harris-Talley, Hackney and Frame

Making higher education more affordable and accessible for students by bridging the gap between cost and need to reduce barriers, improve opportunity, and advance economic security.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1659 was substituted for House Bill No. 1659 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1659 was read the second time.

Representative Slatter moved the adoption of amendment (866):

On page 2, line 16, after "out." insert "Since the legislature intends that the grant be provided to the student to assist with basic needs expenses, the legislature recognizes that the student should have a choice in whether the grant is received for those expenses or is applied to a student's account to cover additional institutional costs."

On page 5, after line 19, insert the following:

"(5) The office shall ensure that each institution of higher education provides students with the option to either apply the bridge grant to the student's account or have the bridge grant disbursed to the student."

Representatives Slatter and Chambers spoke in favor of the adoption of the amendment.

Amendment (866) was adopted.

The bill was ordered engrossed.

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

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1659.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1659, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Graham, Hoff, Klicker, Klippert, Kraft, McCaslin, McEntire, Sutherland, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1659, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1984, by Representatives Jacobsen and Graham

Protecting privacy of addresses related to vehicle registration certificates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1984 was substituted for House Bill No. 1984 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1984 was read the second time.

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

Representatives Jacobsen and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1984.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1984, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1984, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1241, by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet

Planning under the growth management act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Duerr moved the adoption of amendment (910):

On page 6, line 30, after "as of" strike "January" and insert "April"

On page 6, line 37, after "as of" strike "January" and insert "April"

On page 6, line 40, after "after" strike "January" and insert "April"

Representatives Duerr and Goehner spoke in favor of the adoption of the amendment.

Amendment (910) was adopted.

The bill was ordered engrossed.

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

Representative Duerr spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

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

MOTIONS

There being no objection, the Committee on State Government & Tribal Relations was relieved of SENATE BILL NO. 5787, and the bill was referred to the Committee on Consumer Protection & Business.

There being no objection, the Committee on Education was relieved of SUBSTITUTE SENATE BILL NO. 5581, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Housing, Human Services & Veterans was relieved of SENATE BILL NO. 5713, and the bill was referred to the Committee on Finance.

There being no objection, the House adjourned until 9:00 a.m., February 14, 2022, the 36th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 14, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Tammy Stampfli, Chaplain, Providence St. Peter, Olympia, Washington.

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

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

INTRODUCTION & FIRST READING

ESB 5561 by Senators Dhingra, Kuderer, Lovelett, Pedersen, Saldaña, Stanford, Van De Wege and Wellman

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

Referred to Committee on Civil Rights & Judiciary.

ESSB 5794 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Kuderer, Frockt, Hasegawa, Lovelett, Randall, Van De Wege and Wilson, C.)

AN ACT Relating to continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions; amending RCW 69.41.190; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

E2SSB 5884 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Hasegawa, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE HOUSE BILL NO. 1162
HOUSE BILL NO. 1921
HOUSE BILL NO. 1751
HOUSE BILL NO. 2048
HOUSE BILL NO. 1857
HOUSE BILL NO. 1849
HOUSE BILL NO. 1727
HOUSE BILL NO. 1889
HOUSE BILL NO. 1790
HOUSE BILL NO. 1263
HOUSE BILL NO. 1839
HOUSE BILL NO. 1945

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

SECOND READING

HOUSE BILL NO. 1666, by Representatives Wylie and Orcutt

Clarifying the method for determining the value of specified tangible personal property incorporated as part of certain public infrastructure for the purposes of use tax and business and occupation tax.

The bill was read the second time.

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

Representatives Wylie and Orcutt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Taylor was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1666.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1666, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Taylor.

HOUSE BILL NO. 1666, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1744, by Representatives Dolan, Harris, Leavitt, Senn, Ryu, Johnson, J., Chambers, Davis, Macri, Corry, Tharinger, Valdez and Frame

Concerning collaborative arrangements between institutions of higher education and nonprofit private entities that provide comprehensive cancer care.

The bill was read the second time.

Representative Dolan moved the adoption of amendment (860):

On page 2, after line 18, insert the following:

"(4) The legislature intends to maintain existing responsibilities that state institutions of higher education, as state agencies, owe to the citizens of the state, including but not limited to being subject to state audit and public records requirements, and preserving assets in the interest of the citizens of the state. Further, the legislature intends for private comprehensive cancer centers to retain their private status as they enter into the collaborative agreements with state institutions of higher education, described herein. The legislature intends that collaborations between state institutions of higher

education and comprehensive cancer centers be governed by contractual arrangements that address, as necessary and appropriate, the intellectual property rights and obligations of the state."

Representatives Dolan and Volz spoke in favor of the adoption of the amendment.

Amendment (860) was adopted.

The bill was ordered engrossed.

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

Representatives Dolan and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1744.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1744, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Taylor.

ENGROSSED HOUSE BILL NO. 1744, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1630, by Representatives Senn, Berg, Ryu, Berry, Wicks, Bateman, Ramel, Fitzgibbon, Sells, Walen, Valdez, Callan, Cody, Davis, Goodman, Taylor, Macri, Peterson, Ramos, Santos, Slatter, Bergquist, Tharinger, Kloba, Pollet, Harris-Talley, Hackney and Frame

Establishing restrictions on the possession of weapons in certain locations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1630 was substituted for House Bill No. 1630 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1630 was read the second time.

With the consent of the House, amendment (837) was withdrawn.

Representative Young moved the adoption of amendment (1007):

On page 1, line 7, after "knowingly" insert "open"

On page 1, line 8, after "possess" insert "openly"

Representatives Young, Walsh and Sutherland spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

There being no objection, the House deferred action on amendment (1007).

With the consent of the House, amendments (1007), (829), (832), (838) and (831) were withdrawn.

Representative Hansen moved the adoption of striking amendment (834):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.280 and 2019 c 325 s 5001 are each amended to read as follows:

(1) It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, ~~((e*))~~ areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nunchu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or

similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis

responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such

devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

Sec. 2. RCW 9.41.305 and 2021 c 261 s 2 are each amended to read as follows:

(1) Unless exempt under subsection ~~((4))~~ (3) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon, as defined in RCW 9.41.300(1)(b), while knowingly being in the following locations:

(a) The west state capitol campus grounds; any buildings on the state capitol grounds; any state legislative office; or any location of a public state legislative hearing or meeting during the hearing or meeting; or

(b) City, town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the hearing or meeting.

(2) For the purposes of this section:

(a) "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's Mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse Buildings.

~~((3))~~ (b) "Governing body" has the same meaning as in RCW 42.30.020.

(c) "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake.

~~((4))~~ (3) Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from this section when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

~~((5))~~ (4) A person violating this section is guilty of a gross misdemeanor.

~~((6))~~ (5) Nothing in this section applies to the lawful concealed carry of a firearm by a person who has a valid concealed pistol license.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) Except as provided in subsections (3) and (4) of this section, it is unlawful for a person to knowingly carry onto, or to possess in, a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office, or areas of facilities while being used as a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(d)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(e) Any spring blade knife as defined in RCW 9.41.250.

(2) A person who violates subsection (1) of this section is guilty of a gross

misdeemeanor. If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license, and within three business days notify the department of licensing in writing of the required revocation of any concealed pistol license held by the person. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Any law enforcement officer of a federal, state, or local government agency; or

(b) Any security personnel hired by a county and engaged in security specifically for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection (1)(d) of this section unless he or she has successfully completed training in the use of firearms or such devices that is equivalent to the training received by commissioned law enforcement officers.

(4) Subsection (1) of this section does not prohibit concealed carry of a pistol, by a person licensed to carry a concealed pistol pursuant to RCW 9.41.070, in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. However, no weapon restricted by this section, whether concealed or openly carried, may be possessed in any ballot

counting center or areas of facilities while being used as a ballot counting center.

(5) Elections officers and officials must post signs providing notice of the restriction on possession of firearms and other weapons at each counting center, voting center, student engagement hub, or county elections and voter registration office, or areas of facilities while being used as a counting center, a voting center, a student engagement hub, or the county elections and voter registration office.

(6) For the purposes of this section:

(a) "Ballot counting center" has the same meaning as "counting center" in RCW 29A.04.019;

(b) "Voting center" means a voting center as described in RCW 29A.40.160; and

(c) "Student engagement hub" means a student engagement hub as described in RCW 29A.40.180.

Sec. 4. RCW 9.41.280 and 2022 c . . . s 1 (section 1 of this act) and 2022 c . . . (Substitute House Bill No. 1224) s 2 are each reenacted to read as follows:

(1) It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nunchu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(g) Any spring blade knife as defined in RCW 9.41.250.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least 12 years of age and not more than 21 years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to 72 hours. The person shall not be released within the 72 hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within 24 hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and

examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or the health care authority or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least 18 years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least 18 years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. **Sec. 5.** Section 4 of this act takes effect July 1, 2022. Section 4 of this act takes effect only if Substitute House Bill No. 1224 is enacted into law by the effective date of this section."

Correct the title.

Representative Young moved the adoption of amendment (1017) to striking amendment (834):

On page 1, line 5 of the striking amendment, after "knowingly" insert "open"

On page 1, line 6 of the striking amendment, after "possess" insert "openly"

On page 7, line 21 of the striking amendment, after "knowingly" insert "open"

On page 7, line 22 of the striking amendment, after "possess" insert "openly"

Representatives Young, Dufault, Chambers, Klippert, Sutherland, Walsh, Hoff, Corry, McEntire, Graham, Dent and Dufault (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Senn spoke against the adoption of the amendment to the striking amendment.

Amendment (1017) to striking amendment (834) was not adopted.

Representative Klippert moved the adoption of amendment (854) to striking amendment (834):

On page 1, line 28, after "intent to" strike "injure" and insert "~~((injure))~~ temporarily disable"

On page 6, line 2, after "intent to" strike "injure" and insert "temporarily disable"

On page 8, line 5, after "intent to" strike "injure" and insert "temporarily disable"

Representatives Klippert, Walsh, Dufault, Graham, Klippert (again), Sutherland, Kraft and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (854) to striking amendment (834) was not adopted.

Representative Abbarno moved the adoption of amendment (850) to striking amendment (834):

On page 4, after line 11, insert the following:

"(8) A school district board of directors must post signs providing

notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors."

On page 5, after line 19, insert the following:

"(6) A city, town, county, or other municipality must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at any locations specified in subsection (1)(b) of this section."

On page 10, after line 20, insert the following:

"(8) A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors."

Representatives Abbarno and Senn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (850) to striking amendment (834) was adopted.

Representative Walsh moved the adoption of amendment (1064) to striking amendment (834):

On page 5, line 23 of the striking amendment, after "knowingly" insert "open"

On page 5, line 24 of the striking amendment, after "possess" insert "openly"

Representatives Walsh, Dufault and Walsh (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berg spoke against the adoption of the amendment to the striking amendment.

Amendment (1064) to striking amendment (834) was not adopted.

Representative Klippert moved the adoption of amendment (839) to striking amendment (834):

On page 5, line 33 of the striking amendment, after "gas;" insert "or"

On page 5, beginning on line 34 of the striking amendment, after "(d)" strike all material through "(e)" on page 6, line 4

Representatives Klippert, Dufault, Walsh, Sutherland and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (839) to striking amendment (834) was not adopted.

Representative Ybarra moved the adoption of amendment (862) to striking amendment (834):

On page 6, beginning on line 5 of the striking amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Ybarra, Dufault, Walsh, Sutherland, Jacobsen and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

Amendment (862) to striking amendment (834) was not adopted.

Representative Walsh moved the adoption of amendment (1063) to striking amendment (834):

On page 6, beginning on line 40 of the striking amendment, after "office." strike all material through "center." on page 7, line 3

Representatives Walsh, Dufault and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Berg spoke against the adoption of the amendment to the striking amendment.

Amendment (1063) to striking amendment (834) was not adopted.

Representative Hansen spoke in favor of the adoption of the striking amendment, as amended.

Representatives Walsh and Dufault spoke against the adoption of the striking amendment, as amended.

Striking amendment (834), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Senn and Berg spoke in favor of the passage of the bill.

Representatives Young, Dufault, Kraft, Sutherland, Chambers, Abbarno, Jacobsen, Klippert, Dent, McEntire, Chase, McCaslin, Graham, Wilcox, Orcutt and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1630.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1630, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1980, by Representatives Taylor, Caldier, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp

Removing the prohibition on providing employment services and community access services concurrently.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1980 was substituted for House Bill No. 1980 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1980 was read the second time.

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

Representatives Taylor, Caldier and Dufault spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1980.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1980, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Fey.

SUBSTITUTE HOUSE BILL NO. 1980, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1704, by Representatives Kirby, Vick, Ryu and Dufault

Regulating service contracts and protection product guarantees.

The bill was read the second time.

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

Representatives Kirby, Vick, Dufault and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1704.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1704, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Fey.

HOUSE BILL NO. 1704, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2058, by Representatives Tharinger, Leavitt, Santos, Shewmake, Harris-Talley, Eslick and Lekanoff

Concerning the preservation and protection of facilities owned by the state parks and recreation commission that are listed on the Washington heritage register or the national register of historic places.

The bill was read the second time.

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

Representatives Tharinger, Orcutt, Dufault and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2058.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2058, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff,

MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Fey.

HOUSE BILL NO. 2058, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1728, by Representatives Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli and Leavitt

Reauthorizing and amending dates for the total cost of insulin work group.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1728 was substituted for House Bill No. 1728 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1728 was read the second time.

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

Representatives Maycumber, Cody, Dufault and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1728.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1728, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1728, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1048, by Representatives Wicks, Thai and Gregerson

Concerning the removal of specific religious references regarding the criminal mistreatment of children and vulnerable adults from a statute.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1048 was substituted for House Bill No. 1048 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1048 was read the second time.

Representative Wicks moved the adoption of amendment (952):

On page 5, beginning on line 35, after "itself." strike all material through "chapter" on line 38 and insert "Under this chapter, health care decisions made in reliance on faith-based practices do not constitute negligent treatment or maltreatment unless any such decision poses a clear and present danger to the health, welfare, or safety of the child"

On page 10, beginning on line 25, after "itself." strike all material through "chapter" on line 28 and insert "Under this chapter, health care decisions made in reliance on faith-based practices do not constitute negligent treatment or maltreatment unless any such decision poses a clear and present danger to the health, welfare, or safety of the child"

Representative Wicks spoke in favor of the adoption of the amendment.

Representative Walsh spoke against the adoption of the amendment.

Amendment (952) was adopted.

The bill was ordered engrossed.

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

Representatives Wicks and Walsh spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1048.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1048, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Chase, Graham, Kraft, Sutherland and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1928, by Representatives Schmick, Stokesbary, Sutherland, Wicks and Dent

Concerning equine industry support.

The bill was read the second time.

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

Representatives Schmick, Cody, Orcutt, Stokesbary, Dye, Klicker, Dufault and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1928, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody,

Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bateman, Kraft, Ormsby, Pollet, Ramel, Ramos, Ryu and Wicks.

HOUSE BILL NO. 1928, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1660, by Representatives Shewmake, Ryu, Fitzgibbon, Ramel, Bateman, Gregerson, Goodman, Macri, Peterson, Simmons, Bergquist, Tharinger, Kloba, Pollet and Ormsby

Concerning accessory dwelling units.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1660 was substituted for House Bill No. 1660 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1660 was read the second time.

With the consent of the House, amendments (1022), (1058), (901) and (902) were withdrawn.

Representative Shewmake moved the adoption of striking amendment (1018):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including ~~((+))~~, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary,

consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration ~~((of the role))~~ and utilization of accessory dwelling units in meeting housing needs in compliance with RCW 36.70A.698;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of

prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses,

counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or

an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized

under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ~~(ten)~~ 10 years based on the adopted land use plan to provide information on

the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the (~~ten-year~~) 10-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless

transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a (~~ten-year~~) 10-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local

government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 2. RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1) Cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698 to take effect by the time of the city's or county's next comprehensive plan update after July 1, 2021.

(2) Beginning ((July 1, 2021)) after the deadline in subsection (1) of this section, the requirements of RCW 36.70A.698:

(a) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698.

Sec. 3. RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

(1) ~~((Except as provided in subsection[s] (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697, cities))~~ Cities and counties may not ((require)) prohibit the construction of accessory dwelling units within urban growth areas.

(2) When regulating accessory dwelling units, cities and counties may not:

(a) Impose a maximum floor area limit on the size of an accessory dwelling unit of less than:

(i) Eight hundred fifty square feet for an accessory dwelling unit on a lot with a total square footage of less than 4,500 square feet; or

(ii) One thousand three hundred fifty square feet combined between attached and detached accessory dwelling units on a lot with a total square footage of more than 4,500 square feet, except that an attached accessory dwelling unit may be limited to half of the square footage of the principal unit and a county or city may require that public health, safety, building code, and environmental permitting requirements that would be applicable to the principal unit are met

prior to the construction of the accessory dwelling unit;

(b) Impose any impact fees on the construction or development of an accessory dwelling unit that are greater than 50 percent of the impact fees that would be imposed on a similarly sized principal unit;

(c) Impose a limit on accessory dwelling units of fewer than one attached and one detached accessory dwelling unit on a lot zoned for residential use with a total square footage of more than 4,500 square feet, unless the lot is otherwise zoned to allow at least three dwelling units;

(d) Impose any prohibition of the sale or other conveyance of a condominium unit independently of a principal unit that is based solely on the grounds that the condominium unit was originally built as an accessory dwelling unit, provided that the condominium unit is served by utilities that are independent of the principal unit;

(e) Impose any owner occupancy requirements on any housing or dwelling unit on a lot containing an accessory dwelling unit. A city or county may retain an owner occupancy requirement if:

(i) An accessory dwelling unit on the lot is offered or used for short-term rental as defined in RCW 36.70A.696; or

(ii) The owner of the accessory dwelling unit accepts an offer from the city or county for the reduction or waiver of the costs or fees that would have normally been imposed on the construction of the accessory dwelling unit. In order to utilize this provision, a city or county must have a general program offering the waiver or reduction of fees and costs associated with accessory dwelling unit construction, with specific additional waiver provisions for units offered at or below 80 percent of the area median income;

(f) Require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

~~((2) A city may require the provision of off street parking for an accessory dwelling unit located within one quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity,~~

~~physical space impediments, or other reasons supported by evidence that would make on street parking infeasible for the accessory dwelling unit.~~

~~(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this section.)~~

(3) Cities and counties may apply generally applicable development regulations to the construction of accessory dwelling units.

NEW SECTION. Sec. 4. A new section is added to chapter 64.38 RCW to read as follows:

(1) Governing documents created after the effective date of this section and applicable to an association located within an urban growth area may not actively or effectively prohibit the construction, development, or use on a lot of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 64.90 RCW to read as follows:

(1) Neither a declaration nor a governing document created after the effective date of this section and applicable to a common interest community located inside an urban growth area may actively or effectively prohibit the construction, development, or use on a lot of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate declarations or governing documents that were created after the effective date of this section and that

are contrary to subsection (1) of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) No restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may prohibit the construction, development, or use on a lot of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section."

Correct the title.

Representative Chase moved the adoption of amendment (1027) to striking amendment (1018):

On page 9, line 28 of the striking amendment, after "36.70A.698" insert "(1)"

On page 9, line 32 of the striking amendment, after "36.70A.698" insert "(1)"

On page 9, line 37 of the striking amendment, after "36.70A.698" insert "(1)"

On page 10, at the beginning of line 10 of the striking amendment, strike "may not" and insert "are encouraged to considering changing regulations that"

Representative Chase spoke in favor of the adoption of the amendment to the striking amendment.

Representative Shewmake spoke against the adoption of the amendment to the striking amendment.

Amendment (1027) to striking amendment (1018) was not adopted.

Representative Chase moved the adoption of amendment (1026) to striking amendment (1018):

On page 10, beginning on line 11 of the striking amendment, after "(a)" strike all material through "(e)" on line 38

On page 11, at the beginning of line 11 of the striking amendment, strike "(f)" and insert "(b)"

Representatives Chase and Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Shewmake spoke against the adoption of the amendment to the striking amendment.

Amendment (1026) to striking amendment (1018) was not adopted.

Representative Berg moved the adoption of amendment (1030) to striking amendment (1018):

On page 12, after line 29 of the striking amendment, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 64.34 RCW to read as follows:

(1) A declaration created after the effective date of this section and applicable to an association located within an urban growth area may not actively or effectively prohibit the construction, development, or use of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 64.32 RCW to read as follows:

(1) A declaration created after the effective date of this section and applicable to an association of apartment owners located within an urban growth area may not actively or effectively prohibit the construction, development, or use of an accessory dwelling unit.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate governing documents that were created after the effective date of this section and that are contrary to subsection (1) of this section."

Representative Berg spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Goehner and Dufault spoke against the adoption of the amendment to the striking amendment.

Amendment (1030) to striking amendment (1018) was adopted.

Representatives Shewmake and Goehner spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1018), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Shewmake, Pollet and Duerr spoke in favor of the passage of the bill.

Representatives Chase, Goehner, Barkis, Kraft, Dufault, Jacobsen, Chase (again) and Griffey spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1660.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1660, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chase, Corry, Dent,

Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Ramos, Robertson, Rude, Rule, Schmick, Senn, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1359, by Representatives Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri

Reducing liquor license fees temporarily. Revised for 3rd Substitute: Temporarily reducing liquor license fees.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1359 was substituted for House Bill No. 1359 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1359 was read the second time.

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

Representatives Stonier, MacEwen, Jacobsen and Dufault spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Duerr was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1359.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1359, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Donaghy, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan,

Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis and Ryu.

Excused: Representative Duerr.

THIRD SUBSTITUTE HOUSE BILL NO. 1359, having received the necessary constitutional majority, was declared passed.

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

MESSAGES FROM THE SENATE

February 12, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5626,
SUBSTITUTE SENATE BILL NO. 5644,
SECOND SUBSTITUTE SENATE BILL NO. 5649,
SUBSTITUTE SENATE BILL NO. 5678,
SECOND SUBSTITUTE SENATE BILL NO. 5695,
SUBSTITUTE SENATE BILL NO. 5701,
SUBSTITUTE SENATE BILL NO. 5722,
SENATE BILL NO. 5771,
SECOND SUBSTITUTE SENATE BILL NO. 5807,
SUBSTITUTE SENATE BILL NO. 5890,
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 12, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5815,
ENGROSSED SENATE BILL NO. 5832,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5874,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5885,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 14, 2022

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5585,
 SUBSTITUTE SENATE BILL NO. 5590,
 SECOND SUBSTITUTE SENATE BILL NO. 5703,
 SUBSTITUTE SENATE BILL NO. 5723,
 SUBSTITUTE SENATE BILL NO. 5745,
 SUBSTITUTE SENATE BILL NO. 5765,
 SUBSTITUTE SENATE BILL NO. 5783,
 SUBSTITUTE SENATE BILL NO. 5790,
 SUBSTITUTE SENATE BILL NO. 5848,
 SUBSTITUTE SENATE BILL NO. 5860,
 SUBSTITUTE SENATE BILL NO. 5900,
 SUBSTITUTE SENATE BILL NO. 5920,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1162, by House Committee on Education (originally sponsored by Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan)

Concerning high school graduation credit and pathway options.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1162 was substituted for Substitute House Bill No. 1162 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1162 was read the second time.

With the consent of the House, amendment (870) was withdrawn.

Representative Stonier moved the adoption of amendment (1129):

On page 6, line 17, after "students." insert "School districts, however, must annually provide students in grades 9 through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district."

Representatives Stonier, Ybarra and Dufault spoke in favor of the adoption of the amendment.

Amendment (1129) was adopted.

Representative Ybarra moved the adoption of amendment (1011):

On page 6, after line 38, insert the following:

"**Sec. 3.** RCW 28A.655.260 and 2021 c 144 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall collect the following information from school districts: Which of the graduation pathways under RCW 28A.655.250 are available to students at each of the school districts; and the number of students using each graduation pathway for graduation purposes. This information shall be reported annually to the education committees of the legislature beginning January 10, 2021. To the extent feasible, data on student participation in each of the graduation pathways shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

(2) Beginning August 1, 2019, the state board of education shall survey interested parties regarding what additional graduation pathways should be added to the existing graduation pathways identified in RCW 28A.655.250 and whether modifications should be made to any of the existing pathways. Interested parties shall include at a minimum: High school students; recent high school graduates; representatives from the state board for community and technical colleges and four-year higher education institutions; representatives from the apprenticeship and training council; associations representing business; members of the educational opportunity gap oversight and accountability committee; and associations representing educators, school board members, school administrators, superintendents, and parents. The state board of education shall provide reports to the education committees of the legislature by August 1, 2020, and December 10, 2022, summarizing the information collected in the surveys.

(3) Using the data reported by the superintendent of public instruction under subsection (1) of this section, the state board of education shall survey a sampling of the school districts unable to provide all of the graduation pathways under RCW 28A.655.250 in order to identify the types of barriers to implementation school districts have. Using the survey results from this subsection and the survey results collected under subsection (2) of this

section, the state board of education shall review the existing graduation pathways, suggested changes to those graduation pathways, and the options for additional graduation pathways, and shall provide a report to the education committees of the legislature by December 10, 2022, on the following:

(a) Recommendations on whether changes to the existing pathways should be made and what those changes should be;

(b) The barriers school districts have to offering all of the graduation pathways and recommendations for ways to eliminate or reduce those barriers for school districts;

(c) Whether all students have equitable access to all of the graduation pathways and, if not, recommendations for reducing the barriers students may have to accessing all of the graduation pathways; and

(d) Whether additional graduation pathways should be included and recommendations for what those pathways should be.

(4) In order to ensure that school districts offering the graduation pathway established in RCW 28A.655.250(1)(b)(ix) are complying with requirements of RCW 28A.655.250(1)(b)(ix), the state board of education shall review and monitor the implementation of the graduation pathway at least once every 5 years. The reviews and monitoring required by this subsection may be conducted concurrently with other program reviews and monitoring conducted by the state board of education."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Ybarra and Santos spoke in favor of the adoption of the amendment.

Amendment (1011) was adopted.

Representative Ybarra moved the adoption of amendment (1124):

On page 3, beginning on line 33, strike all of section 2

On page 6, after line 38, insert the following:

"**Sec. 2.** RCW 28A.655.250 and 2021 c 7 s 3 are each amended to read as follows:

(1)(a) Beginning with the class of 2020, except as provided in RCW 28A.230.320, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW 28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section. The pathway options established in this section are intended to provide a student with multiple pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student. A student may choose to pursue one or more of the pathway options under (b) of this subsection, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

(b) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with (a)(iv) of this subsection:

(i) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

(ii) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

(iii) Earn high school credit in a high school transition course in English language arts and mathematics, an example of which includes a bridge to college

course. For the purposes of this subsection (1)(b)(iii), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

(iv) Earn high school credit, with a C+ grade, or receiving a three or higher on the AP exam, or equivalent, in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics; or receiving a four or higher on international baccalaureate exams. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition literature, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics; or any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following courses meets the standard: AP statistics, computer science, computer science principles, or calculus; or any of the international baccalaureate mathematics courses;

(v) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

(vi)(A) Meet any combination of at least one English language arts option and at least one mathematics option established in (b)(i) through (v) of this subsection (1); or

(B) Complete a performance exhibition demonstrating authentic evidence that the student meets or exceeds the graduation standard established by the state board of education under RCW 28A.305.130 in either English language arts, mathematics, or both. Prior to offering the performance exhibition

option to students, the board of directors of the school district shall adopt a written policy in conformity with applicable state requirements that describes the school district's processes for evaluating student performance exhibitions;

(vii) Meet standard in the armed services vocational aptitude battery; and

(viii) Complete a sequence of career and technical education courses that are relevant to a student's postsecondary pathway, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, and that meet either: The curriculum requirements of core plus programs for aerospace, maritime, health care, information technology, or construction and manufacturing; or the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection (1)(b)(viii) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

(2) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in determining which pathway options under this section they will offer to students. School districts, however, must annually provide students in grades 9 through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district.

(3) School districts shall determine if there is disproportionality among student subgroups participating in and completing each graduation pathway option offered by the school district and, if so, take appropriate corrective actions to ensure the pathway options are equitable. At a minimum, the subgroups to be examined must include those referenced in RCW 28A.300.042(3). If further disaggregation of subgroups is available, the school district shall also examine those subgroups.

(4) The state board of education shall adopt rules to implement the graduation pathway options established in this section."

Representatives Ybarra, Boehnke, Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (1124) was not adopted.

The bill was ordered engrossed.

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

Representatives Stonier, Rude, Klippert, Maycumber, Santos and Harris spoke in favor of the passage of the bill.

Representatives Ybarra, Dufault, Stokesbary, Boehnke, Sutherland, Kraft and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1162.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1162, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dent, Dufault, Gilday, Hoff, Jacobsen, Kraft, McEntire, Robertson, Schmick, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1162, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2074, by Representative Wylie

Concerning fees collected from out-of-state residents who register off-road vehicles in Washington.

The bill was read the second time.

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

Representatives Wylie, Barkis and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2074.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2074, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2074, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1837, by Representatives Bronoske, Ortiz-Self, Berry and Pollet

Restoring the state's ability to address work-related musculoskeletal injuries.

The bill was read the second time.

With the consent of the House, amendments (1079), (1082) and (1081) were withdrawn.

Representative Abbarno moved the adoption of amendment (1098):

On page 1, line 16, after "injuries," strike all material through "practices" on line 19 and insert "however, an analysis of Washington State's workers' compensation claims data from 1999 to 2013 found that work-related musculoskeletal disorders declined an estimated 5.4 percent each year over the study period, a greater decline than for claims from other types of injury"

Representatives Abbarno, Hoff, Klippert and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1098) was not adopted.

Representative Abbarno moved the adoption of amendment (1099):

On page 1, line 16, after "injuries," strike all material through "practices" on line 19 and insert "however, in 2006, the state Supreme Court ruled that "the language of I-841 is plain and unambiguous. Nothing in I-841 suggests that L&I is stripped of its general regulatory authority to address serious or deadly ergonomics-related workplace hazards by way of RCW 49.17.060(1)""

Representatives Abbarno, Boehnke, Walsh and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1099) was not adopted.

Representative Corry moved the adoption of amendment (1072):

On page 2, after line 19, insert the following:

"(6) The legislature intends that regulations addressing work-related musculoskeletal or other repetitive motion injuries adopted by the department of labor and industries will not apply to any small business, as defined in RCW 19.85.020. The legislature further intends that the department of labor and industries will provide educational and technical support to small businesses seeking to develop and implement site-specific ergonomic guidelines."

Representatives Corry, Corry (again), Schmick, Boehnke, Chambers, Volz, Dye, Barkis, MacEwen, Walsh, Stokesbary, Dufault, Klicker, Orcutt and Klippert spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (1072) was not adopted.

Representative Ryu moved the adoption of amendment (1141):

On page 2, after line 19, insert the following:

"(6) Washington has one of the most robust, no-cost, professional safety and health consultation services available anywhere in the nation to assist employers to fulfill their responsibilities to provide a safe and healthful workplace. The legislature recognizes small businesses may be in greatest need of this expertise. Therefore, the legislature further intends that the department of labor and industries provides educational and technical support to small businesses related to ergonomic hazards and includes compliance assistance as part of the adoption of any ergonomic regulations. These efforts should be coordinated with business associations, including those representing small businesses."

Representative Ryu spoke in favor of the adoption of the amendment.

Representative Hoff spoke against the adoption of the amendment.

Amendment (1141) was adopted.

The Speaker assumed the chair.

Representative Vick moved the adoption of amendment (1073):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

(1) For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~(The)~~ Except as provided in subsection (2) of this section, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent required by congress or the

federal occupational safety and health administration.

(2) The director may only adopt rules dealing with musculoskeletal disorders for state agencies for a specific activity or injury, and such rules must be approved by the legislature prior to their effective date. The director is encouraged to work with targeted industries to develop technical assistance programs and conduct pilot projects for specific activities or injuries."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Vick, Jacobsen, Dufault, McCaslin, Corry, Hoff and Orcutt spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1073) was not adopted.

Representative Boehnke moved the adoption of amendment (1085):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For manufacturing employees, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to manufacturing employees are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Boehnke, Dufault, Walsh, Boehnke (again) and Ybarra spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1085) was not adopted.

Representative Hoff moved the adoption of amendment (1086):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For employee home offices, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to employee home offices are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Hoff, Sells and Dufault spoke in favor of the adoption of the amendment.

Amendment (1086) was adopted.

Representative Hoff moved the adoption of amendment (1087):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved

November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For construction employers, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to construction employers are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Hoff, Dufault, Vick, Hoff (again), Barkis, Boehnke, Kraft, Walsh, Dye, Abbarno, Ybarra, Goehner, Corry, Orcutt, Stokesbary, McEntire, Sutherland, Dent, Schmick, Klicker, Chambers, Jacobsen and Chase spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1087) was not adopted.

Representative Hoff moved the adoption of amendment (1088):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority

to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed(~~(, until and to the extent required by congress or the federal occupational safety and health administration)~~), that mandate use of a risk assessment tool for manual material handling tasks."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Hoff, Dufault, Orcutt, Boehnke, Klippert, Walsh, Corry, Chambers, Barkis, Abbarno, Dent, Stokesbary, Chase, McEntire, Ybarra and Jacobsen spoke in favor of the adoption of the amendment.

Representative Bronoske spoke against the adoption of the amendment.

Amendment (1088) was not adopted.

Representative Boehnke moved the adoption of amendment (1089):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall ~~((not))~~ only have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed(~~(, until and to the extent required by congress or the federal occupational safety and health administration)~~) if legislation is enacted that specifically authorizes the adoption of rules on the matter."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Boehnke, Jacobsen, Stokesbary, Dufault, Klippert, Abbarno, Gilday, Orcutt, Hoff, Walsh and Sutherland spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1089) was not adopted.

Representative Vick moved the adoption of amendment (1090):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed (~~(, until and to the extent required by congress or the federal occupational safety and health administration)~~), until the department develops a job displacement and retraining plan in collaboration with the employment security department and state workforce training and education coordinating board for employees whose jobs are replaced by automation."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Vick, Robertson, Jacobsen, Abbarno, Orcutt, Dufault, Chambers, Walsh, Dent, Dye, Goehner, Corry, Mosbrucker, Stokesbary, Maycumber, Kraft, Barkis and Boehnke spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1090) was not adopted.

Representative Goehner moved the adoption of amendment (1093):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. ~~((The))~~ For agricultural employers, the director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent comparable rules applying to agricultural employers are required by congress or the federal occupational safety and health administration."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Goehner, Schmick, Maycumber, Hoff, Corry, Klicker, Dufault, Abbarno, Walsh, Stokesbary, Dent, Klippert, Orcutt, Mosbrucker, Dye and Ybarra spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1093) was not adopted.

Representative Goehner moved the adoption of amendment (1094):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics

regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed (~~(, until and to the extent required by congress or the federal occupational safety and health administration), unless an economic impact statement for all impacted employers is completed as part of the rulemaking process.~~)"

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Goehner, Dufault, Abbarno, Klippert, Jacobsen, MacEwen, Hoff, Boehnke, Corry, Sutherland, Orcutt, Walsh, Chambers, Stokesbary and Dye spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1094) was not adopted.

Representative Schmick moved the adoption of amendment (1100):

On page 2, after line 19, insert the following:

"**Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 (Initiative Measure No. 841, approved November 4, 2003) are each amended to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, (~~(, until and to the extent required by congress or the federal occupational safety and health administration)~~)until causation and remedies have been conclusively established by a preponderance of the medical and scientific community."

On page 2, beginning on line 20, strike all of section 2

Correct the title.

Representatives Schmick, Hoff, Boehnke, Abbarno, MacEwen, Walsh, Mosbrucker, Klippert, Ybarra, Stokesbary and Jacobsen spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (1100) was not adopted.

Representative Orcutt moved the adoption of amendment (1071):

On page 2, after line 25, insert the following:

"NEW SECTION. Sec. 3. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Orcutt, Dufault, Abbarno, Jacobsen, Boehnke, Mosbrucker, Sutherland, Stokesbary, Maycumber, Chase and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1071) was not adopted.

The Speaker called upon Representative Orwall to preside.

The bill was ordered engrossed.

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

Representatives Bronoske, Ortiz-Self, Sells and J. Johnson spoke in favor of the passage of the bill.

Representatives Hoff, Schmick, Dufault, Abbarno, Barkis, Gilday, Jacobsen, Dent, Boehnke, Vick, Chase, Klippert, Ybarra, Walsh, Goehner, Chambers, Graham, Kraft, Harris, Orcutt, Sutherland, Vick (again), Chase (again), Eslick, Robertson, Wilcox, MacEwen, Stokesbary, Corry, Maycumber, Mosbrucker and McEntire spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1837.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1837, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

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

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

ENGROSSED HOUSE BILL NO. 1837, having received the necessary constitutional majority, was declared passed.

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

MOTIONS

There being no objection, the Committee on Finance was relieved of SENATE BILL NO. 5510, and the bill was referred to the Committee on Transportation.

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 1051

There being no objection, the House adjourned until 11:00 a.m., February 15, 2022, the 37th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 15, 2022

The House was called to order at 11:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chief Clerk Bernard Dean.

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

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

MESSAGE FROM THE SENATE

February 14, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5662,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5702,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5796,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2121 by Representatives Young and Klippert

AN ACT Relating to abortion; amending RCW 9.02.110, 9.02.120, 9.02.130, 9.02.140, and 9.02.170; adding a new section to chapter 9.02 RCW; repealing RCW 9.02.100; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SUPPLEMENTAL INTRODUCTION & FIRST READING

ESSB 5874 by Senate Committee on Higher Education & Workforce Development (originally

sponsored by Nobles, Randall, Conway, Keiser, Lovelett, Lovick, Nguyen, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to students affiliated with the military; and amending RCW 28B.15.012.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 2068, by Representatives Stonier, Abbarno, Bronoske, Dolan, Ryu, Santos, Sells, Wylie, Orwall, Rule, Harris-Talley, Wicks, Gilday, Valdez, Bateman, Taylor and Kloba

Creating the imagination library of Washington program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2068 was substituted for House Bill No. 2068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2068 was read the second time.

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

Representatives Stonier, Abbarno, Gilday, Dent, Stokesbary and Chambers spoke in favor of the passage of the bill.

Representatives Kraft, Dufault and Chase spoke against the passage of the bill.

MOTION

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2068.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2068, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McEntire, Sutherland, Walsh and Young.

Excused: Representatives Graham and Kretz.

SUBSTITUTE HOUSE BILL NO. 2068, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2068.

Representative Graham, 6th District

SECOND READING

HOUSE BILL NO. 1629, by Representatives Dolan, Wylie, Shewmake, Duerr, Walen and Chase

Concerning a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1629 was substituted for House Bill No. 1629 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1629 was read the second time.

Representative Dent moved the adoption of amendment (1146):

On page 2, after line 21, insert the following:

"As the use of aerial imaging by state, local, and tribal governments becomes more prevalent, and pending the results of the study, the legislature finds that it is important for the office of the chief information officer to evaluate how aerial images are protected against data breaches and unauthorized disclosure, as well as how authorized users are identified for various types of aerial imagery used by state agencies, local governments, special purpose districts, and tribal governments. The legislature also finds that it is important for the office of the chief information officer to evaluate the range of privacy issues involved in aerial imaging and how the privacy rights of Washingtonians might best be protected as usage of aerial imaging by government proliferates."

Representatives Dent and Paul spoke in favor of the adoption of the amendment.

Representative Dye spoke against the adoption of the amendment.

Amendment (1146) was adopted.

Representative Klippert moved the adoption of amendment (1125):

On page 2, line 39, after "needed;" strike "and"

On page 3, after line 2, insert the following:

"(v) The circumstances in which state agencies, local governments, special purpose districts, and tribal governments must seek a court order to obtain or use aerial imaging data; and

(vi) The due process rights of individuals whose image appears in aerial imaging data obtained or used by state agencies, local governments, special purpose districts, or tribal governments;"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (1125) was not adopted.

Representative Dent moved the adoption of amendment (1138):

On page 3, line 17, after "imagery;" strike "and"

On page 3, line 18, after "(g)" insert "Include an evaluation of:

(i) How aerial images are protected against data breaches and unauthorized disclosure, including an assessment of how authorized users are identified for various types of aerial imagery used by state agencies, local governments, special purpose districts, and tribal governments; and

(ii) The range of privacy issues involved in aerial imaging and how the privacy rights of Washingtonians might best be protected as usage of aerial imaging by government proliferates; and

(h)"

With the consent of the House, Representative Dent withdrew amendment (1138).

Representative Boehnke moved the adoption of amendment (1127):

On page 3, line 27, after "(4)" insert "In conducting the study pursuant to this section, the department of commerce must also seek recommendations from the office of the chief information officer regarding ways in which the use of aerial imaging technology could be limited by state law to strike an appropriate balance between effective and efficient utilization for legitimate government purposes while doing no more imaging than is necessary and at no higher resolution than is necessary.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Boehnke and Paul spoke in favor of the adoption of the amendment.

Amendment (1127) was adopted.

The bill was ordered engrossed.

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

Representatives Dolan, Boehnke and Orcutt spoke in favor of the passage of the bill.

Representatives Kraft and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1629.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1629, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Corry, Dufault, Dye, Eslick, Gilday, Graham, Griffey, Harris-Talley, Hoff, Jacobsen, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1921, by Representatives Ramel, Boehnke, Fitzgibbon, Shewmake, Kloba and Young

Concerning the valuation of property related to renewable energy for the purposes of property tax and providing for a payment in lieu of taxes for renewable energy facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1921 was substituted for House Bill No. 1921 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1921 was read the second time.

Representative Ramel moved the adoption of striking amendment (1118):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 84.40 RCW to read as follows:

(1) It is the policy of this state to promote the development of renewable energy projects to support the state's renewable energy goals.

(2) The department must publish guidance, in cooperation with industry stakeholders, to advise county assessors when appraising renewable energy facilities for determining true and fair value, in accordance with RCW 84.40.030. This guidance must include a cost-based appraisal method, and the development of industry-specific valuation tables for the following types of renewable energy property:

(a) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate solar power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024;

(b) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate wind power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024; and

(c) A cost-based appraisal method and industry-specific valuation tables for equipment used to store electricity must be published by January 1, 2024, for property taxes levied for collection in calendar year 2025.

(3) County assessors must refer to this guidance, including cost-based appraisal method and industry-specific valuation tables, when valuing renewable energy property but may also consider one or more additional valuation methods in determining the true and fair value of a property when there is a compelling reason to do so.

(4) For the purposes of this section, "renewable energy property" means property that uses solar or wind energy as the sole fuel source for the generation of at least one megawatt of nameplate capacity, alternating current, and all other equipment and materials that comprise the property, including equipment used to store electricity from the property to be released at a later time. "Renewable energy property" does not include any equipment or materials attached to a single-family residential building."

Correct the title.

Representatives Ramel and Orcutt spoke in favor of the adoption of the striking amendment.

Striking amendment (1118) was adopted.

The bill was ordered engrossed.

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

Representatives Ramel, Boehnke, Orcutt and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1921.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1921, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1921, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1921.

Representative Dufault, 15th District

SECOND READING

HOUSE BILL NO. 1860, by Representatives Davis, Eslick, Callan, Jacobsen, Macri, Santos, Shewmake, Orwall, Tharinger, Simmons, Chopp, Bergquist and Valdez

Preventing homelessness among persons discharging from inpatient behavioral health settings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1860 was substituted for House Bill No. 1860 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1860 was read the second time.

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

Representatives Davis, Schmick and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1860.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1860, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Harris, Kraft, McCaslin, Sutherland, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1860, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1051, by Representatives Pollet, Leavitt, Shewmake, Kloba, Ryu, Chopp, Fitzgibbon, Ortiz-Self, Goodman, Valdez, Lovick, Frame, Santos, Macri, Stokesbary and Bergquist

Adding a faculty member to the board of regents at the research universities.

The bill was read the second time.

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

Representative Pollet spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1051.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1051, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Eslick, Graham, Hoff, Jacobsen, Klicker, Klippert, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

HOUSE BILL NO. 1051, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2050, by Representatives Harris-Talley, Goodman, Senn, Santos, Ormsby, Valdez, Macri, Frame, Ryu, Fitzgibbon, Bergquist, Ramel, Peterson, Simmons, Pollet and Wicks

Repealing requirements for parent payment of the cost of their child's support, treatment, and confinement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2050 was substituted for House Bill No. 2050 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2050 was read the second time.

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

Representatives Harris-Talley, Dent, Robertson, Jacobsen and Sutherland spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2050.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2050, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McCaslin, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Corry, Dufault, Dye, Gilday, Klicker, Kraft, MacEwen, Mosbrucker, Orcutt, Rude and Ybarra.

SUBSTITUTE HOUSE BILL NO. 2050, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2075, by Representatives Peterson, Fitzgibbon, Simmons, Morgan, Chopp, Walen, Macri and Sutherland

Establishing service requirements for the department of social and health services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2075 was substituted for House Bill No. 2075 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2075 was read the second time.

Representative Peterson moved the adoption of striking amendment (1021):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that establishing minimum service requirements for the department of social and health services

economic services administration's community services division is necessary due to the increase in call center wait times due to the closure of community services offices during the COVID-19 public health emergency, resulting in individuals being unable to access safety net programs administered by the department.

(2) The legislature intends to establish minimum service expectations and requirements to ensure that eligible individuals receive needed services through the department's community services offices. The legislature further intends to prohibit the department's community services division from imposing punitive measures against individuals when they have attempted to contact or access the community services office, per requirements to apply for and maintain their benefits, and are unable to connect due to long wait times over the phone or due to closure of the community services offices, to the extent allowable under federal and state law.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Minimum service expectations and requirements for the department's community services division are established.

(a) The community services division must ensure that clients may apply for and receive services in a reasonable and accessible manner that is suited to the clients' needs. This includes, but is not limited to, meeting client needs related to technology, language, and ability.

(b) Community services offices must be open for walk-in and in-person services during normal business hours.

(i) The community services division may not limit which clients are able to use walk-in and in-person services or limit which services may be accessed in community services offices.

(ii) The department retains the right to close an office for emergency, health, safety, and welfare issues.

(c) The community services division must maintain telephonic access to services.

(i) The community services division must strive to ensure that clients do not experience total call wait times that exceed 30 minutes.

(ii) The community services division must monitor the average wait time for client telephone calls per week, and include a measurement of all incoming calls, including dropped calls.

(iii) Beginning November 1, 2022, and annually thereafter, the department must report to the appropriate committees of the legislature and the governor in compliance with RCW 43.01.036 on the average wait time for client telephone calls per week, the measurement of all incoming calls, and the number of dropped calls, and the methodology the department uses to monitor the total wait times, the incoming calls, and the dropped calls.

(iv) By November 1, 2022, the department must provide to the legislature recommendations on achieving the goal of 30-minute call wait times, including recommendations on staffing, technology, and any other infrastructure needed to efficiently serve clients.

(2) Where a cash and food assistance applicant or recipient is negatively affected by excessive call wait times, dropped calls, or community services division office closures during normal business hours:

(a) The department must prioritize the processing of the applicant's application to the extent allowed under state and federal law; and

(b) The department may not take negative action to the extent allowed under state and federal law.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Peterson and Gilday spoke in favor of the adoption of the striking amendment.

Striking amendment (1021) was adopted.

The bill was ordered engrossed.

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

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2075.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2075, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1751, by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet

Concerning hazing prevention and reduction at institutions of higher education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1751 was substituted for House Bill No. 1751 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1751 was read the second time.

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

Representatives Leavitt, Chambers, Kraft and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1751.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1751, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

SECOND SUBSTITUTE HOUSE BILL NO. 1751, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2073, by Representatives Steele and Tharinger

Establishing the state capitol committee as an advisory entity of state government.

The bill was read the second time.

Representative Steele moved the adoption of striking amendment (1080):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.34.010 and 1997 c 279 s 1 are each amended to read as follows:

(1) The state capitol committee is established as an interbranch advisory committee of state government. The governor or the governor's designee, ((the lieutenant governor,)) the secretary of state, ((and the commissioner of public lands,)) two members of the state senate, and two members of the house of representatives, ex officio, shall constitute the ((state capitol)) committee. The members of the senate and house of representatives must be appointed by the president of the senate and the speaker of the house of representatives, respectively, from each of the two largest caucuses in the respective bodies.

(2) The committee shall:

(a) Make recommendations to the legislature and the governor that contribute to the attainment of architectural, historical, aesthetic, functional, and environmental excellence in design and maintenance of the state capitol public and historic facilities;

(b) Receive and share advice and recommendations from the work group; and

(c) Advise the department on amendments and modifications to the comprehensive plan for state capitol buildings and grounds created under RCW 79.24.530.

(3) The department shall provide staff support services to the committee.

NEW SECTION. Sec. 2. A new section is added to chapter 43.34 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the state capitol committee established in RCW 43.34.010.

(2) "Department" means the department of enterprise services.

(3) "Director" means the director of the department of enterprise services.

(4) "State capitol public and historic facilities" has the meaning in RCW 79.24.710.

(5) "Work group" means the entity established in RCW 43.34.080.

Sec. 3. RCW 43.34.015 and 1997 c 279 s 2 are each amended to read as follows:

~~The ((commissioner of public lands)) director shall ((be)) appoint a person to serve as the secretary of the state capitol committee((, but the committee may appoint a suitable person as acting secretary thereof, and fix his or her compensation)). ((However, all)) All records of the committee shall be filed ((in the office of the commissioner of public lands)) with the department.~~

Sec. 4. RCW 43.34.080 and 2013 2nd sp.s. c 19 s 7015 are each amended to read as follows:

(1) The capitol campus design technical advisory ((committee)) work group is established as an advisory group to the ((capitol)) committee and the director ((of enterprise services to review)). The work group assists the

committee by reviewing programs, planning, design, and landscaping of state capitol facilities and grounds and ~~((to make))~~ by making recommendations that ~~((will))~~ contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of ~~((capitol facilities on campus and located in neighboring communities))~~ state capitol public and historic facilities.

(2) The ~~((advisory committee))~~ work group shall consist of the following persons who shall be appointed by and serve at the pleasure of the director ~~((of enterprise services))~~:

(a) Two members must be architects;

(b) ~~((A))~~ One member must be a landscape architect; ~~((and))~~

(c) ~~((A))~~ One member must be an urban planner;

(d) One member must represent the department of enterprise services;

(e) One member must represent the department of archaeology and historic preservation; and

(f) One member must represent the Washington state arts commission.

(3) The director ~~((of enterprise services))~~ shall appoint the chair and vice chair and shall provide the staff and resources necessary for implementing this section. The ~~((advisory committee))~~ work group shall meet ~~((at least once every ninety days and at the call of the chair))~~ as often as necessary.

(4) The members of the ~~((committee))~~ work group shall be reimbursed as provided in RCW 43.03.220 and 44.04.120.

~~((3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.~~

~~((4))~~ (5) The ~~((advisory committee))~~ work group shall review plans and designs affecting state capitol public and historic facilities as they are developed. The ~~((advisory committee's))~~ work group's review shall include:

(a) ~~((The process of solicitation and selection of appropriate professional~~

~~design services including design build proposals;~~

~~((b))~~ Compliance with the capitol campus ~~((master))~~ comprehensive plan and design concepts ~~((as adopted by the capitol committee))~~ under RCW 79.24.530;

~~((e))~~ (b) The design, siting, and grouping of state capitol public and historic facilities relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns, and other factors;

~~((d))~~ (c) The relationship of overall state capitol facility planning to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

~~((e))~~ (d) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

~~((5) For development of the property known as the 1063 block, the committee may review the proposal selected by the department of enterprise services but must not propose changes that will affect the scope, budget, or schedule of the project.)~~

Sec. 5. RCW 43.34.090 and 2015 c 225 s 74 are each amended to read as follows:

(1) The legislature shall approve names for new or existing buildings on the state capitol grounds based upon recommendations from the ~~((state capitol))~~ committee and the director ~~((of the department of enterprise services))~~, with the advice of the ~~((capitol campus design advisory committee))~~ work group, subject to the following limitations:

(a) An existing building may be renamed only after a substantial renovation or a change in the predominant tenant agency headquartered in the building.

(b) A new or existing building may be named or renamed after:

(i) An individual who has played a significant role in Washington history;

(ii) The purpose of the building;

(iii) The single or predominant tenant agency headquartered in the building;

(iv) A significant place name or natural place in Washington;

(v) A Native American tribe located in Washington;

(vi) A group of people or type of person;

(vii) Any other appropriate person consistent with this section as recommended by the director (~~(of the department of enterprise services)~~).

(c) The names on the facades of the state capitol group shall not be removed.

(2) The legislature shall approve names for new or existing public rooms or spaces on the west capitol campus based upon recommendations from the (~~(state capitol)~~) committee and the director (~~(of the department of enterprise services, with the advice of the capitol campus design advisory committee)~~), subject to the following limitations:

(a) An existing room or space may be renamed only after a substantial renovation;

(b) A new or existing room or space may be named or renamed only after:

(i) An individual who has played a significant role in Washington history;

(ii) The purpose of the room or space;

(iii) A significant place name or natural place in Washington;

(iv) A Native American tribe located in Washington;

(v) A group of people or type of person;

(vi) Any other appropriate person consistent with this section as recommended by the director (~~(of the department of enterprise services)~~).

(3) When naming or renaming buildings, rooms, and spaces under this section, consideration must be given to: (a) Any disparity that exists with respect to the gender of persons after whom buildings, rooms, and spaces are named on the state capitol grounds; (b) the diversity of human achievement; and (c) the diversity of the state's citizenry and history.

(4) For purposes of this section, "state capitol grounds" means buildings and land owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, the north capitol

campus, the Tumwater campus, the Lacey campus, Sylvester Park, Centennial Park, the Old Capitol Building, and Capitol Lake.

Sec. 6. RCW 79.24.030 and 2013 c 23 s 260 are each amended to read as follows:

The board of natural resources and the department of natural resources may employ such cruisers, drafters, engineers, architects, or other assistants as may be necessary for the best interests of the state in carrying out the provisions of RCW 79.24.010 through (~~(79.24.085, and all expenses incurred by the board and department, and all claims against the capitol building construction account shall be audited by the department and presented in vouchers to the state treasurer, who shall draw a warrant therefor against the capitol building construction account as herein provided or out of any appropriation made for such purpose)~~) 79.24.060 regarding management of trust lands.

Sec. 7. RCW 79.24.060 and 1985 c 57 s 77 are each amended to read as follows:

The proceeds of such sale of capitol building lands, (~~(or)~~) and the timber or other materials, shall be paid into the capitol building construction account which is hereby established in the state treasury to be used (~~(as in this act provided. All contracts for the construction of capitol buildings shall be let after notice for proposals or bids have been advertised for at least four consecutive weeks in at least three newspapers of general circulation throughout the state)~~) for purposes of state capitol buildings as granted to the state of Washington by the United States pursuant to an act of Congress approved February 22, 1889, for capitol building purposes.

Sec. 8. RCW 79.24.087 and 2005 c 330 s 7 are each amended to read as follows:

All revenues received from leases and sales of lands, timber, and other products on the surface or beneath the surface of the lands granted to the state of Washington by the United States pursuant to an act of Congress approved February 22, 1889, for capitol building purposes, shall be paid into the "capitol building construction account." Available revenues in this account shall first be (~~(pledged to)~~) appropriated for state capitol public and historic facilities as defined under RCW 79.24.710.

Sec. 9. RCW 79.24.300 and 2015 c 225 s 117 are each amended to read as follows:

~~((The state capitol committee))~~
Subject to legislative appropriation, the department of enterprise services may construct parking facilities for the state capitol adequate to provide parking space for automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The
~~((state capitol committee))~~ department of enterprise services may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the committee may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. ((In selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of enterprise services.))

Space in parking facilities may be rented to the officers and employees of the state on a monthly basis at a rental to be determined by the director of enterprise services. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment, except that the department of enterprise services may operate electric vehicle supply equipment for electric vehicles authorized to park in its lots.

Sec. 10. RCW 79.24.530 and 2015 c 225 s 118 are each amended to read as follows:

The department of enterprise services shall develop, amend, and modify ~~((an overall))~~ as needed a comprehensive plan for the design and establishment of state capitol buildings and grounds ((on the east capitol site)) in accordance with current and prospective requisites of a state capitol befitting the state of Washington. ((The overall plan, amendments and modifications thereto shall be subject to the approval of the state capitol committee.))

Sec. 11. RCW 79.24.560 and 2015 c 225 s 120 are each amended to read as follows:

The department of enterprise services shall have the power to rent, lease, or otherwise use any of the properties ~~((acquired in the east capitol site))~~ of the state capitol public and historic facilities as defined in RCW 79.24.710, consistent with the assignment or provision of the properties for use by the legislature, state agencies, state officials, and the supreme court.

Sec. 12. RCW 79.24.570 and 2015 c 225 s 121 are each amended to read as follows:

All moneys received by the department of enterprise services from the management of the ~~((east))~~ capitol ((site)) campus, excepting (1) funds otherwise dedicated prior to April 28, 1967, (2) parking and rental charges and fines which are required to be deposited in other accounts, and (3) reimbursements of service and other utility charges made to the department of enterprise services, shall be deposited in the capitol purchase and development account ((of the state general fund)).

Sec. 13. RCW 79.24.650 and 1969 ex.s. c 272 s 1 are each amended to read as follows:

~~((The state capitol committee))~~
Consistent with appropriations and in accordance with RCW 43.19.125, the department of enterprise services shall provide for the construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined by the department of enterprise services, with advice from the state capitol committee to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office space and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary((, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the facilities for which the bonds were issued and six months thereafter)).

Sec. 14. RCW 43.17.070 and 1982 c 40 s 8 are each amended to read as follows:

There ~~((shall be))~~ is an administrative committee~~((s))~~ of the state government, which shall be known as~~((1) The))~~ the state finance committee ~~((and (2) the state capitol committee)).~~

Sec. 15. RCW 79.24.710 and 2015 c 225 s 123 are each amended to read as follows:

For the purposes of RCW 79.24.720, 79.24.730, 43.01.090, 43.19.500, and 79.24.087, "state capitol public and historic facilities" ~~((includes))~~ means:

(1) The east, west and north capitol campus grounds, Sylvester park, Heritage park, Marathon park, Centennial park, the Deschutes river basin commonly known as Capitol lake, the interpretive center, Deschutes parkway, and the landscape, memorials, artwork, fountains, streets, sidewalks, lighting, and infrastructure in each of these areas not including state-owned aquatic lands in these areas managed by the department of natural resources under RCW 79.105.010; and

(2) The public spaces and the historic interior and exterior elements of the following buildings: The visitor center, the Governor's mansion, the legislative building, the John L. O'Brien building, the Cherberg building, the Newhouse building, the Pritchard building, the temple of justice, the insurance building, the Dolliver building, capitol court, and the old capitol buildings, including the historic state-owned furnishings and works of art commissioned for or original to these buildings~~((and~~

~~((3) Other facilities or elements of facilities as determined by the state capitol committee, in consultation with the department of enterprise services)).~~

Sec. 16. RCW 79.24.720 and 2015 c 225 s 124 are each amended to read as follows:

The department of enterprise services is responsible for the stewardship, preservation, operation, and maintenance of the public and historic facilities of the state capitol, ~~((subject to the policy direction of))~~ in consultation with the state capitol committee ~~((and the guidance of the capitol campus design advisory committee)).~~ In administering this responsibility, the department shall:

(1) Apply the United States secretary of the interior's standards for the treatment of historic properties;

(2) Seek to balance the functional requirements of state government operations with public access and the long-term preservation needs of the properties themselves; and

(3) Consult with the capitol furnishings preservation committee, the state historic preservation officer, the state arts commission, and the state facilities accessibility advisory committee in fulfilling the responsibilities provided for in this section.

Sec. 17. RCW 47.02.010 and 1984 c 7 s 83 are each amended to read as follows:

The department is authorized in accordance with the provisions of this chapter and RCW ~~((79.24.500))~~ 79.24.530 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories, and facilities on the east capitol site for the use of the commission and the department and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests, or grants or by such additional funds as the legislature may provide.

Sec. 18. RCW 79.24.600 and 1961 c 167 s 11 are each amended to read as follows:

If any provision of RCW ~~((79.24.500))~~ 79.24.530 through 79.24.590, or its application to any person or circumstance is held invalid, the remainder of RCW ~~((79.24.500))~~ 79.24.530 through 79.24.590, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) RCW 43.34.040 (Buildings—Erection—Improvements) and 1965 c 8 s 43.34.040;

(2) RCW 43.82.020 (Approval by capitol committee when real estate located in Thurston county) and 1965 c 8 s 43.82.020;

(3) RCW 79.24.085 (Disposition of money from sales) and 1985 c 57 s 78, 1959 c 257 s 46, & 1909 c 69 s 8;

(4) RCW 79.24.310 (Number and location of facilities) and 1955 c 293 s 2;

(5)RCW 79.24.320 (Appropriations—Parking facilities, laboratories) and 1955 c 293 s 3;

(6)RCW 79.24.330 (Purchase of land for parking facilities authorized) and 1957 c 257 s 1;

(7)RCW 79.24.340 (Purchase of land for parking facilities authorized—Construction of one-level facility) and 1957 c 257 s 2;

(8)RCW 79.24.400 (Sylvester Park—Grant authorized) and 1955 c 216 s 1;

(9)RCW 79.24.410 (Sylvester Park—Subsurface parking facility) and 1955 c 216 s 2;

(10)RCW 79.24.450 (Access to capitol grounds on described route authorized) and 1957 c 258 s 1;

(11)RCW 79.24.500 (Property described) and 1967 ex.s. c 43 s 1 & 1961 c 167 s 1;

(12)RCW 79.24.510 (Area designated as the east capitol site) and 1961 c 167 s 2;

(13)RCW 79.24.520 (Acquisition of property authorized—Means—Other state agencies to assist committee in executing chapter) and 1961 c 167 s 3;

(14)RCW 79.24.540 (State agencies may buy land and construct buildings thereon—Requirements) and 2015 c 225 s 119 & 1961 c 167 s 5; and

(15)RCW 79.24.550 (State buildings to be constructed only on capitol grounds—Exception) and 1961 c 167 s 6.

NEW SECTION. Sec. 20. RCW 79.24.300 is recodified as a section in chapter 43.19 RCW."

Correct the title.

Representatives Steele and Tharinger spoke in favor of the adoption of the striking amendment.

Striking amendment (1080) was adopted.

The bill was ordered engrossed.

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

Representatives Steele and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2073.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2073, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 2073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1181, by Representatives Orwall, Boehnke, Callan, Leavitt, Davis, Dolan, Valdez, Young, Riccelli, Lekanoff, Barkis, Peterson, Shewmake, Bronoske, Macri and Morgan

Establishing programs and measures to prevent suicide among veterans and military members.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1181 was substituted for House Bill No. 1181 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1181 was read the second time.

Representative Abbarno moved the adoption of amendment (1019):

On page 9, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 39.04 RCW to read as follows:

(1)(a) For any building, bridge, ferry, or park being constructed or replaced after July 1, 2024, as a public works project, there must be installed in

appropriate locations signs displaying the 988 national suicide prevention and mental health crisis hotline.

(b) The public body as defined in RCW 39.10.210 in control of a public works project in this subsection must decide where signs under this section would be physically feasible and appropriate. The following facilities are recommended to have such signs:

(i) Bridges where suicides by jumping have occurred or are likely to occur; and

(ii) Locations that provide services to people that have high incidence of suicide or mental health conditions that would benefit from knowing about the hotline.

(c) The signs must be designed to communicate that dialing 988 on a telephone will connect callers to behavioral health and suicide prevention services as provided in accordance with state and federal laws governing the 988 number.

(d) If a sign is located along a state highway or the interstate system, the department of transportation must approve the location prior to erecting the sign, but no permit is necessary.

(e) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs.

(2) Nothing contained in this section shall be construed as conferring a right of action in cases where no right of action exists independent of this section. This section is not intended to create a private right of action by any party or be used to impose liability on the public body if a sign has or has not been posted on the premises of the public facility or in any particular location recommended in this section.

(3) The public body may accept gifts or donations to pay for the creation, installation, or maintenance of signs under this section.

NEW SECTION. Sec. 12. Section 11 of this act takes effect July 1, 2024."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Abbarno and Orwall spoke in favor of the adoption of the amendment.

Amendment (1019) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Boehnke and Leavitt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Chandler.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1784, by Representative Thai

Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices.

The bill was read the second time.

Representative Ramos moved the adoption of amendment (895):

On page 3, line 5, after "The" strike "temporary"

On page 3, line 6, after "(b)(ii)" insert "or (b)(iv)"

On page 3, after line 13, insert the following:

"(iv) If the applicable requirements of (b)(iii) of this subsection are met, the display of a single license plate attached to a trailer in accordance with (a)(ii) of this subsection and meeting any applicable trailer license plate requirements under this chapter may be obstructed by a device for transporting a forklift used for product delivery purposes. For purposes of license plate visibility, the single trailer license plate obstructed by a device for carrying a forklift may be relocated on the trailer or the towing vehicle to a position that is more than four feet from the ground."

Correct any internal references accordingly.

Representatives Ramos and Barkis spoke in favor of the adoption of the amendment.

Amendment (895) was adopted.

The bill was ordered engrossed.

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

Representatives Thai, Barkis and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1784.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1784, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu,

Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1784, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1931, by Representative Fey

Sustaining hydropower license fees.

The bill was read the second time.

Representative Fey moved the adoption of amendment (969):

On page 3, after line 12, insert the following:

"(d) The fees required in (b) of this subsection expire June 30, 2029. The biennial program reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection."

Representatives Fey and Robertson spoke in favor of the adoption of the amendment.

Amendment (969) was adopted.

The bill was ordered engrossed.

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

Representatives Fey, Dye, Corry, Boehnke, Kraft and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1931.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1931, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Orcutt.

Excused: Representative Chandler.

ENGROSSED HOUSE BILL NO. 1931, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1736, by Representatives Sullivan, Slatter, Leavitt, Valdez, Walen, Goodman, Gregerson, Ramel, Santos, Wylie, Paul, Simmons, Chopp, Bergquist, Pollet, Johnson, J., Riccelli, Ormsby and Frame

Establishing a state student loan program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1736 was substituted for House Bill No. 1736 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1736 was read the second time.

Representative Sullivan moved the adoption of amendment (1139):

On page 4, beginning on line 24, strike all of subsection 3

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 19, after "with" strike "a credit union as defined in RCW 31.12.005" and insert "one or more state-based financial institutions regulated by either chapter 31.12 RCW or chapter 30A.04 RCW"

Representatives Sullivan and Hoff spoke in favor of the adoption of the amendment.

Amendment (1139) was adopted.

Representative Jacobsen moved the adoption of amendment (1140):

On page 4, beginning on line 37, after "program" strike all material through "balance" on page 5, line 7 and insert

"using a standard loan repayment plan with a 10 year repayment period"

Representatives Jacobsen and Hoff spoke in favor of the adoption of the amendment.

Representative Slatter spoke against the adoption of the amendment.

Amendment (1140) was not adopted.

The bill was ordered engrossed.

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

Representatives Sullivan, Hoff, Slatter, Orwall, Bergquist, Wylie, Hansen, Pollet and Paul spoke in favor of the passage of the bill.

Representatives McEntire and Stokesbary spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1736.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1736, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 16, 2022, the 38th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 16, 2022

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

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

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

MESSAGES FROM THE SENATE

February 15, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5411,
 SENATE BILL NO. 5545,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5599,
 SECOND SUBSTITUTE SENATE BILL NO. 5643,
 SUBSTITUTE SENATE BILL NO. 5652,
 SENATE BILL NO. 5715,
 SUBSTITUTE SENATE BILL NO. 5762,
 SUBSTITUTE SENATE BILL NO. 5791,
 SENATE BILL NO. 5817,
 SUBSTITUTE SENATE BILL NO. 5818,
 SENATE BILL NO. 5823,
 SENATE BILL NO. 5825,
 SUBSTITUTE SENATE BILL NO. 5839,
 SENATE BILL NO. 5844,
 SENATE BILL NO. 5909,
 SUBSTITUTE SENATE BILL NO. 5964,
 SENATE BILL NO. 5972,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 15, 2022

Mme. SPEAKER:

The Senate has adopted:

SENATE JOINT MEMORIAL NO. 8006,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

SB 5585 by Senators Rolfes and Das

AN ACT Relating to setting domestic wastewater discharge fees; reenacting and amending RCW 90.48.465; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

SSB 5590 by Senate Committee on Environment, Energy & Technology (originally sponsored by Wagoner, Das, Lovelett, Mullet and Rolfes)

AN ACT Relating to eliminating the 2022 expiration date of the marine resources advisory council; amending RCW 43.06.338; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

E2SSB 5600 by Senate Committee on Ways & Means (originally sponsored by Keiser, Holy, Conway, Das, Dhingra, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Randall, Rivers, Robinson, Saldaña, Salomon, Stanford, Trudeau, Wagoner, Warnick, Wellman and Wilson, C.)

AN ACT Relating to the sustainability and expansion of state registered apprenticeship programs; amending RCW 49.04.050; adding new sections to chapter 49.04 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

SSB 5626 by Senate Committee on Environment, Energy & Technology (originally sponsored by Rolfes, Frockt, Lovelett, Lovick, Nguyen, Randall and Stanford)

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SSB 5644 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Wagoner and Frockt)

AN ACT Relating to providing quality behavioral health co-response services; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

2SSB 5649 by Senate Committee on Ways & Means (originally sponsored by Robinson, Conway, Lovick, Randall and Wilson, C.)

AN ACT Relating to modifying the Washington state paid family and medical leave act; amending RCW 50A.05.010, 50A.05.090, 50A.15.020, 50A.25.020, 50A.15.040, 50A.05.050, 44.44.040, and 50A.25.070; adding new sections to chapter 50A.05 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5662 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Trudeau, Hasegawa, Lovelett, Nguyen, Saldaña, Stanford and Wilson, C.)

AN ACT Relating to intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.185C RCW; adding new sections to chapter 43.131 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5678 by Senate Committee on Environment, Energy & Technology (originally sponsored by Short, Carlyle, Frockt and Mullet)

AN ACT Relating to energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders; and adding new sections to chapter 19.405 RCW.

Referred to Committee on Environment & Energy.

2SSB 5695 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C.)

AN ACT Relating to a body scanner pilot program at the department of corrections; adding a new section to chapter 72.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5701 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Frockt, Hasegawa, Nobles and Wilson, C.)

AN ACT Relating to determining monthly wages for workers' compensation; amending RCW 51.08.178; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5702 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Lovelett, Lovick, Nguyen, Nobles, Randall, Saldaña, Stanford, Van De Wege and Wilson, C.)

AN ACT Relating to requiring coverage for donor human milk; amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

2SSB 5703 by Senate Committee on Ways & Means (originally sponsored by Das, Cleveland, Kuderer, Lovelett, Nobles, Randall, Robinson, Rolfes, Saldaña, Stanford, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to the use of toxic chemicals in cosmetic products; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5722 by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Liias, Lovelett, Nobles, Pedersen, Saldaña and Stanford)

AN ACT Relating to reducing greenhouse gas emissions in buildings; amending RCW 19.27A.200, 19.27A.220, and 19.27A.230; adding a new section to chapter 19.27A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5723 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers, Keiser and Lovick)

AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Appropriations.

SSB 5745 by Senate Committee on Ways & Means (originally sponsored by Liias, Keiser, Conway, Nobles and Wilson, C.)

AN ACT Relating to increasing the personal needs allowance for persons receiving state financed care; and amending RCW 74.09.340.

Referred to Committee on Health Care & Wellness.

SSB 5765 by Senate Committee on Health & Long Term Care (originally sponsored by Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

AN ACT Relating to the practice of midwifery; and amending RCW 18.50.005, 18.50.010, 18.50.040, 18.50.102, 18.50.108, and 18.50.115.

Referred to Committee on Health Care & Wellness.

SB 5771 by Senators Holy, Randall, Carlyle, Lovick, Nobles and Wilson, C.

AN ACT Relating to including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010 and 43.88C.050; and creating a new section.

Referred to Committee on Appropriations.

SSB 5783 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Conway, Hasegawa, Hunt, Keiser, Kuderer, Mullet, Stanford and Van De Wege)

AN ACT Relating to reestablishing the underground economy task force; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SSB 5790 by Senate Committee on Ways & Means (originally sponsored by Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short and Wilson, L.)

AN ACT Relating to strengthening critical community support services for individuals with intellectual and developmental disabilities; amending RCW 74.29.020, 74.29.037, 74.29.050, 74.29.080, and 28A.155.220; reenacting and amending RCW 74.29.010; and adding a new section to chapter 74.29 RCW.

Referred to Committee on Appropriations.

E2SSB 5796 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Stanford, Keiser, Lias and Wilson, C.)

AN ACT Relating to restructuring cannabis revenue appropriations to provide transparency and accountability and to increase community infrastructure and investment; amending RCW 69.50.530 and 69.50.540; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Appropriations.

2SSB 5807 by Senate Committee on Ways & Means (originally sponsored by Warnick and Dhingra)

AN ACT Relating to improving behavioral health outcomes for adults and children by enhancing engagement of state hospitals with the patients, their family members, and natural supports; amending RCW 72.23.010, 72.23.020, 72.23.025, 72.23.170, and 72.23.200; and adding new sections to chapter 72.23 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 5815 by Senate Committee on Transportation (originally sponsored by Cleveland, Saldaña, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Lovick, Nobles, Trudeau and Wilson, C.)

AN ACT Relating to implementing an identicard program to provide individuals a Washington state-issued identicard; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESB 5832 by Senators Das, Fortunato, Dhingra, Keiser, Kuderer, Lovelett, Nobles, Salomon, Wagoner and Wilson, C.

AN ACT Relating to expanding the multifamily tax exemption program to include converting existing multifamily units; and amending RCW 84.14.010 and 84.14.020.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5848 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Keiser, Conway, Lovick, Muzzall, Nobles, Robinson and Wilson, C.)

AN ACT Relating to licensure for music therapists; amending RCW 18.120.020, 18.120.020, 18.130.040, and 18.130.040; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5860 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier and Schoesler)

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; adding a new section to chapter 90.44 RCW; and creating a new section.

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

E2SSB 5885 by Senate Committee on Ways & Means (originally sponsored by Salomon, Stanford, Hasegawa, Keiser, Lovelett, Nobles and Rolfes)

AN ACT Relating to marine shoreline habitat; amending RCW 77.55.231; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Appropriations.

SSB 5890 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Dhingra, Hasegawa, Kuderer, Lovick, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

AN ACT Relating to clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility; amending RCW 51.32.187; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

SSB 5900 by Senate Committee on Health & Long Term Care (originally sponsored by Van De Wege, Keiser, Conway, Hasegawa, Lovick, Randall and Saldaña)

AN ACT Relating to creating a provisional certification for emergency medical services providers under chapters 18.71 and 18.73 RCW; amending RCW 18.73.081 and 18.71.205; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5910 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña and Stanford)

AN ACT Relating to accelerating the availability and use of renewable hydrogen in Washington state; amending RCW 80.50.020, 54.04.190, and 35.92.050; adding new sections to chapter 43.330 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5920 by Senate Committee on Law & Justice (originally sponsored by Warnick)

AN ACT Relating to parenting plans; amending RCW 26.09.260; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SENATE BILL NO. 5832 which was referred to the committee on Finance.

The Speaker assumed the chair.

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

The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by the Speaker's Attorney Christine Kilduff.

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

MESSAGES FROM THE SENATE

February 15, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5593,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5758,
ENGROSSED SENATE BILL NO. 5800,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 15, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5974,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

MOTION

There being no objection, the Committee on Health Care & Wellness was relieved of SUBSTITUTE SENATE BILL NO. 5745, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 9:50 a.m., February 17, 2022, the 39th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 17, 2022

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

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

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

INTRODUCTION & FIRST READING

SSB 5411 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Stanford)

AN ACT Relating to establishing a programmatic safe harbor agreement on forestlands for northern spotted owls; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Appropriations.

SB 5545 by Senators Wagoner, Conway, Dhingra, Lovick, Mullet, Short and Wilson, J.

AN ACT Relating to survivor benefits; and amending RCW 28B.15.621.

Referred to Committee on College & Workforce Development.

ESSB 5593 by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Gildon, Hasegawa and Mullet)

AN ACT Relating to urban growth area boundaries; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Local Government.

ESSB 5599 by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Saldaña, Keiser, Conway, Das, Hasegawa, Lias, Nobles and Wilson, C.)

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; creating a new section; repealing RCW 19.28.195; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

2SSB 5643 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Braun, Dozier, Rivers, Short, Wagoner and Wellman)

AN ACT Relating to supporting youth development; amending RCW 15.76.110, 15.76.115, 15.76.140, and 15.76.150; adding a new section to chapter 15.76 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5652 by Senate Committee on Ways & Means (originally sponsored by Conway, Rivers, Lovick, Mullet, Muzzall, Nobles, Short, Van De Wege, Wagoner and Wilson, C.)

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; amending RCW 41.26.420, 41.26.463, 41.45.155, 41.45.158, 41.45.0604, and 41.26.802; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5715 by Senators Wellman, Sheldon, Randall and Wilson, C.

AN ACT Relating to modifying the definition of broadband or broadband service; amending RCW 43.330.530; and creating a new section.

Referred to Committee on Community & Economic Development.

ESSB 5758 by Senate Committee on Housing & Local Government (originally sponsored by Gildon and Rivers)

AN ACT Relating to condominium conversions; amending RCW 43.185B.020; adding a new section to chapter 43.180 RCW; and creating new sections.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5762 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wagoner, Lovick and Nobles)

AN ACT Relating to creating the purple star award; adding a new section to chapter 28A.625 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5791 by Senate Committee on Ways & Means
(originally sponsored by Schoesler and Short)

AN ACT Relating to law enforcement officers' and firefighters' retirement system benefits; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

ESB 5800 by Senators Schoesler, Padden and Rolfes

AN ACT Relating to modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 14.08.122, 19.02.115, 82.02.210, 82.04.299, 82.08.025661, 82.08.820, 82.08.9997, 82.12.02685, 82.12.820, 82.12.9997, 82.32.330, 82.32.534, 82.32.790, 82.62.030, and 84.52.065; and creating a new section.

Referred to Committee on Finance.

SB 5817 by Senators Frockt, Dhingra, Liias and Stanford

AN ACT Relating to restricting the use of synthetic media in campaigns for elective office; amending RCW 42.17A.005 and 42.17A.340; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5818 by Senate Committee on Housing & Local Government (originally sponsored by Salomon, Liias, Kuderer, Saldaña and Short)

AN ACT Relating to promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act; amending RCW 36.70A.600, 36.70A.070, 43.21C.495, and 43.21C.501; adding a new section to chapter 43.21C RCW; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

SB 5823 by Senators Das, Robinson, Keiser, Kuderer, Nguyen and Nobles

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Finance.

SB 5825 by Senators Kuderer, Das, Lovelett, Nobles and Wilson, C.

AN ACT Relating to establishing a rental and vacant property registration program work group; creating new sections; and providing an expiration date.

Referred to Committee on Housing, Human Services & Veterans.

SSB 5839 by Senate Committee on Law & Justice
(originally sponsored by Padden, Van De Wege, Wagoner and Wilson, L.)

AN ACT Relating to creating the crime of interfering with a firefighter or emergency medical services provider; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

SB 5844 by Senators Liias, Holy, Lovick, Nobles and Wilson, C.

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350 and 28B.50.330.

Referred to Committee on Capital Budget.

SB 5909 by Senators Randall, Van De Wege, Carlyle, Conway, Hunt, Mullet, Rolfes and Stanford

AN ACT Relating to legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts; amending RCW 43.06.210, 43.06.220, and 43.79.270; and adding a new chapter to Title 44 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5964 by Senate Committee on Ways & Means
(originally sponsored by Mullet, Kuderer, Gildon and Saldaña)

AN ACT Relating to consolidated local permit review processes; amending RCW 36.70B.140; and adding new sections to chapter 36.70B RCW.

Referred to Committee on Appropriations.

SB 5972 by Senators Warnick and Van De Wege

AN ACT Relating to extending the expiration date of a statute dealing with wildlife conflict resolution; and amending 2017 c 246 s 4 and 2018 c 214 ss 3 and 4 (uncodified).

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

ESSB 5974 by Senate Committee on Transportation
(originally sponsored by Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett,

Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to transportation resources; amending RCW 70A.65.240, 70A.65.030, 70A.65.040, 82.38.020, 82.38.030, 82.38.035, 82.38.180, 82.42.020, 46.17.200, 46.17.120, 46.17.400, 46.52.130, 46.17.015, 46.17.025, 46.20.200, 46.68.041, 46.70.180, 82.32.385, 82.08.993, 82.12.817, 82.08.9999, 82.12.9999, 82.04.4496, 82.16.0496, 82.08.816, 82.12.816, 82.70.040, 82.70.050, 82.21.030, 43.84.092, 43.84.092, 82.47.020, 35.21.870, 36.73.065, 82.14.0455, 70A.535.010, 70A.535.030, 70A.535.040, 70A.535.050, 70A.535.120, 46.63.170, 46.63.170, 70A.65.230, and 46.68.480; amending 2020 c 224 s 3 (uncodified); reenacting and amending RCW 46.20.202; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 70A.535 RCW; adding new sections to chapter 47.66 RCW; adding new sections to chapter 47.04 RCW; adding a new section to chapter 47.24 RCW; adding new sections to chapter 47.60 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70A.535.020; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8006 by Senators Hasegawa, Hunt, Nguyen, Saldaña and Stanford

Concerning a national infrastructure bank.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE BILL NO. 5972 which was referred to the committee on State Government & Tribal Relations.

There being no objection, the House adjourned until 9:55 a.m., February 18, 2022, the 40th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 18, 2022

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

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

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

MOTIONS

There being no objection, the Committee on Health Care & Wellness was relieved of SECOND SUBSTITUTE SENATE BILL NO. 5736, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Health Care & Wellness was relieved of SENATE BILL NO. 5596, and the bill was referred to the Committee on Civil Rights & Judiciary.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

The Clerk called the roll and a quorum was present.

The flags were presented by the Nisei Veterans Committee. Seattle Buddhist Church Boy Scout Troop 252 led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Taijo Imanaka, Head Priest, Seattle Koyasan Buddhist Temple, Washington.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4645, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island, Washington less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup, where hastily converted horse stables housed the evacuated families; and

WHEREAS, These detention centers were temporary quarters for the evacuees while the United States military department constructed ten mass incarceration sites for Japanese Americans located in remote inland areas of the United States; and

WHEREAS, This drastic policy of removal and relocation allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the

incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets; experienced immeasurable physical and psychological harm as individuals and collectively as a community; and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives pause to acknowledge the 80th anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans,

incarcerees, and civil rights activists from the State of Washington; and to reflect on, and honor, the lessons, blessings, and responsibilities of the phrase ". . .with liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Santos moved adoption of HOUSE RESOLUTION NO. 4645.

Representatives Santos, Gilday, Stonier and Corry spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4645 was adopted.

There being no objection, the House adjourned until 8:00 a.m., February 21, 2022, the 43rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 21, 2022

The House was called to order at 8:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by former House Counsel and current Chief Clerk of the Oregon House of Representatives, Tim Sekerak.

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4648, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, On the third Monday of February, Washington state joins the nation in recognizing and honoring the lives of all presidents who served our country and fought for the freedom granted in the Constitution; and

WHEREAS, Originally established in 1855 to celebrate the birth of the first president, George Washington, Presidents' Day continues to be celebrated in the year 2022; and

WHEREAS, George Washington demonstrated valor, resilience, and tenacity while he led the Continental Army to victory in the Revolutionary War, ratified the Constitution, and helped found the United States of America on the principle of freedom for all; and

WHEREAS, Abraham Lincoln exemplified diligence as he led the Union in the Civil War, wrote the Emancipation Proclamation to put an end to slavery, and gave the pivotal Gettysburg Address; and

WHEREAS, Franklin D. Roosevelt, the 32nd president of the United States of America, brought stability back to a nation in economic turmoil, and rallied the nation to come to

the aid of democracy and freedom during World War Two; and

WHEREAS, The office of the president of the United States is and will continue to be a symbol of hope, justice, and unity; and

WHEREAS, Presidents' Day honors all the leaders who have devoted their lives to serving our great nation by upholding and defending the Constitution and our common values;

NOW, THEREFORE, BE IT RESOLVED, That on this 21st day of February 2022, the House of Representatives memorialize the contributions all our great presidents have made to the notion of equality, opportunity, and democracy.

Representatives Senn and Jacobsen spoke in favor of adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4648 was adopted.

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

INTRODUCTION & FIRST READING

HB 2122 by Representative Kloba

AN ACT Relating to protecting consumers from untested and unregulated cannabinoid products by expanding agency regulatory authority over cannabinoids that may be impairing, modifying definitions in the uniform controlled substances act, prohibiting the sale of certain cannabinoid products except by licensed cannabis businesses, regulating the use of additives in cannabis products, requiring product testing and disclosures, prohibiting the manufacture and sale of artificial cannabinoids, requiring agency rules before the manufacture and sale of synthetically derived cannabinoids, prohibiting artificial cannabinoids and synthetically derived cannabinoids in products labeled as compliant with department of health product standards and available for an existing sales and use tax exemption, and establishing a temporary license fee surcharge on certain licensees of the liquor and cannabis board to fund enforcement related to sales of cannabinoid products that may be impairing or are marketed as impairing; amending RCW 69.50.325, 69.50.326, 69.50.342, 69.50.363, 69.50.455, 69.50.375, 82.08.9998, 82.12.9998, 66.24.360, 70.345.050, 82.24.510, 82.24.530, and 82.26.170; reenacting and amending RCW 69.50.101;

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

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

February 17, 2022

HB 1792 Prime Sponsor, Representative Ramel: Expanding the production, distribution, and use of hydrogen not produced from a fossil fuel feedstock. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1846 Prime Sponsor, Representative Berg: Providing a tax preference for rural and nonrural data centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1864 Prime Sponsor, Representative Boehnke: Concerning economic development through advanced technology leadership

and security. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Orwall; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Ramel.

MINORITY recommendation: Do not pass. Signed by Representative Morgan.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1914 Prime Sponsor, Representative Riccelli: Updating and expanding the motion picture competitiveness program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

February 17, 2022

HB 1988 Prime Sponsor, Representative Shewmake: Concerning tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Vick and Young.

Referred to Committee on Appropriations.

February 17, 2022

February 17, 2022

HB 1990 Prime Sponsor, Representative Duerr: Concerning a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Transportation.

February 17, 2022

HB 2018 Prime Sponsor, Representative Paul: Creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Morgan; Orwall; Ramel; Springer; Thai; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Walen, Vice Chair; Dufault, Assistant Ranking Minority Member; Harris-Talley; Stokesbary and Young.

Referred to Committee on Appropriations.

February 17, 2022

HB 2024 Prime Sponsor, Representative Fey: Concerning a sales and use tax deferral for projects to improve the state route number 520 corridor. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

SB 5002 Prime Sponsor, Senator Hunt: Addressing the state auditor's duties and procedures. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.185 and 1995 c 301 s 8 are each amended to read as follows:

State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity. The state auditor must adopt policies as necessary to implement this section.

Sec. 2. RCW 43.09.230 and 2021 c 122 s 6 are each amended to read as follows:

(1) As used in this section:

(a) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, special districts as defined in RCW 85.38.010, lake and beach management districts, conservation districts, and irrigation districts.

(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

(2) The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year. The state auditor may allow local governments a thirty-day extension for filing annual fiscal reports if the governor has

declared an emergency pursuant to RCW 43.06.210.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (a) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; (b) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; and (c) a classified statement of all receipts and expenditures by any public institution (~~and (d) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement~~); together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

(3)(a)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the legislative authority of a county if any special purpose districts, located wholly or partially within the county, have been determined to be unauditible. If the boundaries of the special purpose district are located within more than one county, the state auditor must notify all legislative authorities of the counties within which the boundaries of the special purpose district lie.

(ii) If a county has been notified as provided in (a)(i) of this subsection (3), the special purpose district and the county auditor, acting on behalf of the special purpose district, are prohibited from issuing any warrants against the funds of the special purpose district

until the district has had its report certified by the state auditor.

(iii) Notwithstanding (a)(ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities.

(b)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the state treasurer if any special purpose districts have been determined to be unauditible.

(ii) If the state treasurer has been notified as provided in (b)(i) of this subsection (3), the state treasurer may not distribute any local sales and use taxes imposed by a special purpose district to the district until the district has had its report certified by the state auditor.

Sec. 3. RCW 43.09.420 and 1993 c 216 s 1 are each amended to read as follows:

As part of the routine audits of state agencies, the state auditor shall audit all revolving funds, local funds, and other state funds and state accounts that are not managed by or in the care of the state treasurer and that are under the control of state agencies, including but not limited to state departments, boards, and commissions. In conducting the audits of these funds and accounts, the auditor shall examine revenues and expenditures or assets and liabilities, accounting methods and procedures, and recordkeeping practices. ~~((In addition to including the results of these examinations as part of the routine audits of the agencies, the auditor shall report to the legislature on the status of all such funds and accounts that have been examined during the preceding biennium and any recommendations for their improved financial management. Such a report shall be filed with the legislature within five months of the end of each biennium regarding the funds and accounts audited during the biennium. The~~

~~first such report shall be filed by December 1, 1993, regarding any such funds and accounts audited during the 1991-93 biennium.))~~

Sec. 4. RCW 43.09.430 and 2005 c 385 s 2 are each amended to read as follows:

For purposes of ~~((RCW 43.09.435 through 43.09.460:~~

~~(1) "Board" means the citizen advisory board created in RCW 43.09.435.~~

~~(2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.~~

~~(3) "Final performance audit report" means a written document jointly released by the citizen advisory board and the state auditor that includes the findings and comments from the preliminary performance audit report.~~

~~(4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.~~

~~(5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.~~

~~(6) "Preliminary)) this chapter, "preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.~~

~~((7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all offices of executive branch state government elected officials.))~~

Sec. 5. RCW 43.09.440 and 2012 c 229 s 817 are each amended to read as follows:

~~((1) The board and the state auditor shall collaborate with the joint legislative audit and review committee regarding performance audits of state government.~~

~~(a) The board shall establish criteria for performance audits consistent with the criteria and standards followed by the joint legislative audit and review committee. This criteria shall include, at a minimum, the auditing standards of the United States government accountability office, as well as legislative mandates and performance objectives established by state agencies and the legislature. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.~~

~~(b) Using the criteria developed in (a) of this subsection, the state auditor shall contract for a statewide performance review to be completed as expeditiously as possible as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews. The purpose of these performance reviews is to identify those agencies, programs, functions, or activities most likely to benefit from performance audits and to identify likely areas warranting early review, taking into account prior performance audits, if any, and prior fiscal audits.~~

~~(c) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, including frontline employees, state managers, chairs and ranking members of appropriate legislative committees, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. When putting together the draft work plan, there should be consideration of all audits and reports already required. On average, audits shall be designed to be completed as expeditiously as possible.~~

~~(d) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities~~

~~to coordinate work plans and avoid duplication of effort in their planned performance audits of state government agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.~~

~~(e) The state auditor shall contract out for performance audits. In conducting the audits, agency frontline employees and internal auditors should be involved.~~

~~(f) All audits must include consideration of reports prepared by other government oversight entities.~~

~~(g) The audits may include:~~

~~(i) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;~~

~~(ii) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;~~

~~(iii) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;~~

~~(iv) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;~~

~~(v) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;~~

~~(vi) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;~~

~~(vii) Verification of the reliability and validity of agency performance data, self assessments, and performance measurement systems as required under RCW 43.88.090;~~

~~(viii) Identification of potential cost savings in the state agency, its programs, and its services;~~

~~(ix) Identification and recognition of best practices;~~

~~(x) Evaluation of planning, budgeting, and program evaluation policies and practices;~~

~~(xi) Evaluation of personnel systems operation and management;~~

~~(xii) Evaluation of state purchasing operations and management policies and practices; and~~

~~(xiii) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.~~

~~(h)) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, and the office of financial management ((, the board, the chairs and ranking members of appropriate legislative committees, and the joint legislative audit and review committee for comment)). Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.~~

~~((i) The board and the state auditor shall jointly release final performance audit reports to the governor, the citizens of Washington, the joint legislative audit and review committee, and the appropriate standing legislative committees. Final performance audit reports shall be posted on the internet.~~

~~(j) For institutions of higher education, performance audits shall not duplicate, and where applicable, shall make maximum use of existing audit records, accreditation reviews, and performance measures required by the office of financial management and nationally or regionally recognized accreditation organizations including accreditation of hospitals licensed under chapter 70.41 RCW and ambulatory care facilities.~~

~~(2) The citizen board created under RCW 44.75.030 shall be responsible for performance audits for transportation~~

~~related agencies as defined under RCW 44.75.020.)~~

Sec. 6. RCW 43.09.455 and 2005 c 385 s 9 are each amended to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

For agencies under the authority of the governor, the governor may require periodic progress reports from the audited agency until all resolution has occurred.

For agencies under the authority of an elected official other than the governor, the appropriate elected official may require periodic reports of the action taken by the audited agency until all resolution has occurred.

~~((The board may request status reports on specific audits or findings.))~~

Sec. 7. 2012 c 164 s 709 (uncodified) is amended to read as follows:

The state auditor shall conduct ~~((performance))~~ audits of the long-term in-home care program after consultation with affected disability and aging stakeholder groups. The first audit must be completed within twelve months after January 7, 2012, and must be completed on a biennial basis thereafter. As part of this auditing process, the state shall hire five additional fraud investigators to ensure that clients receiving services at taxpayers' expense are medically and financially qualified to receive the services and are actually receiving the services. An audit conducted by the state auditor under the authority of RCW 43.09.020 and 43.09.050(2) may satisfy this requirement, provided that a performance audit of the program was completed in the preceding biennium.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) 2005 c 385 s 1 (uncodified);

(2) RCW 43.09.265 (Local government accounting—Review of tax levies of local governments) and 1995 c 301 s 16 & 1979 ex.s. c 218 s 7;

(3) RCW 43.09.435 (Performance audits—Citizen advisory board) and 2005 c 385 s 3;

(4) RCW 43.09.445 (Performance audits—Local jurisdictions) and 2005 c 385 s 6;

(5) RCW 43.09.450 (Performance audits—Audit of performance audit program) and 2005 c 385 s 8;

(6) RCW 43.09.460 (Performance audits—Appropriation—Budget request) and 2005 c 385 s 11; and

(7) RCW 43.88.162 (State auditor's powers and duties—Performance audits) and 2005 c 385 s 7."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading.

February 17, 2022

ESSB 5082 Prime Sponsor, Committee on Ways & Means: Reestablishing the productivity board. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.60.015 and 2011 1st sp.s. c 43 s 443 and 2011 1st sp.s. c 21 s 30 are each reenacted and amended to read as follows:

(1) ~~((There))~~ Subject to the availability of amounts appropriated for this specific purpose, there is hereby created the productivity board, which may also be known as the employee involvement and recognition board. The board shall administer the employee suggestion program and the teamwork incentive program under this chapter.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of financial management or the director's designee;

(c) The director of enterprise services or the director's designee;

(d) Three persons with experience in administering incentives such as those used by industry, with the lieutenant governor, secretary of state, and speaker of the house of representatives each appointing one person by July 31, 2022. The secretary of state's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees; and

(e) Two persons representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing ~~((those))~~ institutions of higher education with employees subject to chapter ((28B-16)) 41.06 RCW, ((both)) all appointed by the secretary of state by July 31, 2022.

Members under subsection (2)(d) and (e) of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection (2)(d) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 2. RCW 41.60.020 and 1999 c 50 s 3 are each amended to read as follows:

(1) The board shall formulate, establish, and maintain a statewide employee suggestion program and adopt rules to allow for agency unique suggestion programs. Employee suggestion programs are developed to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: PROVIDED, That the program shall include provisions for the processing of suggestions having multiagency impact and post-implementation auditing of suggestions for fiscal accountability.

(2) The board shall adopt rules necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter. These rules shall include the adoption of a payment award schedule that

establishes the criteria for determining the amounts of any financial or other awards under this chapter.

(3) The board shall prepare a topical list of all the productivity awards granted and disseminate this information to the legislature and all state government agencies that may be able to adapt them to their procedures.

Sec. 3. RCW 41.60.041 and 1999 c 50 s 5 are each amended to read as follows:

(1) Cash awards for suggestions generating net savings, revenue, or both to the state shall be determined by the board, or the board's designee, based on the payment award scale. No award may be granted in excess of ten thousand dollars or 10 percent of the actual net savings and/or revenue generated, whichever amount is less. Savings, revenue, or both, shall be calculated for the first year of implementation.

(2) The board shall establish guidelines for making cash awards for suggestions for which benefits to the state are intangible or for which benefits cannot be calculated.

(3) Funds for the awards shall be drawn from the appropriation of the agency benefiting from the employee's suggestion. If the suggestion reduces costs to a nonappropriated fund or reduces costs paid without appropriation from a nonappropriated portion of an appropriated fund, an award may be paid from the benefiting fund or account without appropriation.

(4) Awards may be paid to state employees for suggestions which generate new or additional money for the general fund or any other funds of the state. The director of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund, in amounts equal to award payments made by the general fund, for suggestions generating new or additional money for those other funds.

Sec. 4. RCW 41.60.050 and 2021 c 334 s 967 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. ~~((However, during the 2015-2017, 2017-2019, 2019-2021, and~~

~~2021-2023 fiscal biennia, the operations of the productivity board shall be suspended.))~~

Sec. 5. RCW 41.60.120 and 1999 c 50 s 9 are each amended to read as follows:

The agency head may recommend an award amount to the board. Cash awards for suggestion teams shall be up to 25 percent of the actual net savings and/or revenue generated to be shared by the team in a manner approved by the agency head, not to exceed \$10,000 per team member. The board shall make the final determination as to whether an award will be made in accordance with applicable rules governing the teamwork incentive program. Awards will be based on the payment award scale. Funds for the teamwork incentive award shall be drawn from the agencies in which the unit is located or from the benefiting fund or account without appropriation when additional revenue is generated to the fund or account.

Awards may be paid to teams for process changes which generate new or additional money for the general fund or any other funds of the state. The director of the office of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund in amounts equal to award payments made by the general fund, for innovations generating new or additional money for those other funds.

Sec. 6. RCW 41.60.150 and 2011 1st sp.s. c 39 s 9 are each amended to read as follows:

Other than suggestion awards and incentive pay unit awards, agencies shall have the authority to recognize employees, either individually or as a class, for accomplishments including outstanding achievements, safety performance, longevity, outstanding public service, or service as employee suggestion evaluators and implementors. Recognition awards may not exceed two hundred dollars in value per award. Such awards may include, but not be limited to, cash or such items as pen and desk sets, plaques, pins, framed certificates, clocks, and calculators. Award costs shall be paid by the agency giving the award. ~~((From February 15, 2010, through June 30, 2013, recognition awards may not be given in the form of~~

~~cash or cash equivalents such as gift certificates or gift cards.))"~~

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 17, 2022

ESSB 5490 Prime Sponsor, Committee on Law & Justice: Creating the interbranch advisory committee. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5504 Prime Sponsor, Senator Warnick: Extending current discover pass free days from state parks to all state recreation sites and lands. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Rules for second reading.

February 17, 2022

SB 5506 Prime Sponsor, Senator Kuderer: Concerning the appointment process for the chairperson and vice chairperson of the joint administrative rules review committee. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 17, 2022

SSB 5553 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing data regarding early STEM metrics in the STEM education report card. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Klippert and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5565 Prime Sponsor, Senator Sheldon: Allowing fire districts and regional fire authorities to carry out certain treasurer functions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg and Robertson.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5582 Prime Sponsor, Senator Hunt: Concerning the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg and Robertson.

Referred to Committee on Rules for second reading.

February 17, 2022

SB 5602 Prime Sponsor, Senator Mullet: Concerning service providers working with state-regulated financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5617 Prime Sponsor, Senator Cleveland: Concerning population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Donaghy; Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 17, 2022

SSB 5756 Prime Sponsor, Committee on State Government & Elections: Establishing the semiquincentennial committee. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5763 Prime Sponsor, Senator Randall: Eliminating subprevailing wage certificates for individuals with disabilities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 18, 2022

SSB 5862 Prime Sponsor, Committee on Housing & Local Government: Concerning technical changes to the commercial property assessed clean energy and resiliency program. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg and Robertson.

Referred to Committee on Rules for second reading.

February 18, 2022

ESSB 5873 Prime Sponsor, Committee on Ways & Means: Concerning unemployment insurance. (REVISED FOR ENGROSSED: Concerning the social cost factor in unemployment insurance premiums.) Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 17, 2022

SSB 5880 Prime Sponsor, Committee on Business, Financial Services & Trade: Concerning fire protection sprinkler system contractors. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Appropriations.

February 17, 2022

SJM 8004 Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, after line 4, strike all material through page 3, line 24 and insert the following:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The State of Washington welcomes refugees and immigrants who bravely leave behind everything familiar to seek safety, build a better life, and provide resources for loved ones in their country of origin; and

WHEREAS, Approximately one in every seven Washington residents is an immigrant and another one in every seven Washington residents is a native-born United States citizen with at least one immigrant parent; and

WHEREAS, Many immigrants to Washington transfer money to loved ones in their country of origin in the form of remittances, and money remitted by migrants competes with international aid as one of the largest financial inflows to developing countries; and

WHEREAS, Many immigrants have continued to try to send money to their families despite uncertain and changing employment circumstances throughout the COVID-19 pandemic; and

WHEREAS, The federal government needs to limit remittances that present significant security risks, and the federal Bank Secrecy Act and related Anti-Money Laundering rules (BSA/AML) impose due diligence, recordkeeping, reporting, and compliance program requirements on financial institutions with respect to remittances to foreign countries; and

WHEREAS, Some of the countries to which immigrants to Washington want to remit money have little or no central banking infrastructure that makes compliance with BSA/AML rules difficult or impossible, and prevents immigrants from being able to remit money in a safe, reliable manner; and

WHEREAS, Financial institutions such as banks play a pivotal role in facilitating commerce and enabling individuals to build financial prosperity; and

WHEREAS, Many of the local or community-based money transmitters that service underserved diverse communities in Washington have experienced difficulty in obtaining or maintaining accounts from traditional financial institutions and have seen their accounts closed without explanation or justification, leaving underserved communities without banking options; and

WHEREAS, Many financial institutions appear to be engaging in de-risking, whereby they terminate or restrict business relationships with clients or categories of clients in order to avoid, rather than manage, risk; and

WHEREAS, De-risking has detrimentally impacted the ability of smaller, Washington-based money transmitters to serve underserved diverse communities, to the benefit of larger money transmitters that operate on a nationwide basis; and

WHEREAS, De-risking also presents a threat to public safety, as unbanked businesses often must store and transport large sums of cash at great risk to owners and their employees; and

WHEREAS, The state of Washington has an interest in promoting financial inclusion and in ensuring that every individual or business operating in compliance with the law can access regulated financial systems; and

WHEREAS, The federal National Defense Authorization Act (NDAA) for fiscal year 2021 expresses Congress's sense that "anti-money laundering, countering the financing of terrorism, and sanctions policies must ensure that the policies do not unduly hinder or delay legitimate access to the international financial systems for underserved individuals, entities, and geographic areas;" and

WHEREAS, The NDAA directs the United States Government Accountability Office (GAO) to analyze financial services de-risking and report to Congress, and it directs the Treasury Department and others to review reporting requirements now in effect and propose changes to reduce unnecessarily burdensome regulation and to develop a strategy to reduce de-risking and related adverse consequences; and

WHEREAS, The Washington state department of financial institutions has worked with representatives of local and community-based money transmitters,

banks, and credit unions in Washington to develop enhanced regulatory guidance and a model account agreement to clarify expectations for financial institutions that might offer account services to affected money transmitters; and

WHEREAS, The Washington state department of financial institutions has forwarded that guidance to federal bank and credit union regulators for their review and comment; and

WHEREAS, Collaboration between federal bank and credit union regulators, the Washington state department of financial institutions, and industry stakeholders could lead to significant progress towards rolling back blanket de-risking by depository institutions with respect to local and community-based money transmitters;

NOW, THEREFORE, Your Memorialists respectfully pray that:

(1) Congress pass and the President sign legislation implementing strategies and recommendations that result from directives to the GAO and the Treasury Department under the NDAA;

(2) Such legislation also include:

(a) Provisions giving federal banking regulators clarity on how to improve examiners' ability to evaluate banks' BSA/AML compliance as applied to money transmitter accounts;

(b) A requirement that financial institutions disclose a specific reason when denying or closing an account; and

(c) Provisions to help financial institutions mitigate the cost of due diligence required to comply with BSA/AML provisions impacting money transmitters; and

(3) The President direct federal bank and credit union regulators to work with the Washington state department of financial institutions and industry stakeholders to support efforts to develop new and creative solutions to improve banking access for local or community-based money transmitters.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Joseph R. Biden, Jr., President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 22, 2022, the 44th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 22, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4644, by Representatives Taylor, Thai, Sells, Ryu, J. Johnson, Leavitt, Fitzgibbon, Berg, Kloba, Rude, Berry, Morgan, Santos, Dolan, Wicks, Dufault, Callan, Robertson, Riccelli, Harris-Talley, Shewmake, Simmons, Senn, Paul, Ramos, Valdez, Gregerson, Walen, Ortiz-Self, Bergquist, Barkis, Ormsby, Ramel, Slatter, Duerr, Stonier, Jacobsen, Davis, Pollet, Peterson, Cody, Bronoske, Chapman, Dent, Hackney, Bateman, Klicker, Rule, Orwall, Goodman, Macri, and Entenman

WHEREAS, During the month of February each year, the great state of Washington comes together to celebrate Black Americans' contributions to our history, culture, and nation; and

WHEREAS, Black history is American history. Black culture is American culture; and

WHEREAS, We come together as a state to acknowledge the resilience of Black communities, and honor those who have endured racial discrimination and injustice; and

WHEREAS, We appreciate the Black frontline workers who have continued to put their own lives at risk to protect the health and well-being of our communities; and

WHEREAS, This Black History Month, and every month, is a time to learn about those who came before us, and keep moving towards a better, more just future; and

WHEREAS, Each of us has a role to play in the fight for a better Washington state, where everyone has access to the resources and opportunities they need to thrive;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate Black History Month and stand alongside Black Americans in times of crisis and in times of beautiful celebrations, as we work towards equity and dignity for every American.

There being no objection, HOUSE RESOLUTION NO. 4644 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4646, by Representatives Ryu, Wicks, and Taylor

WHEREAS, Many people with serious, chronic mental illness, such as schizophrenia, bipolar disorder, severe depression, or gastrointestinal disorders, including gastroparesis and nausea, require treatment with medications that work as dopamine receptor blocking agents (DRBAs), including antipsychotics; and

WHEREAS, While ongoing treatment with these medications can be very helpful, and even lifesaving, for many people, it can also lead to Tardive Dyskinesia (TD); and

WHEREAS, Tardive Dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, trunk and extremities; and

WHEREAS, Tardive Dyskinesia can develop months, years, or decades after a person starts taking DRBAs and even after they have discontinued use of those medications. Not everyone who takes a DRBA develops TD, but if it develops it is often permanent; and

WHEREAS, It is estimated that over 600,000 Americans suffer from Tardive Dyskinesia. According to the National Alliance for Mental Illness, one in every four patients receiving long-term treatment with an antipsychotic medication will experience Tardive Dyskinesia; and

WHEREAS, Years of difficult and challenging research have resulted in recent scientific breakthroughs, with two new treatments for Tardive Dyskinesia approved by the United States Food and Drug Administration; and

WHEREAS, Tardive Dyskinesia is often unrecognized and patients suffering from the illness are commonly misdiagnosed. Regular screening for TD in patients taking DRBA medications is recommended by the American Psychiatric Association; and

WHEREAS, Governor Inslee has designated the week of May 1, 2022, as "Tardive Dyskinesia Awareness Week" and May is Mental Health Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives encourage awareness of Tardive Dyskinesia so we can better understand the causes and seek a cure for all those suffering; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives hopes research will continue to advance thereby creating more options for people seeking medication for chronic mental illness in the future.

There being no objection, HOUSE RESOLUTION NO. 4646 was adopted.

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

INTRODUCTION & FIRST READING

HB 2123 by Representatives MacEwen and Springer

AN ACT Relating to ensuring consumers have legal access to cannabinoid products that have been tested and that meet standards for quality and safety while preventing intoxicating products from being sold outside of the regulated adult-use cannabis market and establishing a scientific panel to review cannabinoid science; amending RCW 69.50.101; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

February 18, 2022

ESSB 5078 Prime Sponsor, Committee on Law & Justice: Addressing firearm safety measures to increase public safety. (REVISED FOR ENGROSSED: Establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state.) Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 18, 2022

SSB 5555 Prime Sponsor, Committee on State Government & Elections: Concerning public safety telecommunicators. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that a primary responsibility of government is to ensure public safety and that almost always an emergency response begins with a request to 911 for assistance. Requests to 911 and subsequent emergency response communications are managed by public safety telecommunicator professionals. These first responders are essential workers who continue public service throughout the pandemic, who are essential to triage requests for emergency responses and provide lifesaving instructions and guidance to those who call 911, ensuring the appropriate response for the situation; law enforcement, behavioral health, fire, and emergency medical. The public safety telecommunicator also dispatches, tracks, processes, and transmits information from the public and continually communicates with responders providing an additional layer of safety. The legislature takes special note of the contributions made by public safety telecommunicators whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of professionals who receive and process requests from the public for emergency response and provide emergency communications with public safety responders.

(2) The legislature also recognizes that public safety telecommunicators are the only public safety professionals who are not required to be certified and do not have standard initial training requirements to perform their critical public safety function. Further, employers of public safety telecommunicators face challenges in attracting suitable candidates, training, and retaining of staff due to

the high demand and high stress environment of this critical public safety profession.

(3) The legislature finds and declares that:

(a) Public safety telecommunicators must have a formal system of training, and certification and recertification standards, to ensure a standardized response is given when the public seeks assistance during an emergency and that standardized communications are in place to support public safety responders within Washington state.

(b) The quality of emergency response in most cases begins with the competence of public safety telecommunicators. To ensure the availability and quality of trained public safety telecommunicators, the legislature recognizes the need to adopt and implement standardized training programs and certification and recertification requirements.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification board" means the voluntary public safety telecommunicator certification board.

(2) "Public safety answering point" includes primary public safety answering points that receive 911 calls directly from the public and secondary public safety answering points that receive 911 calls only on a transfer or relay basis from the primary public safety answering point.

(3) "Public safety telecommunicator" means a first responder working in a primary public safety answering point, regardless of title, who has successfully completed the training, certification, or recertification standards established in the state of Washington. This includes an employee of the state, a local public agency, or an independent governmental agency whose primary responsibility is to receive, process, transmit, or dispatch 911 emergency and nonemergency calls for law enforcement, fire, emergency medical, and other public safety services by telephone, radio, or other communication devices and includes an individual who promoted from this position and supervises individuals who perform these functions.

(4) "State-approved training program" means a public safety telecommunicator certified training program approved by the certification board to meet the requirements of a state-approved public safety telecommunicator training, certification, and recertification standards. For community colleges, vocational-technical institutes, skill centers, and secondary schools as described in chapter 28B.50 RCW, public safety telecommunicator certified training programs shall be approved by the certification board in cooperation with the board for community and technical colleges or the superintendent of public instruction.

NEW SECTION. Sec. 3. The certification board is established in the state 911 coordination office to create a certification and training program for public safety telecommunicators throughout the state.

NEW SECTION. Sec. 4. Duties of the certification board include:

(1) Adopting bylaws for the certification board;

(2) Adopting rules, with the advice and assistance of the 911 advisory committee, to implement the provisions of this chapter including, but not limited to, rules to implement a state-approved training program for process, policy, and procedure;

(3) Reviewing and approving state-approved training programs biennially. State-approved training programs should be consistent with industry standards;

(4) Setting all public safety telecommunicator certification, registration, and renewal fees, and to collect and deposit all such fees in the 911 account established under RCW 38.52.540; and

(5) Establishing recertification requirements.

NEW SECTION. Sec. 5. The certification board shall represent diverse stakeholders of the 911 system and shall consist of the following volunteer members:

(1) The chair or vice chair of the 911 advisory committee;

(2) Two public safety answering point directors or 911 coordinators, one from the eastside and one from the westside of

the Cascade mountains appointed by the 911 advisory committee;

(3) Two labor union representatives from labor unions representing public safety telecommunicators;

(4) One representative appointed by the Washington association of sheriffs and police chiefs;

(5) One representative appointed by the Washington state fire chiefs association;

(6) One representative from the Washington state association of counties appointed by the Washington state association of counties; and

(7) Two public safety telecommunicators from a public safety answering point, one from the eastside and one from the westside of the Cascade mountains appointed by the 911 advisory committee.

Sec. 6. RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each amended to read as follows:

A state ~~((enhanced))~~ 911 coordination office, headed by the state ~~((enhanced))~~ 911 coordinator, is established in the emergency management division of the department. Duties of the office include:

(1) Coordinating and facilitating the implementation and operation of ~~((enhanced))~~ 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the ~~((enhanced))~~ 911 advisory committee;

(3) Providing staff support and assistance to the certification board established under section 3 of this act that includes, but may not be limited to:

(a) Establishing forms and procedures necessary to administer chapter 38.--- RCW (the new chapter created in section 7 of this act);

(b) Issuing a public safety telecommunicator registration and certification to any applicant who has met the requirements for certification under chapter 38.--- RCW (the new chapter created in section 7 of this act); and

(c) Maintaining the official record for the department of all applicants and persons with registrations and certificates under chapter 38.--- RCW

(the new chapter created in section 7 of this act).

(4) Recommending to the utilities and transportation commission by August 31st of each year the level of the state ~~((enhanced))~~ 911 excise tax for the following year;

~~((4))~~ (5) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state ~~((enhanced))~~ 911 funding may be expended, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee; and

~~((5))~~ (6) Providing an annual update to the ~~((enhanced))~~ 911 advisory committee on how much money each county has spent on:

(a) Efforts to modernize their existing ~~((enhanced))~~ 911 emergency communications system; and

(b) ~~((Enhanced))~~ 911 operational costs.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 38 RCW."

Correct the title.

Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Donaghy; Frame; Jacobsen; Johnson, J.; Kraft; Rule; Sutherland and Taylor.

Referred to Committee on Rules for second reading.

February 18, 2022

SSB 5564

Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Protecting the confidentiality of employees using employee assistance programs. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 18, 2022

ESSB 5690

Prime Sponsor, Committee on Law & Justice: Concerning firearms on the capitol campus for the sole purpose of organized

memorial events. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5747 Prime Sponsor, Senator Stanford: Concerning the statewide master oil and hazardous substance spill prevention and contingency plan. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 18, 2022

SB 5875 Prime Sponsor, Senator Nguyen: Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the following 2nd Reading Calendar bills were returned to the Committee on Rules:

- HOUSE BILL NO. 1043
- HOUSE BILL NO. 1067
- HOUSE BILL NO. 1156
- HOUSE BILL NO. 1231
- HOUSE BILL NO. 1261
- HOUSE BILL NO. 1263
- HOUSE BILL NO. 1283
- HOUSE BILL NO. 1486
- HOUSE BILL NO. 1530
- HOUSE BILL NO. 1592
- HOUSE BILL NO. 1595
- HOUSE BILL NO. 1605
- HOUSE BILL NO. 1614
- HOUSE BILL NO. 1621
- HOUSE BILL NO. 1624
- HOUSE BILL NO. 1638
- HOUSE BILL NO. 1668
- HOUSE BILL NO. 1685
- HOUSE BILL NO. 1707
- HOUSE BILL NO. 1712
- HOUSE BILL NO. 1715
- HOUSE BILL NO. 1721
- HOUSE BILL NO. 1727
- HOUSE BILL NO. 1741
- HOUSE BILL NO. 1743
- HOUSE BILL NO. 1767
- HOUSE BILL NO. 1776
- HOUSE BILL NO. 1782
- HOUSE BILL NO. 1791
- HOUSE BILL NO. 1810
- HOUSE BILL NO. 1839
- HOUSE BILL NO. 1845
- HOUSE BILL NO. 1849
- HOUSE BILL NO. 1856
- HOUSE BILL NO. 1857
- HOUSE BILL NO. 1889
- HOUSE BILL NO. 1904
- HOUSE BILL NO. 1908
- HOUSE BILL NO. 1911
- HOUSE BILL NO. 1919
- HOUSE BILL NO. 1945
- HOUSE BILL NO. 1950
- HOUSE BILL NO. 1959
- HOUSE BILL NO. 1971
- HOUSE BILL NO. 1981
- HOUSE BILL NO. 1992
- HOUSE BILL NO. 1993
- HOUSE BILL NO. 2025
- HOUSE BILL NO. 2048
- HOUSE BILL NO. 2077
- HOUSE BILL NO. 2082

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

MOTION

There being no objection, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056 was returned from the 3rd Reading Calendar to the Committee on Rules.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

There being no objection, the House adjourned until 9:55 a.m., February 23, 2022, the 45th Legislative Day of the Regular Session.

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 23, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4649, by Representatives Klippert, Chambers, Klicker, Boehnke, Chase, Graham, and Kraft

WHEREAS, Parental and familial involvement in their children's education promotes many positive and important results for children, schools, and communities; and

WHEREAS, It is critical that the parents and families create a home environment that encourages learning, express high (but not unrealistic) expectations for their children's achievement and future careers, and, to the extent they are able, become involved in their children's education at school and in the community; and

WHEREAS, Students with involved parents and families are more likely to have higher grades and test scores, attend school regularly, have better social skills, show improved behavior, and adapt well to school; and

WHEREAS, Work schedules and other factors may pose barriers to parental and familial involvement in schools, and identifying and tackling those barriers benefits students, parents, and our local schools; and

WHEREAS, When parents and families are willing and able to be involved at school, and barriers to their participation come down, the performance of all the children at school, not just their own, tends to improve. Research findings show the more comprehensive and well planned the partnership between school and home, the higher the student achievement; and

WHEREAS, When schools have a high percentage of involved parents and families in and out of schools, teachers and principals are more likely to experience higher morale, there is enhanced communication and relations between parents, teachers, and administrators, and teachers and principals acquire a better understanding of families' cultures and diversity; and

WHEREAS, Schools and teachers can foster parental and familial involvement by assigning homework designed to increase student-parent interactions, holding workshops for families, and communicating to parents and families about their children's education;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that parents and families have an important and fundamental role in their children's upbringing and acknowledge and honor the parents and families of Washington State's students and the many hours they spend supporting their children's education, teachers, and school.

There being no objection, HOUSE RESOLUTION NO. 4649 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4647, by Representative Donaghy

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly 107,000 courageous Americans awaiting a lifesaving organ transplant, with 20 individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every 10 minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor April as National Donate Life Month to remember those who have donated, and celebrate the lives of the recipients.

There being no objection, HOUSE RESOLUTION NO. 4647 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4651, by Representatives Santos, Gregerson, Fitzgibbon, Young, Wicks, Chase, Bronoske, Corry, Berry, Orwall, Ramel, Barkis, Eslick, Kloba, Walen, Boehnke, McCaslin, Pollet, Thai, Walsh, Schmick, Callan, Ryu, Harris-Talley, Robertson, Graham, Dolan, Dent, Goehner, Morgan, Jacobsen, Duerr, Klicker, Taylor, Klippert, and Valdez

WHEREAS, The people of Washington share a rich cultural history with a strong bond with our global neighbors in Taiwan; and

WHEREAS, Washington is the proud home of more than 100,000 Taiwanese Americans who are integral to the diverse fabric of our state; and

WHEREAS, Taiwanese Americans have profoundly impacted our state and continue to further the democratic values that define Washington as an international beacon of opportunity and prosperity; and

WHEREAS, Washingtonians recognize the generations of resilience, sacrifice, and hope demonstrated by Taiwanese immigrants and their descendants in their innumerable contributions to our communities; and

WHEREAS, Washington enjoys a more vibrant heritage and economy from the bilateral cultivation of these deep ties with Taiwan; and

WHEREAS, The investment of Taiwanese companies in Washington has produced abundant growth in trade and jobs in the agriculture, manufacturing, and technology sectors; and

WHEREAS, Washingtonians honor our Taiwanese American neighbors, friends, teachers, small business owners, entrepreneurs, innovators, and leaders who are shaping the future of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the mutual friendship, history, and successes shared between the people of Washington state and the people of Taiwan and hereby honor the past, present, and ongoing nature of this valued partnership.

There being no objection, HOUSE RESOLUTION NO. 4651 was adopted.

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

INTRODUCTION & FIRST READING

HB 2124 by Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, Johnson, J., Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall and Rule

AN ACT Relating to extending collective bargaining to legislative employees by creating the office of state legislative labor relations that will consider issues of the subjects of bargaining, the employees for whom collective bargaining would be appropriate, who would provide negotiation services, which entities would be considered the employer, definitions of relevant terms, coalition bargaining, grievance procedures, procedures for disciplinary actions, procedures related to certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, and determining representation questions, procedures for approving negotiated collective bargaining agreements, procedures for submitting requests for funding, and considering approaches taken by other state legislatures, and specifying unfair labor practices, but without mandating what the collective bargaining agreement must provide regarding wages, hours, working conditions, or other provisions related to conditions of employment; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2125 by Representative Walsh

AN ACT Relating to the valuation of property for purposes of state property tax levies; and amending RCW 84.40.030.

Referred to Committee on Finance.

HB 2126 by Representative Walsh

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

Referred to Committee on Finance.

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

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

REPORTS OF STANDING COMMITTEES

February 21, 2022

HB 1814 Prime Sponsor, Representative Shewmake:
Expanding equitable access to the benefits

of renewable energy through community solar projects. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5042 Prime Sponsor, Senator Salomon: Concerning the effective date of certain actions taken under the growth management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representative Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5127 Prime Sponsor, Committee on Law & Justice: Concerning courthouse facility dogs. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 21, 2022

ESB 5264 Prime Sponsor, Senator Wagoner: Declaring January as Chinese American

history month and encouraging public schools to commemorate the month. (REVISED FOR ENGROSSED: Recognizing contributions of Americans of Chinese descent.) Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5489 Prime Sponsor, Senator Pedersen: Concerning business entities. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5491 Prime Sponsor, Senator Pedersen: Clarifying waiver of firearm rights. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5497 Prime Sponsor, Committee on Early Learning & K-12 Education: Extending voting authority to student members on the state board of education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; McCaslin; Ortiz-Self and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; McEntire; Rude and Steele.

February 22, 2022

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Ranking Minority Member.

SB 5514

Prime Sponsor, Senator Dozier: Increasing the frequency of county legislative meetings at alternate locations. Reported by Committee on Local Government

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended.

February 21, 2022

Strike everything after the enacting clause and insert the following:

SB 5499

Prime Sponsor, Senator Cleveland: Concerning credentialing of medical assistant-hemodialysis technicians. Reported by Committee on Health Care & Wellness

"**Sec. 1.** RCW 36.32.080 and 2016 c 189 s 1 are each amended to read as follows:

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

(1) The county legislative authority of each county shall hold regular meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact any business required or permitted by law.

Referred to Committee on Rules for second reading.

February 21, 2022

(2)(a) Any two or more county legislative authorities may hold a joint regular meeting solely in the county seat of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

SB 5508

Prime Sponsor, Senator Liias: Concerning the insurance guaranty fund. Reported by Committee on Health Care & Wellness

(b) A legislative authority participating in a joint regular meeting held in accordance with this subsection (2) must, for purposes of the meeting, comply with notice requirements for special meetings provided in RCW 42.30.080. This subsection (2)(b) does not apply to the legislative authority of the county in which the meeting will be held.

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier, Assistant Ranking Minority Member; Harris and Ybarra.

(3)(a) As an alternative option (~~that may be exercised no more than once per calendar quarter~~), regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government at the following intervals:

Referred to Committee on Rules for second reading.

February 21, 2022

ESB 5512

Prime Sponsor, Senator Honeyford: Designating a state nickname. Reported by Committee on State Government & Tribal Relations

(i) Once per calendar month in a city with a greater population than the city in which the county seat is located; and

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan and Gregerson.

(ii) Once per calendar quarter in any other location.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

(b) No more than one meeting per calendar month may be held at an

Referred to Committee on Rules for second reading.

alternate location as provided for in this subsection (3).

(c) The county legislative authority must give notice of any regular meeting held pursuant to this subsection (3) at least thirty days before the time of the meeting specified in the notice. At a minimum, notice must be:

(i) Posted on the county's web site;

(ii) Published in a newspaper of general circulation in the county; and

(iii) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an email address."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 21, 2022

SB 5560 Prime Sponsor, Senator Pedersen: Concerning procedures for approval and submission of the redistricting plan. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5566 Prime Sponsor, Senator Kuderer: Expanding eligibility for the independent youth housing program. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Ranking Minority Member Barkis, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations.

February 22, 2022

SSB 5572 Prime Sponsor, Committee on Law & Justice: Implementing the recommendations of the Washington state internet crimes against children task force. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5612 Prime Sponsor, Senator Wilson, L.: Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.69.030 and 2009 c 138 s 5 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in RCW 49.76.020, shall be notified of their right to reasonable leave from employment under chapter 49.76 RCW;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime

victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims in any felony case or any case involving domestic violence, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing (~~for felony convictions~~) upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims in any felony case or any case involving domestic violence, to present a statement, personally or by representation, at the sentencing hearing (~~for felony convictions~~); and

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis;

Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 21, 2022

SB 5615 Prime Sponsor, Senator Lovick: Designating pickleball as the official state sport. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5641 Prime Sponsor, Senator Short: Promoting local agriculture through greenhouses. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5653 Prime Sponsor, Senator Rolfes: Changing the name of the commission on pesticide registration to the commission on integrated pest management. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Chandler, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5694 Prime Sponsor, Senator Stanford: Recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into

agreements on matters to include the housing of inmates convicted in tribal court. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 22, 2022

2SSB 5695 Prime Sponsor, Committee on Ways & Means: Concerning a body scanner pilot program at the department of corrections. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the drug free prisons act.

NEW SECTION. Sec. 2. The legislature recognizes that the department of corrections is responsible for enhancing public safety through the operation of safe and secure facilities. The legislature recognizes that safe and secure facilities improve safety and well-being for those experiencing incarceration, departmental employees, visitors, and volunteers. The legislature recognizes that one of the greatest risks to operating safe and secure facilities is the introduction and movement of contraband, including but not limited to alcohol and drugs. The legislature recognizes that undiagnosed, untreated, or unaddressed substance use disorder can lead to increased rates of recidivism. Therefore, the legislature intends to protect human dignity by reducing or eliminating strip searches, and to increase public safety by reducing access to drugs and alcohol in correctional facilities and to increase substance use disorder diagnosis, treatment, and services.

NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) The department shall establish a comprehensive body scanner program at the Washington corrections center for

women and at a state correctional facility serving male incarcerated individuals as part of an expanded pilot program to create drug-free state correctional facilities. The scanner must be capable of detecting the presence of contraband contained under clothing and within body cavities, and must meet applicable federal and state radiation and safety standards.

(b) The department shall develop policies and procedures necessary to establish a comprehensive body scanner program that shall be utilized to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the correctional facility participating in the pilot program under this section. Alternative search methods shall be used for persons who are minors, individuals who are health compromised, individuals with disabilities, individuals who may be pregnant, and individuals who may meet the maximum allowable monthly or annual radiation dosage limit specified by the department of health.

(2) The department shall provide appropriate custody and nursing staff levels for body scanners installed at a state correctional facility under this section. Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband.

(a) An incarcerated individual with a body scan indicating the presence of substance-related contraband shall undergo, if appropriate, a comprehensive assessment for substance use disorder and receive relevant substance use disorder treatment services, including medication-assisted treatment. The department shall prioritize substance use disorder treatment services for incarcerated individuals with cognitive, behavioral, and physiological symptoms indicating the incarcerated individual is experiencing a substance use disorder. The department shall distinguish between incarcerated individuals who have symptoms indicating a substance use disorder and incarcerated individuals who transport substances for other individuals and do not have symptoms indicating a substance use disorder.

(b) A department employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband

shall be disciplined in accordance with department policies.

(3) The department shall provide appropriate radiation safety and body scanner operation training to all staff who will administer the body scan. Only staff who have completed all related trainings may be permitted to operate the body scanner and review body scans. The department shall develop policies, in consultation and collaboration with the department of health, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively utilizing the full body scanners to create drug-free correctional facilities. The department shall develop a method to track and maintain records on the frequency of body scans conducted on any individual subject to the comprehensive body scanner program to comply with any maximum allowable monthly and annual radiation dosage limits that may be set by the department of health.

(4) The secretary shall adopt any rules and policies necessary to implement the requirements of this section.

(5) By December 1st each year, and in compliance with RCW 43.01.036, the department shall submit a report to the governor and the legislature on:

(a) The number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;

(b) The types of contraband detected by the body scanner;

(c) The number of confiscated substances in the prior five years;

(d) The number of incarcerated individuals with positive body scans for substance-related contraband in the prior year who were assessed for substance use disorder and received substance use disorder treatment services while incarcerated; and

(e) The number and length of time incarcerated individuals with positive body scans were placed on dry cell watch in the prior year.

(6) For the purposes of this section:

(a) "Contraband" has the meaning as in RCW 9A.76.010;

(b) "Dry cell watch" means the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed contraband; and

(c) "Substance use disorder treatment services" means services licensed by the department of health or provided as part of a substance use disorder treatment program that has been approved by the department of health.

(7) This section expires June 30, 2024."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Appropriations.

February 21, 2022

SB 5750 Prime Sponsor, Senator Wilson, C.: Designating the Washington state leadership board a trustee of the state of Washington. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gergerson.

Referred to Committee on Appropriations.

February 21, 2022

2SSB 5793 Prime Sponsor, Committee on Ways & Means: Allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that equitable public policy discussions should include individuals directly impacted by that policy. In order to do so, the legislature supports removing barriers to that participation. The legislature finds that asking community members with lower financial

means to volunteer their time and expertise while state employees and representatives of advocacy organizations receive compensation from their respective agency or organization for their time and experience ultimately hinders full and open public participation. As a result, the legislature finds that removing financial barriers for those individuals fosters increased access to government and enriches public policy discussions and decisions, ultimately leading to more equitable and sustainable policy outcomes.

Sec. 2. RCW 43.03.220 and 2011 1st sp.s. c 21 s 55 and 2011 c 5 s 902 are each reenacted and amended to read as follows:

(1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group. Unless otherwise identified in law, all newly formed and existing groups are a class one group.

(2) ~~Absent any other provision of law to the contrary, ((no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups))~~ a stipend may be provided to a member of a class one group in accordance with this subsection.

(a) Subject to available funding, an agency may provide a stipend to individuals who are low income or have lived experience to support their participation in class one groups when the agency determines such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020, provided that the individuals are not otherwise compensated for their attendance at meetings.

(b) Stipends shall not exceed \$200 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group.

(c) Individuals eligible for stipends under this section are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel

expenses as provided in RCW 43.03.050 and 43.03.060 in addition to stipend amounts.

(d) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, for this or any other title due to the payment of a stipend, lodging and travel expenses, or child care expenses provided under this section where such a relationship, membership, or qualification did not already exist.

(e) As allowable by federal and state law, state agencies will minimize, to the greatest extent possible, the impact of stipends and reimbursements on public assistance eligibility and benefit amounts.

(3)((a) No) Except for members who qualify for a stipend under subsection (2) of this section, no person designated as a member of a class one board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class one groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

((b)) (4) Class one groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

(5) Agencies exercising their authority to provide stipends and allowances under this section must follow the guidelines established by the office of equity pursuant to section 3 of this act.

(6) For purposes of this section:

(a) "Lived experience" means direct personal experience in the subject matter being addressed by the board, commission, council, committee, or other similar group.

(b) "Low income" means an individual whose income is not more than 400 percent

of the federal poverty level, adjusted for family size.

NEW SECTION. Sec. 3. A new section is added to chapter 43.03 RCW to read as follows:

(1) By December 1, 2022, the office of equity shall develop uniform equity-driven guidelines for agencies on the issuance of stipends and allowances authorized under RCW 43.03.220 to provide for consistent application of the law. In developing the guidelines, the office of equity shall consult with stakeholders including, but not limited to, state agencies and impacted communities. The guidelines for providing allowances must include the reasonable allowances as prescribed by the office of financial management under RCW 43.03.050.

(2) Agencies exercising their authority under RCW 43.03.220 to provide stipends or allowances to members of class one groups shall adhere to the guidelines established under subsection (1) of this section.

Sec. 4. RCW 28A.300.802 and 2011 1st sp.s. c 21 s 53 are each amended to read as follows:

In addition to any board, commission, council, committee, or other similar group established by statute or executive order, the superintendent of public instruction may appoint advisory groups on subject matters within the superintendent's responsibilities or as may be required by any federal legislation as a condition to the receipt of federal funds by the federal department. The advisory groups shall be constituted as required by federal law or as the superintendent may determine.

Members of advisory groups under the authority of the superintendent may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Except as provided in this section or as authorized by RCW 43.03.220, members of advisory groups under the authority of the superintendent are volunteering their services and are not eligible for compensation. A person is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group if the person (1) occupies a position, normally regarded as full-time in nature, as a

certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside the period in which school days as defined by RCW 28A.150.030 are conducted. The superintendent may reimburse local school districts for substitute certificated employees to enable members to meet or perform duties on school days. A person is eligible to receive compensation from federal funds in an amount to be determined by personal service contract for groups required by federal law.

Sec. 5. RCW 43.03.050 and 2011 1st sp.s. c 21 s 61 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless

of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary child and adult care expenses incurred by eligible members of a class one board, commission, council, committee, or similar group, who are authorized under RCW 43.03.220 to receive such allowances, while attending an official meeting or performing statutorily prescribed duties approved by the chairperson of the group.

(6) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

~~((6))~~ (7) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund~~((Exceptions may be granted))~~, unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

Sec. 6. RCW 43.03.060 and 2011 1st sp.s. c 21 s 62 are each amended to read as follows:

(1) Whenever it becomes necessary for elective or appointive officials or employees of the state to travel away from their designated posts of duty while engaged on official business, and it is found to be more advantageous or economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate established by the director of financial management shall be allowed. The mileage rate established by the director shall not exceed any rate set by the United States treasury department above which the substantiation requirements specified in Treasury Department Regulations section 1.274-5T(a)(1), as now law or hereafter amended, will apply.

(2) The director of financial management may prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed. The reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous or economical to the state.

(3) The mileage rate established by the director of financial management pursuant to this section and any subsequent changes thereto shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

(4) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund(~~(- Exceptions may be granted)~~), unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

NEW SECTION. Sec. 7. A new section is added to chapter 43.03 RCW to read as follows:

(1) An agency exercising its authority to provide stipends under RCW 43.03.220(2) must report to the Washington state office of equity by

August 30, 2023, and August 30, 2024, for state fiscal years 2023 and 2024 respectively, the following information:

(a) A brief description of the groups for which stipends have been made available including:

(i) Number of members receiving a stipend or allowance; and

(ii) Aggregate demographic information of members of class one groups including race, ethnicity, income, and geographic representation by county;

(b) The amount of stipends distributed;

(c) The amount of allowances distributed;

(d) An analysis of whether and how the availability of stipends and allowances has reduced barriers to participation and increased the diversity of group participants; and

(e) An analysis of whether the provision of stipends and allowances resulted in more applications and willingness to participate.

(2) The Washington state office of equity shall:

(a) Compile and analyze the information received from agencies under this section; and

(b) Prepare a report, in compliance with RCW 43.01.036, to the governor and legislature by December 1, 2024. The report must include:

(i) An overall evaluation of the stipend process authorized in RCW 43.03.220(2);

(ii) Recommendations for improving the process; and

(iii) Recommendations to further decrease barriers to participation and increase the diversity of group applicants."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Appropriations.

February 21, 2022

SSB 5810 Prime Sponsor, Committee on Business, Financial Services & Trade: Exempting certain prepaid services from insurance regulation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.01 RCW to read as follows:

(1) It is the public policy of the state of Washington to promote ready access to legal assistance and counsel for all citizens of the state and to authorize that legal service contractors can issue legal service plans to businesses and individuals in the state of Washington.

(2) Legal service contractors are not insurers under RCW 48.01.050 and legal service plans are not insurance under RCW 48.01.040.

(3) This section does not in any way affect the practice of law in this state.

(4) This section does not apply to or affect any of the following arrangements:

(a) Retainer, fee, engagement, or representation agreements made by an attorney or firm of attorneys with any person or group other than a legal service contractor;

(b) Referral of individual clients to an attorney by a nonprofit lawyer referral service or public corporation or entity such as state or local bar association provided there is no fee or charge for such referral;

(c) Employee welfare benefit plans to the extent that state law or regulation is preempted by federal law or regulation;

(d) The provision of legal assistance to low or moderate-income persons by nonprofit legal aid organizations or legal aid programs affiliated with the Washington state bar association, a local bar association, a law school accredited by the American bar association, or a program operated in conjunction with a paralegal education program approved by the American bar association; or

(e) Policies of insurance, or coverage incidental to such insurance which may include legal defense, issued by an insurer holding a valid certificate of authority in this state and issued under applicable laws in this title pertaining to such insurance.

(5) For the purposes of this section:

(a) "Legal service contractor" means any person, entity, or group of persons, including associations, who does not engage in the practice of law or the business of insurance and who, for consideration, provides members with access to legal services through agreements with providing attorneys.

(b) "Legal service plan" or "plan" means an arrangement between a legal service contractor and an individual or person or group of individuals or persons, whereby specified legal services may be provided to, or provided at discounted rates to members by providing attorneys in consideration of a periodic payment that does not constitute payment of attorney fees of any providing attorneys.

(c) "Member" means an individual, person, or group of individuals or persons eligible to receive legal services under a legal service plan.

(d) "Providing attorney" means an attorney licensed, in good standing, and eligible to practice law in this state who provides legal services under a providing attorney agreement in accordance with the terms of the legal service plan, and pursuant to an engagement agreement between the providing attorney and the member.

(e) "Providing attorney agreement" means a written contract or agreement between a legal service contractor and a providing attorney under which the providing attorney renders and provides legal services to members of a legal service plan."

Correct the title.

Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5812 Prime Sponsor, Senator Warnick: Including Benton county as a county qualifying for the farm internship program. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 21, 2022

SSB 5821 Prime Sponsor, Committee on Ways & Means: Evaluating the state's cardiac and stroke emergency response system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5838 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 21, 2022

SB 5854 Prime Sponsor, Senator Randall: Concerning ethical performance of faculty duties. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority

Member; Chandler; Hansen; Hoff; Paul; Pollet; Sells and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 21, 2022

SSB 5883 Prime Sponsor, Committee on Law & Justice: Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries. Reported by Committee on Children, Youth & Families

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan; Goodman; Ortiz-Self and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Klippert and Young.

Referred to Committee on Rules for second reading.

February 21, 2022

SSB 5892 Prime Sponsor, Committee on Health & Long Term Care: Establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 22, 2022

SB 5940 Prime Sponsor, Senator King: Creating a liquor license endorsement. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers; Kirby; Morgan; Vick and Wylie.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

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

SECOND READING

HOUSE BILL NO. 2076, by Representatives Berry, Simmons, Kloba, Bergquist, Pollet, Kirby, Bronoske, Fitzgibbon, Ryu and Macri

Concerning rights and obligations of transportation network company drivers and transportation network companies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2076 was substituted for House Bill No. 2076 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2076 was read the second time.

With the consent of the House, amendments (1120) and (1121) were withdrawn.

Representative Berry moved the adoption of striking amendment (1151):

Strike everything after the enacting clause and insert the following:

"PART I

COMPENSATION, DEACTIVATION, AND DRIVER RESOURCE CENTER

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 2 through 5 and 7 of this act unless the context clearly requires otherwise.

(a) "Account deactivation" means one or more of the following actions with respect to an individual driver or group of drivers that is implemented by a transportation network company and lasts for more than three consecutive days:

(i) Blocking access to the transportation network company driver platform;

(ii) Changing a driver's status from eligible to provide transportation network company services to ineligible; or

(iii) Any other material restriction in access to the transportation network company's driver platform.

(b) "Compensation" means payment owed to a driver by reason of providing network services including, but not limited to, the minimum payment for passenger platform time and mileage, incentives, and tips.

(c) "Department" means the department of labor and industries.

(d) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(e) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform.

(f) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(g) "Dispatched trip" means the provision of transportation by a driver for a passenger through the use of a transportation network company's application dispatch system.

(h) "Driver" has the same meaning as "commercial transportation services provider driver" in RCW 48.177.005. Except as otherwise specified in this act, for purposes of this title and Titles 48, 50, 50A, 50B, and 51 RCW, and any orders, regulations, administrative policies, or opinions of any state or local agency, board, division, or commission, pursuant to those titles, a driver is not an employee or agent of a transportation network company if the following factors are met:

(i) The transportation network company does not unilaterally prescribe specific dates, times of day, or a minimum number of hours during which the driver must be logged into the transportation network company's online-enabled application or platform;

(ii) The transportation network company may not terminate the contract of the driver for not accepting a specific transportation service request;

(iii) The transportation network company does not contractually prohibit the driver from performing services through other transportation network companies except while performing services through the transportation network company's online-enabled application or platform during dispatch platform time and passenger platform time; and

(iv) The transportation network company does not contractually prohibit the driver from working in any other lawful occupation or business.

Notwithstanding any state or local law to the contrary, any party seeking to establish that the factors in this subsection (1)(h) are not met bears the burden of proof. A driver for purposes of this section shall not include any person ultimately and finally determined to be an "employee" within the meaning of section 2(3) of the national labor relations act, 29 U.S.C. Sec. 152(3).

(i) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, website, or system, used by a driver, or which enables services to be delivered to a driver that

enables the prearrangement of passenger trips for compensation.

(j) "Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must be registered with the Washington secretary of state, have organizational bylaws giving drivers right to membership in the organization, and have demonstrated experience: (i) Providing services to gig economy drivers in Washington state, including representing drivers in deactivation appeals proceedings; and (ii) providing culturally competent driver representation services, outreach, and education. The administration and formation of the driver resource center may not be funded, excessively influenced, or controlled by a transportation network company.

(k) "Driver resource center fund" or "fund" means the dedicated fund created in section 2 of this act, the sole purpose of which is to administer funds collected from transportation network companies to provide services, support, and benefits to drivers.

(l) "Network services" means services related to the transportation of passengers through the driver platform that are provided by a driver while logged in to the driver platform, including services provided during available platform time, dispatch platform time, and passenger platform time.

(m) "Passenger" has the same meaning as "commercial transportation services provider passenger" in RCW 48.177.005.

(n) "Passenger drop-off location" means the location of a driver's vehicle when the passenger leaves the vehicle.

(o) "Passenger pick-up location" means the location of the driver's vehicle at the time the driver starts the trip in the driver platform.

(p) "Passenger platform miles" means all miles driven during passenger platform time as recorded in a transportation network company's driver platform.

(q) "Passenger platform time" means the period of time when the driver is transporting one or more passengers on a trip. For shared rides, passenger platform time means the period of time commencing when the first passenger

enters the driver's vehicle until the time when the last passenger exits the driver's vehicle.

(r) "Personal vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

(s) "Shared ride" means a dispatched trip which, prior to its commencement, a passenger requests through the transportation network company's digital network to share the dispatched trip with one or more passengers and each passenger is charged a fare that is calculated, in whole or in part, based on the passenger's request to share all or a part of the dispatched trip with one or more passengers, regardless of whether the passenger actually shares all or a part of the dispatched trip.

(t) "Tips" means a verifiable sum to be presented by a passenger as a gift or gratuity in recognition of service performed for the passenger by the driver receiving the tip.

(u) "Transportation network company" has the same meaning as defined in RCW 46.04.652. A transportation network company does not provide for hire transportation service.

(2) A driver is only covered by this section to the extent that the driver provides network services within the state of Washington.

(3)(a) A transportation network company is covered by this section if it provides a driver platform within the state of Washington.

(b) Separate entities that form an integrated enterprise are considered a single transportation network company under this section. Separate entities will be considered an integrated enterprise and a single transportation network company where a separate entity controls the operation of another entity. Factors to consider include, but are not limited to, the degree of interrelation between the operations of multiple entities; the degree to which the entities share common management; the centralized control of labor relations; the degree of common ownership or financial control over the entities; and the use of a common brand, trade, business, or operating name.

(4)(a) Beginning December 31, 2022, a transportation network company shall ensure that a driver's total compensation

is not less than the standard set forth in (a)(i), (ii), or (iii) of this subsection (4).

(i) For all dispatched trips originating in cities with a population of more than 600,000, on a per trip basis the greater of:

(A) \$0.59 per passenger platform minute for all passenger platform time for that trip, and \$1.38 per passenger platform mile for all passenger platform miles driven on that trip; or

(B) A minimum of \$5.17 per dispatched trip.

(ii) For all other dispatched trips, the greater of:

(A) \$0.34 per passenger platform minute and \$1.17 per passenger platform mile; or

(B) A minimum of \$3.00 per dispatched trip.

(iii) For all trips originating elsewhere and terminating in cities with a population of more than 600,000:

(A) For all passenger platform time spent within the city on that trip and for all passenger platform miles driven in the city on that trip the compensation standard under (a)(i) of this subsection applies.

(B) For all passenger platform time spent outside the city on that trip and for all passenger platform miles driven outside the city on that trip the compensation standard under (a)(ii) of this subsection applies.

(b) Beginning September 30, 2022, and on each following September 30th, the department shall calculate adjusted per mile and per minute amounts and per trip minimums by increasing the current year's per mile and per minute amounts and per trip minimums by the rate of increase of the state minimum wage, calculated to the nearest cent. The adjusted amount calculated under this section takes effect on the following January 1st.

(c) For shared rides, the per trip minimums in (a)(i) and (ii) of this subsection shall apply only to the entirety of the shared ride, and not on the basis of the individual passenger's trip within the shared ride.

(5)(a) For the purposes of this section, a dispatched trip includes:

(i) A dispatched trip in which the driver transports the passenger to the passenger drop-off location;

(ii) A dispatched trip canceled after two minutes by a passenger or the transportation network company unless cancellation is due to driver conduct, or no cancellation fee is charged to the passenger;

(iii) A dispatched trip that is canceled by the driver for good cause consistent with company policy; and

(iv) A dispatched trip where the passenger does not appear at the passenger pick-up location within five minutes.

(b) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform.

(6)(a) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section.

(b) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip must not be included in calculating compensation for purposes of subsection (4) of this section.

(c)(i) Beginning January 1, 2023, except as required by law, a transportation network company may only deduct compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing.

(ii) Nothing in this section shall prohibit a transportation network company from deducting compensation as required by state or federal law or as directed by a court order.

(iii) Neither the transportation network company nor any person acting in the interest of the transportation network company may derive any financial profit or benefit from any of the deductions under this section. For the purposes of this section:

(A) Reasonable interest charged by the transportation network company or any person acting in the interest of a transportation network company, for a

loan or credit extended to the driver, is not considered to be of financial benefit to the transportation network company or person acting in the interest of a transportation network company; and

(B) A deduction will be considered for financial profit or benefit only if it results in a gain over and above the fair market value of the goods or services for which the deduction was made.

(7)(a) Beginning January 1, 2023, a transportation network company shall provide each driver with a written notice of rights established by this section in a form and manner sufficient to inform drivers of their rights under this section. The notice of rights shall provide information on:

(i) The right to the applicable per minute rate and per mile rate guaranteed by this section;

(ii) The right to be protected from retaliation for exercising in good faith the rights protected by this section; and

(iii) The right to seek legal action or file a complaint with the department for violation of the requirements of this section, including a transportation network company's failure to pay the minimum per minute rate or per mile rate, or a transportation network company's retaliation against a driver or other person for engaging in an activity protected by this section.

(b) A transportation network company shall provide the notice of rights required by this section in an electronic format that is readily accessible to the driver. The notice of rights shall be made available to the driver via smartphone application or online web portal, in English and the five most common foreign languages spoken in this state.

(8) Beginning December 31, 2022, within 24 hours of completion of each dispatched trip, a transportation network company must transmit an electronic receipt to the driver that contains the following information for each unique trip, or portion of a unique trip, covered by this section:

(a) The total amount of passenger platform time;

(b) The total mileage driven during passenger platform time;

(c) Rate or rates of pay, including but not limited to the rate per minute, rate per mile, percentage of passenger fare, and any applicable price multiplier or variable pricing policy in effect for the trip;

(d) Tip compensation;

(e) Gross payment;

(f) Net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(g) Itemized deductions or fees, including any toll, surcharge, commission, lease fees, and other charges.

(9) Beginning January 1, 2023, a transportation network company shall make driver per trip receipts available in a downloadable format, such as a comma-separated values file or PDF file, via smartphone application or online web portal for a period of two years from the date the transportation network company provided the receipt to the driver.

(10) Beginning January 1, 2023, on a weekly basis, the transportation network company shall provide written notice to the driver that contains the following information for trips, or a portion of a trip, that is covered by this section and which occurred in the prior week:

(a) The driver's total passenger platform time;

(b) Total mileage driven by the driver during passenger platform time;

(c) The driver's total tip compensation;

(d) The driver's gross payment, itemized by: (i) Rate per minute; (ii) rate per mile; and (iii) any other method used to calculate pay including, but not limited to, base pay, percentage of passenger fare, or any applicable price multiplier or variable pricing policy in effect for the trip;

(e) The driver's net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(f) Itemized deductions or fees, including all tolls, surcharges, commissions, lease fees, and other charges, from the driver's payment.

(11) Beginning January 1, 2023, within 24 hours of a trip's completion, a transportation network company must

transmit an electronic receipt to the passenger, for on trip time, on behalf of the driver that lists:

(a) The date and time of the trip;

(b) The passenger pick-up and passenger drop-off locations for the trip. In describing the passenger pick-up location and passenger drop-off location, the transportation network company shall describe the location by indicating the specific block (e.g. "the 300 block of Pine Street") in which the passenger pick-up and passenger drop-off occurred. A transportation network company is authorized to indicate the location with greater specificity, such as with a street address or intersection, at its discretion;

(c) The total duration and distance of the trip;

(d) The driver's first name;

(e) The total fare paid, itemizing all charges and fees; and

(f) The total passenger-paid tips.

(12)(a) Beginning July 1, 2024, transportation network companies shall collect and remit a \$0.15 per trip fee to the driver resource center fund, created in section 2 of this act, for the driver resource center to support the driver community. The remittance under this subsection is a pass-through of passenger fares and shall not be considered a transportation network company's funding of the driver resource center. Passenger fares paid include each individual trip portion on shared trips. The remittances to the fund must be made on a quarterly basis.

(b) Beginning September 30, 2024, and on each following September 30th, the department shall calculate an adjusted per trip fee by adjusting the current amount by the rate of inflation. The adjusted amounts must be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States department of labor. Each adjusted amount calculated under this subsection takes effect on the following January 1st.

(13) No later than one year after the effective date of this section, transportation network companies shall provide an opportunity for drivers to make voluntary per trip earnings

deduction contributions to the driver resource center, provided that 100 or more drivers working for transportation network companies covered under this section have authorized such a deduction to the driver resource center, and subject to the following:

(a) A driver must expressly authorize the deduction in writing. Written authorization must include, at a minimum, sufficient information to identify the driver and the driver's desired per trip deduction amount. These deductions may reduce the driver's per trip earnings below the minimums set forth in this section.

(b) The transportation network company may require written authorization to be submitted in electronic format from the driver resource center.

(c) The transportation network company shall make the first deductions within 30 days of receiving a written authorization of the driver, and shall remit deductions to the driver resource center each month, with remittance due not later than 28 days following the end of the month.

(d) A driver's authorization remains in effect until the driver resource center provides an express revocation to the transportation network company.

(e) A transportation network company shall rely on information provided by the driver resource center regarding the authorization and revocation of deductions.

(f) Upon request by a transportation network company, the driver resource center shall reimburse the transportation network company for the costs associated with deduction and remittance. The department shall adopt rules to calculate the reimbursable costs.

(14) Each transportation network company shall submit to the fund, with its remittance under subsection (12) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The first payment and accounting is due on the 30th day of the quarter following the imposition of the surcharge. Failure to remit payments by the deadlines is deemed a delinquency and the transportation network company is subject to penalties and interest as follows:

(a) The rate of interest applicable to delinquent payment obligations under this section is 12 percent per annum, or the maximum rate permitted under RCW 19.52.020.

(b) Any monetary penalty imposed under this section must be retained by the department and be used to defray the costs of administering this section. A transportation network company that is found, after a hearing held pursuant to chapter 34.12 RCW, to be in default to the fund for assessments owed under this section is liable for the amount of the assessments determined to be due and outstanding, plus interest on the amounts owed and any monetary penalties imposed under this section.

(c) If a transportation network company fails to pay any assessments or penalties awarded under this section within 20 days of issuance of a valid order to pay, the transportation network company is liable for all amounts wrongfully withheld, plus interest as provided for in this subsection, and reasonable attorneys' fees and costs.

(15)(a) The state expressly intends to displace competition with regulation allowing a transportation network company, at its own volition, to enter into an agreement with the driver resource center regarding a driver account deactivation appeals process for eligible account deactivations. It is the policy of the state to promote a fair appeals process related to eligible account deactivations that supports the rights of drivers and transportation network companies and provides fair processes related to eligible account deactivations. The state intends that any agreement under this section is immune from all federal and state antitrust laws.

(i) "Eligible account deactivation" means one or more of the following actions with respect to an individual driver that is implemented by a transportation network company:

(A) Blocking or restricting access to the transportation network company driver platform for three or more consecutive days; or

(B) Changing a driver's account status from eligible to provide transportation network company services to ineligible for three or more consecutive days.

(ii) An eligible account deactivation does not include any change in a driver's access or account status that is:

(A) Related to an allegation of discrimination, harassment, including sexual harassment or harassment due to someone's membership in a protected class, or physical or sexual assault, or willful or knowing commitment of fraud;

(B) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes no longer than 10 business days is under way; or

(C) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement under this subsection.

(iii) A transportation network company shall enter into an agreement with the driver resource center regarding the driver account deactivation appeals process for eligible account deactivations. Any agreement must be approved by the department. The department may approve an agreement only if the agreement contains the provisions in (a)(iv) of this subsection.

(iv) The agreement must provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include the following protections:

(A) Opportunity for a driver representative to support a driver, upon the driver's request, throughout the account deactivation appeals process for eligible account deactivations;

(B) Notification, as required by (d) of this subsection, to drivers of their right to representation by the driver resource center at the time of the eligible account deactivation;

(C) Within 30 calendar days of a request, furnishing to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal identifying information and confidential information is redacted to address reasonable privacy and confidentiality concerns;

(D) A good faith, informal resolution process that is committed to efficient

resolution of conflicts regarding eligible account deactivations within 30 days of the transportation network company being notified that the driver contests the explanation offered by the company;

(E) A formal process that includes a just cause standard, with deadlines for adjudication of an appeal of an eligible account deactivation by a panel that includes a mutually agreed-upon neutral third party with experience in dispute resolution. The panel has the authority to make binding decisions within the confines of the law and make-whole monetary awards, including back pay, based on an agreed-upon formula for cases not resolved during the informal process;

(F) Agreement by the transportation network company to use the process set forth in this subsection to resolve disputes over eligible account deactivation appeals as an alternative to private arbitration with regard to such a dispute, should the driver and transportation network company so choose; and

(G) Agreement by the transportation network company that, for eligible account deactivations in which the driver or transportation network company elect private arbitration in lieu of the formal process outlined in (a)(iv)(E) of this subsection (15), the transportation network company shall offer the driver the opportunity to have the eligible deactivation adjudicated under the just cause standard outlined in (a)(iv)(E) of this subsection.

(b) A transportation network company that enters into an agreement with the driver resource center shall reach agreement through the following steps:

(i)(A) For a transportation network company operating a digital network in the state of Washington as of the effective date of this section, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of an organization being selected as the driver resource center under section 2 of this act.

(B) For a transportation network company who begins operating a digital network in the state of Washington after an organization has been selected as the driver resource center under section 2 of this act, the driver resource center and

transportation network company must make good faith efforts to reach an agreement within 120 days of the transportation network company beginning operation of a digital network in the state of Washington.

(ii) If the driver resource center and transportation network company cannot reach an agreement, then they are required to submit issues of dispute before a jointly agreed-upon mediator.

(iii) After mediation lasting no more than two months has been exhausted and no resolution has been reached, then the parties will proceed to binding arbitration before a panel of arbitrators consisting of one arbitrator selected by the driver resource center, one arbitrator selected by the transportation network company, and a third arbitrator selected by the other two. If the two selected arbitrators cannot agree to the third arbitrator within 10 days, then the third arbitrator shall be determined from a list of seven arbitrators with experience in labor disputes or interest arbitration designated by the American arbitration association. A coin toss shall determine which side strikes the first name. Thereafter the other side shall strike a name. The process will continue until only one name remains, who shall be the third arbitrator. Alternatively, the driver resource center and the transportation network company may agree to a single arbitrator.

(iv) The arbitrators must submit their decision, based on majority rule, within 60 days of the panel or arbitrator being chosen.

(v) The decision of the majority of arbitrators is final and binding and will then be submitted to the director of the department for final approval.

(c) In reviewing any agreement between a transportation network company and the driver resource center, under (a) of this subsection, the department shall review the agreement to ensure that its content is consistent with this subsection and the public policy goals set forth in this subsection. The department shall consider in its review both qualitative and quantitative effects of the agreement and how the agreement comports with the state policies set forth in this section. In conducting a review, the record shall not be limited to the submissions of the parties nor to the terms of the proposed

agreement and the department shall have the right to conduct public hearings and request additional information from the parties, provided that such information: (i) Is relevant for determining whether the agreement complies with this subsection; and (ii) does not contain either parties' confidential, proprietary, or privileged information, or any individual's personal identifying information from the parties. The department may approve or reject a proposed agreement, and may require the parties to submit a revised proposal on all or particular parts of the proposed agreement. If the department rejects an agreement, it shall set forth its reasoning in writing and shall suggest ways the parties may remedy the failures. Absent good cause, the department shall issue a written determination regarding its approval or rejection within 60 days of submission of the agreement.

(d)(i) For any account deactivation, the transportation network company shall provide notification to the driver, at the time of deactivation, that the driver may have the right to representation by the driver resource center to appeal the account deactivation.

(ii) A transportation network company must provide any driver whose account is subject to an account deactivation between the effective date of this section and the effective date of the agreement the contact information of the driver resource center and notification that the driver may have the right to appeal the account deactivation with representation by the driver resource center.

(16) The department may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 49.46 RCW to read as follows:

(1) The legislature recognizes that providing education and outreach to drivers regarding their rights and obligations furthers the state's interest in having a vibrant knowledgeable work force and safe and satisfied consumers. The legislature therefore intends to create a way of providing education, outreach, and support to workers who, because of the nature of their work, do not have access to such support through traditional avenues.

(2) The driver resource center fund is created in the custody of the state treasurer. All moneys received from the remittance in section 1(12) of this act must be deposited into the fund.

(3) Only the director of the department of labor and industries or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The department may make expenditures from the fund for the following purposes:

(a) Services provided by the driver resource center, as defined in section 1 of this act, to drivers and administrative costs of providing such support. The department must distribute funding received by the account, exclusive of the department's administrative costs deducted under (b) of this subsection, to the center on a quarterly basis; and

(b) The department's costs of administering the fund and its duties under section 1 of this act, not to exceed 10 percent of revenues to the fund.

(5) Within four months of the effective date of this section, the director of the department or the director's designee shall, through a competitive process, select and contract with a qualified nonprofit organization to be the driver resource center.

NEW SECTION. Sec. 3. A new section is added to chapter 49.46 RCW to read as follows:

(1)(a) If a driver files a complaint with the department alleging that a transportation network company failed to provide any compensation amounts due to the driver under section 1 of this act, the department shall investigate the complaint under this section. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the compensation-related complaint. The department may extend the time period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the time period and specifying the duration of the extension.

(b) The department may not investigate any alleged compensation-related violation that occurred more than three years before the date that the driver filed the compensation-related complaint.

(c) The department shall send the citation and notice of assessment or the determination of compliance to both the transportation network company and the driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department determines that a transportation network company has violated a compensation requirement in section 1 of this act and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay drivers all compensation owed, including interest of one percent per month on all compensation owed, to the driver. The compensation and interest owed must be calculated from the first date compensation was owed to the driver, except that the department may not order the transportation network company to pay any compensation and interest that were owed more than three years before the date the complaint was filed with the department.

(3) If the department determines that the compensation-related violation was a willful violation, and the transportation network company fails to take corrective action, the department also may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation shall be not less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid compensation per claimant, whichever is greater. The maximum civil penalty for a willful violation of requirements in section 1 of this act shall be \$20,000 per claimant.

(b) The department may not assess a civil penalty if the transportation network company reasonably relied on: (i)

A rule related to any requirements in this section; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department shall waive any civil penalty assessed against a transportation network company under this section if the transportation network company is not a repeat willful violator, and the director determines that the transportation network company has provided payment to the driver of all compensation that the department determined that the transportation network company owed to the driver, including interest, within 30 days of the transportation network company's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the transportation network company paid all compensation and interest owed to a driver.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by a transportation network company, and acceptance by a driver, of all compensation and interest assessed by the department in a citation and notice of assessment issued to the transportation network company, the fact of such payment by the transportation network company, and of such acceptance by the driver, shall: (a) Constitute a full and complete satisfaction by the transportation network company of all specific requirements addressed in the citation and notice of assessment; and (b) bar the driver from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific requirements addressed in the

citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of a driver's complaint against a transportation network company. For the purposes of this subsection, the department's investigation begins on the date the driver files the complaint with the department and ends when: (a) The complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the transportation network company and the driver in writing that the complaint has been otherwise resolved or that the driver has elected to terminate the department's administrative action under this section.

(6) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under this section or the assessment of a civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's service, as provided in subsection (1) of this section, on the aggrieved party of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(7) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(8) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The

hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of a civil penalty shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(9) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(10) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(11) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalties assessed.

(12) A driver who has filed a complaint under this section with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, if any exists, by providing written notice to the department within 10 business days after the driver's receipt of the department's citation and notice of assessment.

(13) If the driver elects to terminate the department's administrative action: (a) The department shall immediately discontinue its action against the transportation network company; (b) the department shall vacate a citation and notice of assessment already issued by the department to the transportation network company; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the transportation network company of the compensation, including interest, assessed by the department in

the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(14) Nothing in this section shall be construed to limit or affect: (a) The right of any driver to pursue any judicial, administrative, or other action available with respect to a transportation network company; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to a driver that is identified as a result of a complaint for a violation of section 1 of this act; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to a transportation network company in the absence of a complaint for a violation of section 1 of this act. For purposes of this subsection, "driver" means a driver other than a driver who has filed a complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section.

(15) After a final order is issued under this section, and served as provided in subsection (1) of this section, if a transportation network company defaults in the payment of: (a) Any compensation determined by the department to be owed to a driver, including interest; or (b) any civil penalty ordered by the department under this section, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the transportation network company mentioned in the warrant, the amount of payment due plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the transportation network company against whom the warrant is issued, the same as a judgment in a civil case docketed with the superior court clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as

prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be served on the transportation network company, as provided in subsection (1) of this section, within three days of filing with the clerk.

(16)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to a transportation network company upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and

order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the transportation network company's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon a transportation network company and the property subject to it is compensation, the transportation network company may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the compensation earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (16)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (16)(c).

(17)(a) In addition to the procedure for collection of compensation owed, including interest, and civil penalties as set forth in this section, the department may recover compensation owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose compensation liens established under chapter 60.90 RCW. When the department is foreclosing on a compensation lien, the date the compensation lien was originally filed shall be the date by which priority is determined, regardless of the date the warrant is filed under this section.

(18) Whenever any transportation network company quits business, sells out, exchanges, or otherwise disposes of the transportation network company's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the transportation network company's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the transportation network company within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the transportation network company.

(19) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. Sec. 4. A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging a violation of any noncompensation requirement of section 1 (7) through (10) and (12) through (14) of this act, the department shall investigate the complaint under this section.

(a) The department may not investigate any such alleged violation that occurred more than three years before the date

that the driver filed the complaint or prior to this law going into effect.

(b) If a driver files a timely complaint with the department, the department will investigate the complaint and issue either a citation assessing a civil penalty or a closure letter within 60 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(c) The department shall send notice of either a citation and notice of assessment or a citation assessing a civil penalty or the closure letter to both the transportation network company and the driver by service of process or by United States mail using a method by which delivery of such written notice to the transportation network company can be tracked and confirmed. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department's investigation finds that the driver's allegation cannot be substantiated, the department shall issue a closure letter to the driver and the transportation network company detailing such finding.

(3) If the department determines that the violation was a willful violation, and the transportation network company fails to take corrective action, the department may order the transportation network company to pay the department a civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation will be \$1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty will not be less than \$2,000 for each repeat willful violation per claimant, but no greater than \$20,000 for each repeat willful violation per claimant.

(b) The department may not issue a citation assessing a civil penalty if the transportation network company

reasonably relied on: (i) A written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (ii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the transportation network company has taken corrective action to resolve the violation.

(d) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(e) If the department determines that a transportation network company has violated section 1(12) of this act, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all owed remittance payments in the driver resource center fund.

(4) For purposes of this section, the following definitions apply:

(a) "Repeat willful violator" means any transportation network company that has been the subject of a final and binding citation for a willful violation of one or more rights under this chapter and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this section may appeal the citation assessing a civil penalty to the director

by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(6) A notice of appeal filed with the director under this section stays the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(7) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty must be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(8) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(9) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(10) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department of penalties assessed.

(11) Collections of unpaid citations assessing civil penalties will be handled pursuant to the procedures outlined in RCW 49.48.086.

(12) If the department determines that a transportation network company has violated the requirements in section 1(12) of this act to collect and remit

the established fee, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all unpaid remittance amounts into the driver resource center fund established in section 2 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 49.46 RCW to read as follows:

(1) It is unlawful for a transportation network company to interfere with, restrain, or deny the exercise of any driver right provided under or in connection with section 1 of this act and RCW 49.46.210(5). This means a transportation network company may not use a driver's exercise of any of the rights provided under section 1 of this act and RCW 49.46.210(5) as a factor in any action that adversely affects the driver's use of the transportation network.

(2) It is unlawful for a transportation network company to adopt or enforce any policy that counts the use of earned paid sick time for a purpose authorized under RCW 49.46.210(1) (b) and (c) as time off the platform that may lead to or result in temporary or permanent deactivation by the transportation network company against the driver.

(3) It is unlawful for a transportation network company to take any adverse action against a driver because the driver has exercised their rights provided under section 1 of this act and RCW 49.46.210(5). Such rights include, but are not limited to: Filing an action, or instituting or causing to be instituted any proceeding under or related to section 1 of this act and RCW 49.46.210(5), or testifying or intending to testify in any such proceeding related to any rights provided under section 1 of this act and RCW 49.46.210(5).

(4) Adverse action means any action taken or threatened by a transportation network company against a driver for the driver's exercise of rights under section 1 of this act and RCW 49.46.210(5).

(5) A driver who believes that he or she was subject to retaliation by a transportation network company for the exercise of any driver right under

section 1 of this act and RCW 49.46.210(5) may file a complaint with the department within 180 days of the alleged retaliatory action. The department may, at its discretion, extend the 180-day period on recognized equitable principles or because of extenuating circumstances beyond the control of the department. The department may extend the 180-day period when there is a preponderance of evidence that the transportation network company has concealed or misled the driver regarding the alleged retaliatory action.

(6) If a driver files a timely complaint with the department alleging retaliation, the department shall investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(7) The department may consider a complaint to be otherwise resolved when the driver and the transportation network company reach a mutual agreement to remedy any retaliatory action, or the driver voluntarily and on the driver's own initiative withdraws the complaint.

(8) If the department's investigation finds that the driver's allegation of retaliation cannot be substantiated, the department shall issue a determination of compliance to the driver and the transportation network company detailing such finding.

(9) If the department's investigation finds that the transportation network company retaliated against the driver, and the complaint is not otherwise resolved, the department may, at its discretion, notify the transportation network company that the department intends to issue a citation and notice of assessment, and may provide up to 30 days after the date of such notification for the transportation network company to take corrective action to remedy the retaliatory action. If the complaint is not otherwise resolved, then the department shall issue a citation and notice of assessment. The department's citation and notice of assessment may:

(a) Order the transportation network company to make payable to the driver earnings that the driver did not receive due to the transportation network company's retaliatory action, including interest of one percent per month on all earnings owed. The earnings and interest owed will be calculated from the first date earnings were owed to the driver;

(b) Order the transportation network company to restore the contract of the driver, unless otherwise prohibited by law;

(c) Order the transportation network company to cease using any policy that counts the use of earned paid sick time as time off the platform or an adverse action against the driver;

(d) For the first violation, order the transportation network company to pay the department a civil penalty established in subsection (15) of this section; and

(e) For a repeat violation, order the transportation network company to pay the department up to double the civil penalty established in subsection (15) of this section.

(10) The department shall send the citation and notice of assessment or determination of compliance to both the transportation network company and driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(11) During an investigation of the driver's retaliation complaint, if the department discovers information suggesting alleged violations by the transportation network company of the driver's other rights under this chapter, and all applicable rules, the department may investigate and take appropriate enforcement action without requiring the driver to file a new or separate complaint. In the event the department so expands an investigation, it shall provide reasonable notice to the transportation network company that it is doing so. If the department determines that the transportation network company violated additional rights of the driver under this chapter, and all applicable

rules, the transportation network company may be subject to additional enforcement actions for the violation of such rights. If the department discovers information alleging the transportation network company retaliated against or otherwise violated rights of other drivers under this chapter, and all applicable rules, the department may launch further investigation under this chapter, and all applicable rules, without requiring additional complaints to be filed.

(12) The department may prioritize retaliation investigations as needed to allow for timely resolution of complaints.

(13) Nothing in this section impedes the department's ability to investigate under the authority prescribed in RCW 49.48.040.

(14) Nothing in this section precludes a driver's right to pursue private legal action, if any exists.

(15) If the department's investigation finds that a transportation network company retaliated against a driver, pursuant to the procedures outlined in this section, the department may order the transportation network company to pay the department a civil penalty. A civil penalty for a transportation network company's retaliatory action will not be less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid earnings attributable to the retaliatory action per claimant, whichever is greater. The maximum civil penalty for a transportation network company's retaliatory action shall be \$20,000 per claimant for the first violation, and \$40,000 for each repeat violation.

(16) The department may, at any time, waive or reduce any civil penalty assessed against a transportation network company under this section if the department determines that the transportation network company has taken corrective action to remedy the retaliatory action.

(17) The department will deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(18) Collections of amounts owed for unpaid citations and notices of assessment, as detailed in this section, will be handled pursuant to the procedures outlined in RCW 49.48.086.

(19) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may, within 30 days after the date of such determination, submit a request for reconsideration to the department setting forth the grounds for seeking such reconsideration, or submit an appeal to the director pursuant to the procedures outlined in subsection (22) of this section. If the department receives a timely request for reconsideration, the department shall either accept the request or treat the request as a notice of appeal.

(20) If a request for reconsideration is accepted, the department shall send notice of the request for reconsideration to the transportation network company and the driver. The department shall determine if there are any valid reasons to reverse or modify the department's original decision to issue a citation and notice of assessment or determination of compliance within 30 days of receipt of such request. The department may extend this period by providing advance written notice to the driver and transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension. After reviewing the reconsideration, the department shall either:

(a) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance is affirmed; or

(b) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance has been reversed or modified.

(21) A request for reconsideration submitted to the department shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending the reconsideration decision by the department.

(22)(a) Within 30 days after the date the department issues a citation and notice of assessment or a determination of compliance, or within 30 days after the date the department issues its decision on the request for reconsideration, a person, firm, or corporation aggrieved by a citation and notice of assessment or a determination

of compliance may file with the director a notice of appeal.

(b) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(c) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment or determination of compliance shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(23) If a request for reconsideration is not submitted to the department within 30 days after the date of the original citation and notice of assessment or determination of compliance, and a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance did not submit an appeal to the director, then the citation and notice of assessment or determination of compliance is final and binding, and not subject to further appeal.

(24) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(25) The director's orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(26) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

PART II**PAID SICK LEAVE**

Sec. 6. RCW 49.46.210 and 2019 c 236 s 3 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence

from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or

a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in section 1 of this act.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, "family member" means any of the following:

(A) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(B) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;

(C) A spouse;

(D) A registered domestic partner;

(E) A grandparent;

(F) A grandchild; or

(G) A sibling.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; and

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness except as would be permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time

as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

(q) The department may adopt rules to implement this subsection.

NEW SECTION. Sec. 7. A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of this act.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the

transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section.

PART III

INDUSTRIAL INSURANCE

Sec. 8. RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage,

and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under ~~((subsection (8))~~(a) of this subsection, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought

are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

~~(14) ((A driver providing commercial transportation services as defined in RCW 49.177.005. The driver may elect coverage in the manner provided by RCW 51.32.030.~~

~~(15))~~ For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

Sec. 9. RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

(1) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ((subsections (1) through (6) of)) RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a transportation network company, as defined in section 1 of this act, shall have the same rights and obligations of an "employer" under this title with respect to a driver, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

Sec. 10. RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or

her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the definition of worker, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of RCW 51.08.195 or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a driver, as defined in section 1 of this act, shall have the same rights and obligations of a "worker" under this title with respect to a transportation network company, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

NEW SECTION. Sec. 11. A new section is added to chapter 51.16 RCW to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in section 1 of this act, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in section 1 of this act, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in section 1 of this act.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the

hours for which drivers, as defined in section 1 of this act, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

(4) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(5) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating

premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

Sec. 12. RCW 51.16.060 and 1985 c 315 s 1 are each amended to read as follows:

~~((Every))~~ Except as provided in section 11 of this act, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be

considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

NEW SECTION. Sec. 13. A new section is added to chapter 51.04 RCW to read as follows:

(1) The application of this chapter to a transportation network company, as defined in section 1 of this act, shall not be indicative of, or considered a factor in determining, the existence of an employer-employee relationship between the transportation network company and driver for purposes of any other rights, benefits, or obligations under other state and local employment laws.

(2) A transportation network company's compliance with this chapter satisfies any obligation under any county, city, town, or other municipal corporation ordinance requiring compensation or benefits for workplace injuries or occupational disease.

PART IV

STATEWIDE REGULATORY REQUIREMENTS

NEW SECTION. Sec. 14. The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

NEW SECTION. Sec. 15. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(3) "Driver" has the meaning provided in section 1 of this act.

(4) "Network services" has the meaning provided in section 1 of this act.

(5) "Passenger" means an individual who uses a digital network to connect with a driver in order to obtain a prearranged ride in the driver's transportation network company vehicle. A person may use a digital network to request a prearranged ride on behalf of a passenger.

(6) "Prearranged ride" has the same meaning provided in RCW 48.177.005.

(7) "Transportation network company" has the meaning provided in section 1 of this act.

(8) "Transportation network company vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

NEW SECTION. Sec. 16. (1) A transportation network company or driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide for hire transportation service, commuter ride sharing, taxicab, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW.

(2) A driver is not required to register a transportation network company vehicle as a commercial vehicle or for hire vehicle.

NEW SECTION. Sec. 17. (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the effective date of this section may continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network company as set forth in this chapter and pays an annual permit fee of \$5,000 to the department.

NEW SECTION. Sec. 18. Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

NEW SECTION. Sec. 19. (1) Before a passenger enters a transportation network company vehicle, the

transportation network company must provide, on behalf of the driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During the first seven days of a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any passenger that exceeds two and one-half times the fare that would otherwise be applicable for the prearranged ride.

NEW SECTION. **Sec. 20.** A transportation network company's digital network or website must display a photograph of the driver and the license plate number of the transportation network company vehicle.

NEW SECTION. **Sec. 21.** A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides is not more than 15 years old as determined by the model year of the vehicle.

NEW SECTION. **Sec. 22.** (1) A transportation network company must implement a zero tolerance policy regarding a driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a passenger complaint is received by the transportation network company.

NEW SECTION. **Sec. 23.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network

company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3)(a) Subsection (2)(a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2)(a) of this section.

(c) For purposes of subsection (2)(a) of this section multiple moving violations shall be treated by the transportation network company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform.

NEW SECTION. **Sec. 24.** A driver may not:

(1) Solicit or accept a trip request to provide network services other than a trip request arranged through a

transportation network company's digital network;

(2) Provide network services for more than 14 consecutive hours in a 24-hour period; or

(3) Allow any other individual to use that driver's access to a transportation network company's digital network.

NEW SECTION. **Sec. 25.** (1) A transportation network company must adopt a policy of nondiscrimination on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and notify drivers of such policy.

(2) A driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(3) A driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

NEW SECTION. **Sec. 26.** Any safety product, feature, process, policy, standard, or other effort undertaken by a transportation network company, or the provision of equipment by a transportation network company, to further public safety is not an indicia of an employment or agency relationship with a driver.

NEW SECTION. **Sec. 27.** A transportation network company must maintain the following records:

(1) Individual trip records, except receipts pursuant to section 1(9) of this act, for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of drivers, except receipts pursuant to section 1(9) of this act, at least until the end of the calendar year marking the three-year anniversary of the date on which a driver's relationship with the

transportation network company has ended.

NEW SECTION. Sec. 28. (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than twice per year, the department may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department in a manner agreeable to both parties. Any record sample furnished to the department may exclude information that would reasonably identify specific drivers or passengers.

(2) Records provided to the department for inspection under this chapter are exempt from disclosure under chapter 42.56 RCW and are confidential and not subject to disclosure to a third party by the department without prior written consent of the transportation network company.

NEW SECTION. Sec. 29. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 30. The department may adopt rules consistent with and as necessary to carry out this chapter.

NEW SECTION. Sec. 31. (1) A transportation network company is not vicariously liable for injury to persons or property that results or arises out of the use, operation, or possession of a motor vehicle operating as a transportation network company vehicle while the driver is logged on to the transportation network company's digital network if:

(a) There is no negligence under this chapter or criminal wrongdoing under federal or state laws on the part of the transportation network company; and

(b) The transportation network company has fulfilled all of its obligations under this chapter with respect to the driver.

(2) This section does not alter or reduce the coverage or policy limits of the insurance requirements under RCW 48.177.010 (as recodified by this act).

NEW SECTION. Sec. 32. A transportation network company shall

not, unless based upon a bona fide occupational qualification, refuse to contract with or terminate the contract of a driver based upon age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability.

NEW SECTION. Sec. 33. (1) Except as provided in subsections (2) and (3) of this section, as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, either direct or indirect, on a transportation network company or driver.

(2)(a) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation existing on or before January 1, 2022, that imposes a tax, fee, or surcharge on a transportation network company or driver remains in effect at the rate that exists on or before January 1, 2022. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges. Nothing in this subsection shall be construed to preempt a generally applicable business and occupation tax. This subsection shall apply retroactively and shall preempt any increase in the amount of an existing tax, fee, or surcharge not preempted pursuant to this subsection, or the imposition of any higher or new taxes, fees, or surcharges which occurs between January 1, 2022, and the effective date of this section.

(b) Notwithstanding (a) of this subsection, any local ordinance or regulation existing on or before the effective date of this section that imposed a per trip tax, fee, or surcharge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but

only at the reduced rate and may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(c) Notwithstanding (a) of this subsection, any per ride fee imposed by a local ordinance exempted from preemption under subsection (3)(a) of this section, the proceeds of which are used to offset expenses of enforcing the ordinance, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) Any increase in the fee amount does not result in an increase of more than 10 percent of the current per ride fee amount;

(iii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iv) The department has not authorized an increase in the per ride fee in the last five fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than 600,000 or a county with a population of more than 2,000,000, and that existed on or before January 1, 2022, that regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than 600,000 or a county with a

population of more than 2,000,000, that existed before January 1, 2022, that is related to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060 is preempted as of January 1, 2023. The city may continue to enforce the ordinance between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this act. This subsection (3)(b) shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(4) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060.

Sec. 34. RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide commercial transportation services, as defined in RCW 48.177.005, every personal vehicle, as defined in RCW 48.177.005, must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide commercial transportation services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a commercial transportation services provider, as defined in RCW 48.177.005, must secure this policy for every personal vehicle used to provide

commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation services provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage; and

(B) ~~((Underinsured motorist coverage in the amount of one million dollars; and~~

~~(C))~~ Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(iii) The primary automobile insurance policy required under this subsection must provide underinsured motorist coverage in the amount of \$100,000 per person, \$300,000 per accident from the moment a passenger enters the transportation network company vehicle of a driver until the passenger exits the transportation network company vehicle.

(2)(a) As an alternative to the provisions of subsection (1) of this section, ~~((if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a driver for a commercial transportation services provider and using a personal vehicle to provide commercial transportation services,))~~ a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section from a lawful admitted or surplus lines insurer. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided under subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide commercial transportation services as a driver, a commercial transportation services provider must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a driver

purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040, or through a surplus lines insurer that meets the financial requirements as described in RCW 48.15.090 and follows the procurement procedures of RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver for a commercial transportation services provider is logged in to a commercial transportation services provider's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

(a) Liability coverage for bodily injury and property damage;

(b) Personal injury protection coverage;

(c) Underinsured motorist coverage;

(d) Medical payments coverage;

(e) Comprehensive physical damage coverage; and

(f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have

no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network or software application of more than one commercial transportation services provider but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(11) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off

the provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

(14) If an insurer for a commercial transportation services provider makes a payment for a claim covered under comprehensive coverage or collision coverage, the commercial transportation services provider must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

(15)(a) To be eligible for securing a primary automobile insurance policy under this section, a commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

NEW SECTION. Sec. 35. (1) The commissioner for the employment security department shall commence a work group of stakeholders, comprised of equal representation of industry and labor, to study the appropriate application of Titles 50, 50A, and 50B RCW on transportation network companies and drivers in this state.

(2) No later than December 1, 2022, and in compliance with RCW 43.01.036, the commissioner must submit a report to the governor and the legislature on findings and suggested changes to state law to establish applicable rates and terms by which transportation network companies and drivers participate in relevant state run programs established pursuant to Titles 50, 50A, and 50B RCW.

NEW SECTION. Sec. 36. RCW 48.177.010 is recodified as a section in chapter 46.--- RCW (the new chapter created in section 37 of this act).

NEW SECTION. Sec. 37. Sections 14 through 33 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 38. (1) Sections 8 through 13 of this act (related to industrial insurance) take effect January 1, 2023.

(2) Sections 17 and 28 of this act (related to the department of licensing) take effect March 1, 2023.

(3) Sections 3 through 5 and 7 of this act (related to the department of labor and industries' enforcement) take effect July 1, 2023."

Correct the title.

Representative Berry moved the adoption of amendment (1152) to striking amendment (1151):

On page 1, line 29 of the striking amendment, after "(e)" insert "Director" means the director of the department of labor and industries.

(f)"

Re-letter the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 15 of the striking amendment, after "48," strike "50,"

On page 6, line 38 of the striking amendment, after "per mile rate" insert "or per trip rate"

On page 7, line 6 of the striking amendment, after "per mile rate" insert "or per trip rate"

On page 10, beginning on line 10 of the striking amendment, after "interest" strike all material through "costs" on line 27 and insert "provided in section 4 of this act"

On page 17, line 16 of the striking amendment, after "requirements" insert "of section 1 of this act"

On page 17, line 22 of the striking amendment, after "requirements of" strike "this subsection" and insert "section 1 of this act"

On page 17, line 34 of the striking amendment, after "under" insert "subsection (12) of"

On page 36, line 34 of the striking amendment, after "of" insert "section 1 of"

On page 42, line 11 of the striking amendment, after "its premium" strike "thereon" and insert "based on the total passenger platform time and dispatch platform time"

On page 44, line 34 of the striking amendment, after "(3)" insert "Director" means the director of the department of licensing.

(4)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 50, beginning on line 32 of the striking amendment, after "drivers." strike all material through "section" on page 52, line 32 and insert "No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.

(2)(a)(i) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation existing on or before January 1, 2022, that imposes a tax, fee, or surcharge on a transportation network company or driver remains in effect at the rate that exists on or before January 1, 2022. The county, city, town, or other municipal

corporation may continue to collect that tax, fee, or surcharge, but may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(ii) Nothing in this section shall be construed to preempt any of the following taxes that are generally applicable:

- (A) Business tax;
- (B) Sales and use tax,
- (C) Excise tax, or
- (D) Property tax.

(iii) This subsection (2)(a) shall apply retroactively and shall preempt any increase in the amount of an existing tax, fee, or surcharge not preempted pursuant to this subsection (2)(a), or the imposition of any higher or new taxes, fees, or surcharges which occurs between January 2, 2022 and the effective date of this act.

(b) Notwithstanding (a) of this subsection, beginning on January 1, 2023, any local ordinance or regulation existing on or before the effective date of this section that imposed a per trip tax, fee, or surcharge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The county, city, town, or other municipal corporation may continue to collect that tax, fee, or surcharge, but only at the reduced rate and may not increase the amount of that tax, fee, or surcharge, and may not impose any higher or new taxes, fees, or surcharges.

(c) Notwithstanding (a) of this subsection, any per ride fee imposed by a local ordinance exempted from preemption under subsection (3)(a) of this section, the proceeds of which are used to offset expenses of enforcing the ordinance, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iii) The department has not authorized an increase in the per ride fee in the last two fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed on or before January 1, 2022, that defined and regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed before January 1, 2022, that is related to requirements covered by sections 1 and 6 through 13 of this act are preempted as of January 1, 2023. The city may continue to enforce the local ordinance or regulation between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, or amendment, or implementation conforms with the requirements of this act. This paragraph shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section"

On page 58, beginning on line 23 of the striking amendment, strike all of subsection (3)

Representatives Berry and Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1152) to striking amendment (1151) was adopted.

Representative Dufault moved the adoption of amendment (1154) to striking amendment (1151):

On page 45, line 34 of the striking amendment, after "19." strike "(1)"

On page 46, beginning on line 3 of the striking amendment, strike all of subsection 2

With the consent of the House, Representative Dufault withdrew amendment (1154) to striking amendment (1151).

Representative Dufault moved the adoption of amendment (1153) to striking amendment (1151):

On page 50, beginning on line 29 of the striking amendment, strike all of section 33 and insert the following:

"**NEW SECTION. Sec. 33.** (1) As of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, either direct or indirect, on a transportation network company or driver.

(2) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060."

Representatives Dufault, Hoff and Dufault (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

Amendment (1153) to striking amendment (1151) was not adopted.

Representative Berry spoke in favor of the adoption of the striking amendment, as amended.

Representative Hoff spoke against the adoption of the striking amendment, as amended.

Striking amendment (1151), as amended, was adopted.

The bill was ordered engrossed.

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

Representative Berry spoke in favor of the passage of the bill.

Representatives Hoff, Caldier and Kraft spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Peterson was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2076.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2076, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

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

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

Excused: Representative Peterson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1790, by Representatives Ramos, Robertson, Fitzgibbon, Ryu, Callan, Fey, Ramel, Donaghy and Riccelli

Addressing the creation, display, and material durability of temporary license plates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1790 was substituted for House Bill No. 1790 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1790 was read the second time.

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

Representatives Ramos and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1790.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1790, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chapman, Corry, Dufault, Griffey, Hoff, Kraft, Leavitt, MacEwen, McCaslin, McEntire, Stokesbary, Sutherland, Vick, Walen, Walsh and Young.

Excused: Representative Peterson.

SUBSTITUTE HOUSE BILL NO. 1790, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 24, 2022, the 46th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 24, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4652, by Representatives Caldier, Chambers, Callan, and Ramos

WHEREAS, The United States owes an immeasurable debt to members of the armed forces who fought for our country on the front lines of World War II, spending months overseas away from their families during long deployments in the most dangerous circumstances imaginable; and

WHEREAS, The U.S. Marine Raiders were the first special forces unit formed in the American military in February 1942 in four battalions - Edson, Carlson, Roosevelt, and Liversedge - during World War II; and

WHEREAS, The U.S. Marine Raiders played a large role in victories at Makin Island, Tulagi, Guadalcanal, Guam, and Okinawa during World War II; and

WHEREAS, According to the Marine Raider Association and Foundation, the WWII Marine Raider Battalions earned seven Medals of Honor, 141 Navy Crosses, and 330 Silver Stars; and

WHEREAS, Charles "Chuck" Meacham of Gig Harbor, Washington, served in the United States Marine Corps 3rd Marine Raider Battalion Unit during World War II on the Pacific Islands of Bougainville, Emirau, Guam, and Okinawa; and

WHEREAS, Charles "Chuck" Meacham spent 24 consecutive months in the South Pacific engaging in combat as a BAR man on Bougainville, Emirau, Guam, and Okinawa; and

WHEREAS, Charles "Chuck" Meacham was involved in several first wave landings within Japanese held territory during World War II, including a rubber boat landing behind enemy lines in Bougainville; and

WHEREAS, After leaving the Marine Corps, Charles "Chuck" Meacham spent several years managing Alaska's Department of Fish and Game and as Assistant Secretary of the Interior in Washington, D.C.; and

WHEREAS, Charles "Chuck" Meacham now resides in the 26th Legislative District in Gig Harbor, WA, and has continued work to remember and honor the members of the WWII Marine Raider Battalions and those that were affected by the war in the Pacific Islands through charitable work;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Charles "Chuck" Meacham of the United States Marine Corps 3rd Marine Raider Battalion for his immeasurable contributions and sacrifices to the United States of America and the original Marine Raiders' significant role in World War II.

There being no objection, HOUSE RESOLUTION NO. 4652 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4653, by Representatives Thai, Pollet, Wicks, Orwall, Morgan, Fey, Walen, and Callan

WHEREAS, Pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS) and pediatric acute-onset neuropsychiatric syndromes (PANS) involve a misdirected autoimmune process that affects or weakens the blood-brain barrier in children; and

WHEREAS, Children afflicted with PANDAS or PANS display sudden, dramatic changes in personality manifesting as obsessive compulsive disorder (OCD), together with accompanying symptoms following a strep, bacterial, or viral infection; and

WHEREAS, Accompanying symptoms may include tics, intense fear or anxiety, depression, behavioral regression, deterioration in school performance, sensory sensitivities, severely restricted food intake, and more; and

WHEREAS, It is estimated that at least one in 200 children in the United States are affected by PANDAS/PANS; and

WHEREAS, Children with PANDAS/PANS can often go undiagnosed, misdiagnosed, or undertreated. PANDAS/PANS is likely as common as pediatric cancer and pediatric diabetes and can seriously affect health outcomes in a child's life; and

WHEREAS, Established standards of care for treatment of PANDAS/PANS include antibiotics, steroids, intravenous immunoglobulin, plasmapheresis, cognitive behavioral therapy, and anti-inflammatory medications and are used based on the needs of the child and the severity of an individual case; and

WHEREAS, Greater public awareness of this health issue is imperative to improve timely diagnosis and access to treatment so that health outcomes for affected children may be improved;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the patients

and families affected by PANDAS/PANS and the practitioners who assist them.

There being no objection, HOUSE RESOLUTION NO. 4653 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4654, by Representatives Orcutt and Abbarno

WHEREAS, Over 150 years ago farmers settled in the Lewis River Valley in the area known as the Woodland Bottoms, growing corn, carrots, berries, other crops, and livestock; and

WHEREAS, The Woodland Bottoms lies within the floodplain of the Columbia and Lewis River and was prone to flooding that forced many farmers to have two farms, one in the Woodland Bottoms and another up in the surrounding foothills that forced the farmers to spend many hours traveling from one farm to the other to grow and harvest crops; and

WHEREAS, Devastating floods in 1876, 1894, and 1919 took their toll on farmers and, because the progressive farmers had finally had enough of the flooding waters, they developed a levee system that protected many acres of land and had a marked effect upon the local economy; and

WHEREAS, The dike was completed in January, 1921, but was breached by the Columbia River on May 30th at the north end of the Bottoms; and

WHEREAS, In 1922 the levee was repaired and protected the Bottoms and the town of Woodland, which relied on farmers for their prosperity; and

WHEREAS, E.C. Blue and L.N. Plomondon determined there needed to be a Thanksgiving type of celebration to commemorate the dike holding and the forthcoming prosperity of the farmers. In the spirit of good fellowship, with H.W. Mitchell being in charge, the community businesses gathered together and funded and organized an event; and

WHEREAS, In searching for a name, Gene Blue suggested Planters Day, because the farmers could plant their crops without fear of flooding, the first Planters Day was held on Friday, June 30, 1922. This first Planters Day was hailed as the "greatest event ever given in Woodland"; and

WHEREAS, In 1925 the Woodland Volunteer Fire Department was formed and they organized and funded the Planters Day celebration until 1970. But in 1970 the festival grew too large for a single organization to sustain, so the Planters Day committee was created and has continued to organize the celebration; and

WHEREAS, Over the years, Planters Days has included a parade, a street dance, a royal court, fireworks, a children's parade, firefighters muster/red ball competition, penny scramble, frog jumping contest, logging show events, motorcycle events, classic car show, bed races, military exhibitions, and truck and tractor rodeos; and

WHEREAS, There is a deep sense of pride in the Woodland community, an immense amount of volunteer time, dedication and cooperation by many individuals which has continued this incredible legacy; and

WHEREAS, 2022 marks the centennial celebration of Planters Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, does hereby recognize that June 16th through 19th, 2022, will constitute the Centennial celebration by Woodland Washington of its "Planters Days" and joins with the Woodland community in acknowledging this remarkable contribution to the history of Washington State.

There being no objection, HOUSE RESOLUTION NO. 4654 was adopted.

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

REPORTS OF STANDING COMMITTEES

February 22, 2022

E2SSB 5155 Prime Sponsor, Committee on Ways & Means: Concerning prejudgment interest. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.56.110 and 2019 c 371 s 1 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3)(a) ~~((Judgments))~~ (i) Except as otherwise provided in this subsection (3), judgments founded on the tortious conduct of a "public agency" as defined in RCW 42.30.020 shall bear interest from the date ((of entry)) the cause of action accrued at two percentage points above the equivalent coupon issue yield, as published by the board of governors of

the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. ~~((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))~~

(ii) Judgments founded on tortious conduct that occurred while the plaintiff was a minor shall bear interest from the date of written notification to the defendant or the defendant's agent that an injury has occurred and that a claim may be brought or has been brought, at the same rate as in (a)(i) of this subsection (3).

(b)(i) Except as otherwise provided in ~~((a) of))~~ this subsection (3), judgments founded on the tortious conduct of individuals or other entities that are not a "public agency" as defined in RCW 42.30.020, whether acting in their personal or representative capacities, shall bear interest from the date ~~((of entry))~~ the cause of action accrued at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry. ~~((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))~~

(ii) Judgments founded on tortious conduct that occurred while the plaintiff was a minor shall bear interest from the date of written notification to the defendant or the defendant's agent that an injury has occurred and that a claim may be brought or has been brought, at the same rate as in (b)(i) of this subsection (3).

(4) Except as provided under subsection (1) of this section, judgments for unpaid private student loan debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at two percentage points above the prime rate,

as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry.

(5) Except as provided under subsection (1) of this section, judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at a rate of nine percent.

(6) Except as provided under subsections (1) through (5) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 2. RCW 4.56.111 (Interest on judgments—Rate) and 2010 c 149 s 2 are each repealed."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Klippert and Ybarra.

Referred to Committee on Appropriations.

February 23, 2022

SB 5196

Prime Sponsor, Senator Billig: Describing how the legislature may convene a special session. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 22, 2022

2SSB 5241 Prime Sponsor, Committee on Ways & Means: Promoting economic inclusion. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that economic inclusion shall be a top priority of Washington state's economic recovery. The legislature finds that the novel coronavirus has had a disproportionate effect upon at-risk communities. The legislature recognizes that for communities to thrive and remain vibrant, that recovery needs to be inclusive of people who are furthest away from opportunity and disproportionately more likely to experience economic hardship. The legislature acknowledges that stand-alone human service programs meet a pressing need but can be difficult to access for those lacking the resources to do so. The legislature recognizes that barriers to access can delay reentry into the workforce and career development. The legislature finds that leveraging or supporting the integration of existing benefits and services whenever possible will help people access the benefits they need to help them move out of poverty, without creating another duplicative system. The legislature finds that incorporating people with lived experience into systems development can help improve meaningful access to state programs. The legislature, therefore, intends to help facilitate an inclusive economic recovery by creating an economic inclusion grant program to provide greater access to resources for those in need.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Department" means the employment security department.

(2) "People experiencing poverty" means households whose income are at or below 200 percent of the federal poverty level.

(3) "Rural counties" has the same meaning as provided for in RCW 82.14.370.

(4) "Self-sufficiency" means a level of household income that is equal to or more than the self-sufficiency standard for a household as determined by the University of Washington's self-sufficiency calculator.

(5) "Steering committee" means the poverty reduction work group steering committee created in response to a directive of the governor, dated November 6, 2017.

NEW SECTION. Sec. 3. (1) The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as determined by the department, shall make and oversee the implementation of local economic inclusion grants available to local communities to promote equity, economic inclusion, and a stable financial foundation for people experiencing poverty, with a particular focus on people of color and people in rural counties, primarily through better coordination of existing programs and resources. The purpose of these grants is to empower and incentivize local communities to coordinate existing poverty reduction resources and benefits to make them easier to access, get them to the people who need them, and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success.

(2) Subject to the availability of funds appropriated for this specific purpose, local economic inclusion grants shall be made available in communities throughout all regions of the state, including rural counties and urban communities for the purpose as described in subsection (1) of this section, with an emphasis on economically distressed communities as defined by the department.

(3) Recipients of local economic inclusion grants shall:

(a) Coordinate with existing local providers to make benefits easier to access and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success;

(b) Provide input to inform the work described in section 5 of this act, by identifying examples of federal regulations that prevent better local

coordination and identifying other needs for additional state or federal funding for continuous improvement of the poverty reduction system in future years;

(c) Utilize the existing local workforce development councils to develop local economic inclusion grant partnerships that must include people experiencing poverty, people of color, homelessness programs, and representatives of the health care authority, community service offices, accountable communities of health, and associate development organizations, and may include other members;

(d) Coordinate leadership among the local workforce development council, associate development council, and other organizations, and utilize the workforce development council as the fiscal agent;

(e) Work with people experiencing poverty to ensure they have access to multiple benefits to help them meet their basic needs, in alignment with local care coordination efforts, and when ready, develop individualized career plans leading to a self-sufficiency wage, which must be the level established by the University of Washington self-sufficiency standard;

(f) Provide streamlined access to local partners who can pay for education or training elements of a person's individualized career plan using federal Pell grants, the Washington college grant, or other resources;

(g) Provide streamlined access to local partners who can make monthly payments to the low-income person while in training, using existing resources such as incentive payments, work study payments, work experience payments, needs-related payments, or other financial aid or workforce development resources, as identified locally, and in consultation with technical assistance provided by the department. Such payments must work to maximize the total benefits available to the individual. To the extent possible under federal law, such payments must be structured so they do not reduce other benefits; including but not limited to the supplemental nutritional assistance program, temporary assistance for needy families, special supplemental nutrition program for women, infants, and children, medicaid, workforce innovation and opportunity act supportive services, or other financial and health benefits, and

may be comparable to payments received by trade adjustment assistance or Montgomery GI beneficiaries; in order to provide stability during training and education;

(h) Through the local workforce development councils, develop a local economic inclusion grant coordination team that works to ensure easier access to all state and local government services, and identifies staff to be care and benefits navigators. These may be existing coordinators and navigators if solutions are already in place for the community to build upon rather than duplicate. The care and benefit navigators must provide convenient one-stop access to benefits available to people experiencing poverty. At a minimum, it shall be encouraged that people served by the economic inclusion grants apply for and, if eligible, receive supplemental nutritional assistance program, temporary assistance for needy families, medicaid, workforce innovation and opportunity act supportive services, or other financial and health benefits, as deemed eligible and appropriate for each person. To the extent allowable under federal law, access to benefits may not be conditioned upon seeking employment nor limited to people pursuing individual career plans, and benefits must be available to people experiencing poverty who are in need of financial stability whether or not they are pursuing career plans;

(i) Ensure equitable access to state and local government services for people with disabilities, which may include equipment and technology purchases;

(j) Both identify where federal barriers hinder efforts to coordinate benefits for customers, and elevate those issues to the department. The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as identified by the department may apply for federal waivers and propose federal law changes to make the authorizing environment better support coordinated service delivery across programs;

(k) Ensure options for career development, English language learners, and other services for both parents in two-parent families, including child care if desired by the family; and

(1) When available, use the local and state teams already in place for similar efforts, expanding the partners on those teams as needed to meet the requirements of this section.

NEW SECTION. **Sec. 4.** In managing the economic inclusion grants, the department shall consult with the steering committee. Members of the steering committee must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as child care and other expenses as needed for each day a steering committee member attends meetings to provide consultative assistance to the agencies managing the economic inclusion grants; for up to 12 meetings per calendar year.

NEW SECTION. **Sec. 5.** (1) The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as identified by the department, shall develop a comprehensive list of federal waivers to remove federal barriers to coordinating service delivery across multiple programs. Where waivers are not possible, the department shall develop a comprehensive list of federal rules and or policies that are creating barriers and include this information. Information developed in this section shall be included in the annual report as provided for in subsection (4) of this section.

(2) The department of social and health services, in consultation with the department, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as determined by the department, shall further develop measures and indicators of equitable and inclusive economic recovery already underway in the department of social and health services technical advisory group on inclusive economic recovery, and apply those measures as needed to help promote economic recovery that is racially equitable and fully inclusive of people experiencing poverty, people of color, people in rural counties, people with disabilities, and other key demographics that have historically been left behind in economic recovery.

(3) In the event an applicant has not submitted adequate documentation to participate within three months after grant announcement, the agencies may redistribute the unclaimed funding to other participating local areas.

(4) By November 15, 2022, and annually thereafter, and in compliance with RCW 43.01.036, the department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, and the steering committee shall report to the governor, the appropriate committees of the legislature, and the legislative-executive work-first poverty reduction oversight task force. The annual report must include progress reports, an estimate of costs avoided by the state when a person moves out of poverty and into self-sufficiency, measures of equitable and inclusive economic recovery, and model legislative language to further expand economic inclusion, reduce poverty, and increase coordinated service delivery across programs and agencies.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations.

February 22, 2022

ESSB 5245 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the safety of crime victims. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.712 and 2021 c 215 s 160 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~) 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, (~~(or)~~) a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~) 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, (~~(or)~~) a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree

offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~) 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, (~~(or)~~) a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a vehicular homicide by disregard for the safety of others

offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a

notice as provided in subsection (1) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 36.28A RCW to read as follows:

Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs revealing the existence of a notification, or of registration to be notified, regarding any specific individual, or the identity of or any information submitted by a person who registers to be notified of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order pursuant to the statewide city and county jail booking and reporting system created in RCW 36.28A.040, the statewide automated victim information and notification system created in RCW 36.28A.040, or any other program used for the purposes of notifying individuals of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 42.56 RCW to read as follows:

Information and records related to notification or registration for notification as described in section 2 of this act are exempt from disclosure under this chapter.

NEW SECTION. Sec. 4. This act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Graham; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

Referred to Committee on Rules for second reading.

February 23, 2022

2ESSB 5275 Prime Sponsor, Committee on Housing & Local Government: Enhancing opportunity in limited areas of more intense rural development. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair;

Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5496 Prime Sponsor, Committee on Health & Long Term Care: Concerning health professional monitoring programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5518 Prime Sponsor, Senator Muzzall: Concerning the occupational therapy licensure compact. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5529 Prime Sponsor, Senator Cleveland: Concerning self-directed care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39.007 and 1999 c 336 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39.007, 74.39.050, (~~74.39.060~~) 74.39.070, 43.190.060, and section 1, chapter 336, Laws of 1999 unless the context clearly requires otherwise.

(1) "Self-directed care" means the process in which an adult person, who is prevented by a functional disability from performing a manual function related to

health care that an individual would otherwise perform for himself or herself, chooses to direct and supervise a paid personal aide to perform those tasks.

(2) "Personal aide" means an individual, working privately or as an individual provider (~~((under contract or agreement with the department of social and health services))~~) as defined in RCW 74.39A.240, who acts at the direction of an adult person with a functional disability living in his or her own home (~~((and provides that person with health care services that a person))~~) to assist with the physical performance of a health care task, as described in RCW 74.39.050, that persons without a functional disability can perform themselves.

Sec. 2. RCW 74.39.050 and 1999 c 336 s 3 are each amended to read as follows:

(1) An adult person with a functional disability living in his or her own home may direct and supervise a paid personal aide in the performance of a health care task.

(2) The following requirements shall guide the provision of self-directed care under chapter 336, Laws of 1999:

(a) Health care tasks are those medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in his or her own home, and that are services that a person without a functional disability would customarily and personally perform without the assistance of a licensed health care provider.

(b) The individual who chooses to self-direct a health care task is responsible for initiating self-direction by informing the health care professional who has ordered the treatment which involves that task of the individual's intent to perform that task through self-direction.

(c) When state funds are used to pay for self-directed tasks, a description of those tasks will be included in the client's comprehensive assessment, and subject to review with each annual reassessment.

(d) When a licensed health care provider orders treatment involving a health care task to be performed through self-directed care, the responsibility to ascertain that the patient understands the treatment and will be able to follow

through on the self-directed care task is the same as it would be for a patient who performs the health care task for himself or herself, and the licensed health care provider incurs no additional liability when ordering a health care task which is to be performed through self-directed care.

(e) The role of the personal aide in self-directed care is limited to performing the physical aspect of health care tasks under the direction of the person for whom the tasks are being done. This shall not affect the ability of a person who acts as a personal aide by performing self-directed health care tasks to also provide other home care services, such as personal care or homemaker services, which enable the client to remain at home.

(f) The responsibility to initiate self-directed health care tasks, to possess the necessary knowledge and training for those tasks, and to exercise judgment regarding the manner of their performance rests and remains with the person who has chosen to self-direct those tasks, including the decision to employ and dismiss a personal aide.

Sec. 3. RCW 74.39.070 and 1999 c 336 s 8 are each amended to read as follows:

A personal aide, in the performance of a health care task, who is directed and supervised by a person with a functional disability in his or her own home, is exempt from any legal requirement to qualify and be credentialed by the department of health as a health care provider under Title 18 RCW to the extent of the responsibilities provided and health care tasks performed under chapter 336, Laws of 1999. Nothing in this section exempts an individual provider from being required to become a certified home care aide under chapter 18.88B RCW.

NEW SECTION. Sec. 4. RCW 74.39.060 (Personal aide providers—Registration) and 1999 c 336 s 4 are each repealed."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5534 Prime Sponsor, Senator Brown: Concerning the use of verifiable credentials. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 22, 2022

ESSB 5544 Prime Sponsor, Committee on Environment, Energy & Technology: Establishing the Washington blockchain work group. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington blockchain work group is established. The purpose of the work group is to examine various potential applications of and policies for blockchain technology including, but not limited to, applications in computing, banking and other financial services, the real estate transaction process, health care, supply chain management, higher education, identity verification, and public recordkeeping to help attract and support employees and new businesses with a supportive ecosystem.

(2) The work group is composed of the following members:

(a) The director of the department of commerce or the director's designee;

(b) An individual representing a federally recognized tribe located in Washington;

(c) A cybersecurity expert with experience in blockchain technology or its applications;

(d) An individual representing a Washington-based technology trade association for the full cross section of the technology sector;

(e) An individual from the Cascadia blockchain council;

(f) An individual from a higher education institution in the field of blockchain;

(g) An individual representing a trade association for financial services companies that do business in Washington;

(h) An individual representing a trade association for title insurance companies that do business in Washington;

(i) An individual representing a trade association for health care companies that do business in Washington;

(j) An individual representing an association for county government officials in Washington;

(k) An individual representing a trade association for Washington-based agriculture;

(l) An individual representing a trade association for property and casualty insurance companies that do business in Washington;

(m) An individual representing a consumer advocacy organization;

(n) An individual representing a large company who has experience working with blockchain applications;

(o) An individual representing a small company who has experience working with blockchain applications;

(p) Two individuals representing the Washington state labor council working in the fields impacted by blockchain technology or its applications;

(q) Two individuals representing advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies and bias in technology-based systems;

(r) An individual representing an environmental advocacy organization with expertise in energy policy;

(s) An individual representing an environmental advocacy organization with expertise in sustainability; and

(t) An individual representing an association for public utility districts in Washington.

(3) The individuals listed in subsection (2)(b) through (t) of this section must be designated by their

organization or association or the director of the department of commerce.

(4) The work group shall also include as members:

(a) One senator from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(b) One representative from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) In addition to the members listed in subsections (2) and (4) of this section, the following individuals shall serve as ex officio members of the work group: The director of the department of financial institutions, or the director's designee; the director of Washington technology solutions, the consolidated technology services agency, or the director's designee; the director of the department of agriculture, or the director's designee; the insurance commissioner, or the insurance commissioner's designee; the director of the department of ecology, or the director's designee; the state auditor, or the state auditor's designee; the secretary of state, or the secretary's designee; the director of the department of revenue, or the director's designee; and the director of the health care authority, or the director's designee.

(6) In addition to the members of the work group under subsections (2), (4), and (5) of this section, individuals representing other sectors may be invited by the chair, in consultation with the other appointed members of the work group, to participate in an advisory capacity in meetings of the work group. Individuals participating in an advisory capacity under this subsection are not members of the work group, may not vote, and are not subject to the appointment process established in this section. There is no limit to the number of individuals who may participate in work group meetings in an advisory capacity under this subsection.

(7) A majority of the work group members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(8) The work group shall hold its inaugural meeting by December 1, 2022. The work group shall elect a chair from

among its members at the inaugural meeting. The election of the chair must be by a majority vote of the work group members who are present at the inaugural meeting. The chair of the work group is responsible for arranging subsequent meetings and developing meeting agendas.

(9) Staff support for the work group, including arranging the inaugural meeting of the work group and assisting the chair of the work group in arranging subsequent meetings, must be provided by the department of commerce.

(10) Legislative members of the work group may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the work group are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The work group is a class one group under chapter 43.03 RCW.

(12) A public comment period must be provided at every meeting of the work group.

(13) The work group shall submit a report to the governor and the appropriate committees of the legislature by December 1, 2023, on potential uses and impacts of blockchain, including impacts on existing industries, utilities, demand for electricity, and demand for computer processing capacity, and recommended policies that will facilitate the development of blockchain applications and the sector overall in Washington, grow the related workforce, evaluate environmental advantages and concerns, make Washington a favorable place to do business, address racial equity considerations, and improve the lives of Washington residents.

(14) The work group may create subcommittees to perform duties under this section.

(15) This section expires January 1, 2024. The work group is dissolved upon the expiration of this section."

Correct the title.

Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Corry; Donaghy;

Frame; Jacobsen; Johnson, J.; Rule; Sutherland and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Chase, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5545 Prime Sponsor, Senator Wagoner: Concerning survivor benefits. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet and Sells.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5546 Prime Sponsor, Committee on Health & Long Term Care: Concerning insulin affordability. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5548 Prime Sponsor, Committee on Law & Justice: Concerning the uniform unregulated child custody transfer act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5552 Prime Sponsor, Senator Van De Wege: Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 23, 2022

ESB 5561 Prime Sponsor, Senator Dhingra: Concerning the restoration of the right to possess a firearm. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Davis; Entenman; Goodman; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Kirby; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5575 Prime Sponsor, Committee on Law & Justice: Adding additional superior court judges in Snohomish county. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

February 23, 2022

SB 5583 Prime Sponsor, Senator Trudeau: Requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5585 Prime Sponsor, Senator Rolfes: Setting domestic wastewater discharge fees. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.48.465 and 2009 c 456 s 6 and 2009 c 249 s 1 are each reenacted and amended to read as follows:

(1) The department shall establish fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) ~~((The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of eighteen cents per month per residence or residential~~

~~equivalent contributing to the municipality's wastewater system.~~

~~(3))~~ (3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

~~((4))~~ (4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for stormwater runoff and shall provide appropriate adjustments.

~~((5))~~ (5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

~~((6))~~ (6) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. Such a permit is required only, and as long as, the interpretation of this court decision is not overturned or modified by future court rulings, administrative rule making, or clarification of scope by the United States environmental protection agency or legislative action. In such a case the department shall take appropriate action to rescind or modify these permits.

~~((7))~~ (7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.46.220, 90.48.160, 90.48.162, and 90.48.260.

~~((8))~~ (8) The department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The

report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

NEW SECTION. **Sec. 2.** (1)(a) Recognizing the importance of close coordination and partnership between the department of ecology and municipal treatment plants, the department shall form an advisory committee, appointed by the director of ecology or the director's designee, to create recommendations for adjusting the fee schedule for permits authorized by RCW 90.48.162 and 90.48.165 by rule. The advisory committee must include:

(i) Two representatives of permitted facilities representing communities of 25,000 or fewer in population;

(ii) Two representatives of permitted facilities representing communities greater than 25,000 and up to 200,000 in population;

(iii) One representative of permitted facilities representing communities greater than 200,000 in population;

(iv) Two representatives of nonprofit environmental organizations;

(v) One representative of a statewide association representing cities;

(vi) One representative of a statewide association representing counties;

(vii) One representative of a statewide association representing special purpose districts with responsibilities for domestic wastewater; and

(viii) One representative of a statewide business association.

(b) The department must also offer tribal consultation and invite federally recognized tribes to participate on the advisory committee.

(2) By December 31, 2022, the advisory committee must submit recommendations to the department of ecology that will identify fees needed to fully recover expenses incurred by the department of ecology to administer municipal wastewater permits issued under RCW 90.48.162 and 90.48.260, as required under RCW 90.48.465(1), to include permit writing and public review, inspections and technical assistance, discharge monitoring reporting and data support, and supporting the overhead expenses

related to administering the wastewater discharge permits.

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(3) The advisory committee recommendations must:

(a) Assess the municipal wastewater permitting backlogs and permit workloads;

(b) Assess staffing and revenue needed to meet state and federal legal mandates and the needs of permittees; and

(c) Recommend how to structure the permit fees to reduce permitting backlogs and achieve goals for timely issuance of permits under RCW 90.48.162 and 90.48.260.

(4) The department of ecology must use these recommendations as the basis, in a manner consistent with rule-making procedures under chapter 34.05 RCW, for updates in 2023 to the relevant water quality permit fees set in chapter 173-224 WAC. The department of ecology will present the recommendations of the advisory committee to the legislature at some point after the recommendations are available through the 2023 legislative session.

(5) This section expires January 1, 2024.

NEW SECTION. Sec. 3. Beginning in 2025, the department of ecology's biennial progress report required in RCW 90.48.465(7) must include information on the implementation of a revised fee structure for full cost recovery for municipal wastewater discharge permits and the use of the fees to administer the municipal discharge permitting program and issue permits in a timely manner. The biennial report must also include information demonstrating progress towards achieving the goal of reducing the wastewater discharge permit backlog to no more than 40 percent by July 1, 2025, and not more than a 20 percent backlog by July 1, 2027."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

SSB 5589

Prime Sponsor, Committee on Health & Long Term Care: Concerning statewide spending on primary care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 22, 2022

SSB 5594

Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning public school instruction in awareness of bone marrow donation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that it has previously found that every three minutes an American child or adult is diagnosed with a potentially fatal blood disease. For many of these individuals, bone marrow transplantation is the only chance for survival. The legislature finds that 70 percent of patients do not have a fully matched donor in their family and rely on a registry to find an unrelated donor. The legislature further finds that 40 to 71 percent of individuals with diverse heritage never find a bone marrow match. The ultimate key to survivability lies in increasing the number of bone marrow donors across all ethnicities, which will increase the potential for a suitable match.

(2) It is the intent of the legislature to continue to increase awareness of bone marrow donation by encouraging school districts, charter schools, and state-tribal compact schools to offer instruction on this topic to high school students in at least one health class necessary for graduation. The legislature also intends for this instruction to be optional for elementary and middle school students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Each school district, charter school, and state-tribal education compact school that serves students in any of grades nine through 12 is encouraged to offer instruction in awareness of bone marrow donation to students as provided in this section. Beginning with the 2022-23 school year, instruction in awareness of bone marrow donation may be included in at least one health class necessary for graduation.

(2)(a) Instruction in awareness of bone marrow donation under this section must be an instructional program provided by the national marrow donor program or other relevant nationally recognized organization.

(b) The office of the superintendent of public instruction must post on its website a link to the instructional program described in this subsection (2).

(3) Each school district, charter school, and state-tribal education compact school that serves students in any of grades kindergarten through eight may offer instruction in awareness of bone marrow donation to students. The instruction described in subsection (2) of this section may be adapted to be age appropriate.

(4) School districts, charter schools, and state-tribal education compact schools may offer the instruction in awareness of bone marrow donation directly or arrange for the instruction to be provided by available community-based providers. The instruction does not have to be provided by certificated instructional staff."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; McCaslin and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McEntire; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 23, 2022

ESSB 5599 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning

journey level electrician certifications of competency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5607 Prime Sponsor, Senator Wilson, L.: Including individuals in jails and hospitals who were homeless before entering such facilities in the state's annual homeless census. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5610 Prime Sponsor, Committee on Health & Long Term Care: Requiring cost sharing for prescription drugs to be counted against an enrollee's obligation, regardless of source. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; Harris; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

2SSB 5619 Prime Sponsor, Committee on Ways & Means: Conserving and restoring kelp forests and eelgrass meadows in Washington state. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

February 22, 2022

SB 5624 Prime Sponsor, Senator Warnick: Extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5629 Prime Sponsor, Senator Lovick: Concerning control of the disposition of remains. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5643 Prime Sponsor, Committee on Ways & Means: Supporting youth development. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

February 23, 2022

SSB 5644 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Concerning providing quality behavioral health co-response services. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that behavioral health co-response has experienced a surge in popularity in Washington state in the past five years. The legislature recognizes the importance of training for those involved in co-responder programs to promote high standards within programs and to enhance the skills of those already working in this field. The purpose of this act is to develop best practice recommendations and a model training curriculum relevant to first responders and behavioral health professionals working on co-response teams, to create ongoing learning opportunities for emerging and established co-response programs, and to develop the workforce to fill future co-responder hiring needs.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington shall, in consultation and collaboration with the co-responder outreach alliance and other stakeholders as appropriate in the field of co-response:

(a) Establish regular opportunities for police, fire, emergency medical services, peer counselors, and behavioral health personnel working in co-response to convene for activities such as training, exchanging information and best practices around the state and nationally, and providing the University of Washington with assistance with activities described in this section;

(b) Subject to the availability of amounts appropriated for this specific purpose, administer a small budget to help defray costs for training and professional development, which may include expenses related to attending or hosting site visits with experienced co-response teams;

(c) Develop an assessment to be provided to the governor and legislature by June 30, 2023, describing and analyzing the following:

(i) Existing capacity and shortfalls across the state in co-response teams and the co-response workforce;

(ii) Current alignment of co-response teams with cities, counties, behavioral health administrative services organizations, and call centers; distribution among police, fire, and EMS-based co-response models; and desired alignment;

(iii) Current funding strategies for co-response teams and identification of federal funding opportunities;

(iv) Current data systems utilized and an assessment of their effectiveness for use by co-responders, program planners, and policymakers;

(v) Current training practices and identification of future state training practices;

(vi) Alignment with designated crisis responder activities;

(vii) Recommendations concerning best practices to prepare co-responders to achieve objectives and meet future state crisis system needs, including those of the 988 system;

(viii) Recommendations to align co-responder activities with efforts to reform ways in which persons experiencing a behavioral health crisis interact with the criminal justice system; and

(ix) Assessment of training and educational needs for current and future co-responder workforce;

(d) Beginning in calendar year 2023, begin development of model training curricula for individuals participating in co-response teams; and

(e) Beginning in calendar year 2023, host an annual statewide conference that draws state and national co-responders.

(2) Stakeholders in the field of co-response may include, but are not limited to, the Washington association of designated crisis responders; state associations representing police, fire, and emergency medical services personnel; the Washington council on behavioral health; the state enhanced 911 system; 988 crisis call centers; and the peer workforce alliance."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler; Hansen; Hoff; Kraft; Paul; Pollet and Sells.

Referred to Committee on Rules for second reading.

February 22, 2022

2SSB 5649 Prime Sponsor, Committee on Ways & Means: Modifying the Washington state paid family and medical leave act. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50A.05.010 and 2021 c 232 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which

some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a

schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal

revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; (~~or~~)

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection (11) of this section; or

(d) During the seven calendar days following the death of the family member for whom the employee:

(i) Would have qualified for medical leave under subsection (15) of this section for the birth of their child; or

(ii) Would have qualified for family leave under (b) of this subsection.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition,

treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Postnatal" means the first six weeks after birth.

(20) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

~~((+20))~~ (21) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

~~((+21))~~ (22)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including

the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

((+22+)) (23)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment

includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant

to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

~~((+23))~~ (24) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

~~((+24))~~ (25) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

~~((+25))~~ (26) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

~~((+26))~~ (27) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

~~((+27))~~ (28) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

~~((+28))~~ (29) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

Sec. 2. RCW 50A.05.090 and 2019 c 13 s 37 are each amended to read as follows:

(1) Nothing in this title requires any party to a collective bargaining agreement in existence on October 19, 2017, to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this title unless and until the existing agreement is reopened or renegotiated by the parties or expires.

(2) This section expires December 31, 2023.

Sec. 3. RCW 50A.15.020 and 2020 c 125 s 4 are each amended to read as follows:

(1) Beginning January 1, 2020, family and medical leave are available and benefits are payable to a qualified employee under this section.

(a) Following a waiting period consisting of the first seven consecutive calendar days, benefits are payable when family or medical leave is required. However, no waiting period is required for leave for the birth or placement of a child, or for leave because of any qualifying exigency as defined under RCW 50A.05.010(10)(c). The waiting period begins the previous Sunday of the week when an otherwise eligible employee takes leave for the minimum claim duration under subsection (2)(c) of this section. Eligible employees may satisfy the waiting period requirement while

simultaneously receiving paid time off for any part of the waiting period.

(b) Benefits may continue during the continuance of the need for family or medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title.

(2) The weekly benefit shall be prorated by the percentage of hours on leave compared to the number of hours provided as the typical workweek hours as defined in RCW 50A.05.010.

(a) The benefits in this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(b) Hours on leave claimed for benefits under this title, if not a multiple of one hour, shall be reduced to the next lower multiple of one hour.

(c) The minimum claim duration payment is for eight consecutive hours of leave.

(3)(a) The maximum duration of paid family leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks.

(b) The maximum duration of paid medical leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks. This leave may be extended an additional two times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(c) An employee is not entitled to paid family and medical leave benefits under this title that exceeds a combined total of sixteen times the typical workweek hours. The combined total of family and medical leave may be extended to eighteen times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(4)(a) Any paid leave benefits under this chapter used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B) must be medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title, unless the employee chooses to use family leave during the postnatal period.

(b) Certification of a serious health condition is not required for paid leave benefits used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B).

(5) The weekly benefit for family and medical leave shall be determined as follows: If the employee's average weekly wage is: (a) Equal to or less than one-half of the state average weekly wage, then the benefit amount is equal to ninety percent of the employee's average weekly wage; or (b) greater than one-half of the state average weekly wage, then the benefit amount is the sum of: (i) Ninety percent of one-half of the state average weekly wage; and (ii) fifty percent of the difference of the employee's average weekly wage and one-half of the state average weekly wage.

~~((+5))~~ (6)(a) The maximum weekly benefit for family and medical leave that occurs on or after January 1, 2020, shall be one thousand dollars. By September 30, 2020, and by each subsequent September 30th, the commissioner shall adjust the maximum weekly benefit amount to ninety percent of the state average weekly wage. The adjusted maximum weekly benefit amount takes effect on the following January 1st.

(b) The minimum weekly benefit shall not be less than one hundred dollars per week except that if the employee's average weekly wage at the time of family or medical leave is less than one hundred dollars per week, the weekly benefit shall be the employee's full wage.

Sec. 4. RCW 50A.25.020 and 2019 c 13 s 71 are each amended to read as follows:

(1) Any information or records concerning an individual or employer obtained by the department pursuant to the administration of this title shall be private and confidential, except as otherwise provided in this chapter or RCW 50A.05.040.

(2) This chapter does not create a rule of evidence.

(3) The department must publish, on its website, a current list of all employers that have approved voluntary plans under chapter 50A.30 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of actuarial services is established within the department.

(2) The head of the office must be qualified by education and experience in the field of actuarial science.

Sec. 6. RCW 50A.15.040 and 2019 c 13 s 6 are each amended to read as follows:

(1) Family and medical leave insurance benefits are payable to an employee during a period in which the employee is unable to perform his or her regular or customary work because he or she is on family and medical leave if the employee:

(a) Files an application for benefits as required by rules adopted by the commissioner;

(b) Has met the eligibility requirements of RCW 50A.15.010 or the elective coverage requirements under RCW 50A.10.010;

(c) Consents to the disclosure of information or records deemed private and confidential under state law. Initial disclosure of this information and these records by another state agency to the department is solely for purposes related to the administration of this title. Further disclosure of this information or these records is subject to chapter 50A.25 RCW~~((τ))~~ and RCW 50A.05.020(3)~~((τ))~~ and ~~((RCW))~~ 50A.20.030;

(d) Provides his or her social security number;

(e) Provides a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the certification of a serious health condition;

(f) Provides the employer from whom family and medical leave is to be taken with written notice of the employee's intention to take family leave in the same manner as an employee is required to provide notice in RCW 50A.15.030 and, in the employee's initial application for benefits, attests that written notice has been provided, unless notice has been waived by the employer under RCW 50A.15.030(3); and

(g) Provides documentation of a military exigency, if requested by the employer.

(2) An employee who is not in employment for an employer at the time of filing an application for benefits is

exempt from subsection (1)(f) and (g) of this section.

(3) Beginning July 1, 2022, and until the 12 months after the end of the state of emergency declared by the governor due to COVID-19, the department must ask the employee applicant whether their family or medical leave is related to the COVID-19 pandemic. Initial disclosure of this information is solely for purposes related to the administration of this title, including monitoring potential impacts on the solvency and stability of the family and medical leave insurance account created in RCW 50A.05.070. Further disclosure of this information or these records is subject to chapter 50A.25 RCW and RCW 50A.05.020(3) and 50A.20.030.

Sec. 7. RCW 50A.05.050 and 2017 3rd sp.s. c 5 s 86 are each amended to read as follows:

(1) Beginning December 1, 2020, and annually thereafter, the department shall report to the legislature on the entire program, including:

((1+)) (a) Projected and actual program participation;

((2+)) (b) Premium rates;

((3+)) (c) Fund balances;

((4+)) (d) Benefits paid;

((5+)) (e) Demographic information on program participants, including income, gender, race, ethnicity, geographic distribution by county and legislative district, and employment sector;

((6+)) (f) Costs of providing benefits;

((7+)) (g) Elective coverage participation;

((8+)) (h) Voluntary plan participation;

((9+)) (i) Outreach efforts; and

((10+)) (j) Small business assistance.

(2)(a) Beginning January 1, 2023, the office of actuarial services created in section 5 of this act must annually report, by November 1st, to the advisory committee in RCW 50A.05.030 on the experience and financial condition of the family and medical leave insurance account, and the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance

account in the next four years while limiting fluctuation in premium rates.

(b) For calendar years 2023 through 2028, the annual reports in (a) of this subsection must be submitted to the appropriate committees of the legislature in compliance with RCW 43.01.036.

(3) Beginning October 1, 2023, the department must report quarterly to the advisory committee in RCW 50A.05.030 on premium collections, benefit payments, the family and medical leave insurance account balance, and other program expenditures.

NEW SECTION. Sec. 8. A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of financial management must enter into a contract with a public or private entity for actuarial services to provide a report to the appropriate committees of the legislature by October 1, 2022, on the following:

(a) The experience and financial condition of the family and medical leave insurance account created in RCW 50A.05.070;

(b) Any recommendations for options to modify the provisions of chapter 50A.10 RCW to maintain the long-term stability and solvency of the family and medical leave insurance account; and

(c) A comparison of the provisions of RCW 50A.10.030 with similar provisions in those states with both paid medical leave insurance and paid family leave insurance programs.

(2) The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(3) The report in this section must comply with RCW 43.01.036.

(4) This section expires December 31, 2023.

Sec. 9. RCW 44.44.040 and 2019 c 363 s 22 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and

investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under RCW 41.04.276.

(7) Provide actuarial assistance to the law enforcement officers' and firefighters' plan 2 retirement board as provided in chapter 2, Laws of 2003. Reimbursement for services shall be made to the state actuary under RCW 39.34.130 and section 5(5), chapter 2, Laws of 2003.

(8) Provide actuarial assistance to the committee on advanced tuition payment pursuant to chapter 28B.95 RCW, including recommending a tuition unit price to the committee on advanced tuition payment to be used in the ensuing enrollment period. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(9) Provide actuarial assistance to the long-term services and supports trust commission pursuant to chapter 50B.04 RCW. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(10) Provide actuarial assistance, as requested by the employment security department or the office of financial management, to the employment security department related to the family and medical leave program in Title 50A RCW.

Sec. 10. RCW 50A.25.070 and 2020 c 125 s 8 are each amended to read as follows:

(1) The department may enter into data-sharing contracts and may disclose records and information deemed confidential to state or local government agencies under this chapter only if permitted under subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law or for the actuarial services created under this act;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the

office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; (~~and~~)

(j) To the consolidated technology services agency for the purpose of enterprise technology support;

(k) To the office of the state actuary for the purpose of performing actuarial services to assess the financial stability and solvency of the family and medical leave program, and specifically the family and medical leave insurance account created in RCW 50A.05.070; and

(l) To the joint legislative audit and review committee, in accordance with RCW 44.28.110, for the purpose of conducting performance audits.

NEW SECTION. Sec. 11. (1)(a) A legislative task force on paid family and medical leave insurance premiums is established, with members as provided in this subsection.

(i) The president of the senate must appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The voting members of the advisory committee in RCW 50A.05.030.

(iv) The governor shall appoint two members, one representing the governor's office and one representing the employment security department.

(b) The task force must choose its cochairs from among its legislative membership described in (a)(i) and (ii) of this subsection.

(2) The task force must review the reports submitted under RCW 50A.05.050 and make recommendations for any legislative modifications to the

provisions of chapter 50A.10 RCW to ensure the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance account created in RCW 50A.05.070 in the next four years while limiting fluctuation in family and medical leave insurance premium rates.

(3)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The staff must convene the initial meeting of the task force no later than November 4, 2022.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the committee must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall issue a final report on its findings and recommendations to the governor and the appropriate committees of the legislature by December 30, 2022.

(7) This section expires January 4, 2023.

NEW SECTION. Sec. 12. (1) By October 1, 2024, the joint legislative audit and review committee, in consultation with the employment security department and the advisory committee in RCW 50A.05.030, must conduct a performance audit analyzing the implementation of the paid family and medical leave insurance program. The analysis must include, at a minimum, the following components:

(a) Evaluate the extent to which the department makes fair and timely decisions, and communicates with employers and workers in a timely, responsive, and accurate manner;

(b) Determine if current organization and service delivery models are the most efficient available;

(c) Determine whether current initiatives improve service delivery, meet the needs of current and future workers, and are measurable;

(d) Evaluate whether the department prepares financial information for the account under RCW 50A.05.070 in accordance with generally accepted accounting principles;

(e) Evaluate the solvency of the account under RCW 50A.05.070 taking into account insurance risks and standard accounting principles; and

(f) Make recommendations regarding administrative changes that should be made to improve efficiency while maintaining quality service to help address system costs and identify any needed legislative changes to implement these recommendations.

(2) The joint legislative audit and review committee may contract with an outside consulting firm with expertise in insurance or social insurance and insurance principles.

(3) The joint legislative audit and review committee must submit a final report on their findings to the appropriate committees of the legislature by October 1, 2024, and must submit a progress report by October 1, 2023.

(4) This section expires December 31, 2025.

NEW SECTION. Sec. 13. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member; Bronoske; Harris and Ortiz-Self.

Referred to Committee on Appropriations.

February 23, 2022

2SSB 5664 Prime Sponsor, Committee on Ways & Means: Concerning forensic competency

restoration programs. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.010 and 2021 c 263 s 9 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(4) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(6) "Department" means the state department of social and health services.

(7) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(8) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(9) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(10) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(13) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(14) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(15) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(17) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(18) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other

professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(19) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; (~~or~~)

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(25) "Authority" means the Washington state health care authority.

Sec. 2. RCW 10.77.060 and 2021 c 263 s 5 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to

be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the

expiration of the authorized commitment period.

(f) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the

alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 3. RCW 10.77.068 and 2015 c 5 s 1 are each amended to read as follows:

(1)(a) The legislature establishes ~~((the following))~~ a performance ~~((targets and maximum time limits for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants))~~ target of seven days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services;

(ii) To extend an offer of admission to a defendant ordered to be committed to a state hospital following dismissal of charges based on incompetency to stand trial under RCW 10.77.086; and

(iii) To complete a competency evaluation in jail and distribute the evaluation report.

(b) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2) A maximum time limit of 14 days is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases ((without compromise to the quality of competency evaluation and restoration services)), but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency ((evaluations and restorations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services).

(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetence to proceed or stand trial.

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days.

(ii) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized inpatient restoration treatment related to competency.

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days.

(iii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody.

(A) A performance target of seven days or less; and

~~(B) A maximum time limit of fourteen days, plus an additional seven day extension if needed for clinical reasons to complete the evaluation at the determination of the department.~~

~~(iv) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant who is released from custody and makes a reasonable effort to cooperate with the evaluation, a performance target of twenty one days or less)) services.~~

~~((b)) The time periods measured in ((these performance targets and maximum time limits)) subsection (1) of this section shall run from the date on which the state hospital receives the court referral and charging documents, discovery, police reports, the names and addresses of the attorneys for the defendant and state or county, the name of the judge ordering the evaluation, information about the alleged crime, and criminal history information related to the defendant. ((The maximum time limits in (a) of this subsection shall be phased in over a one year period beginning July 1, 2015, in a manner that results in measurable incremental progress toward meeting the time limits over the course of the year.~~

~~(e)) (4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in ((a) of this)) subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:~~

~~((i)) (a) Despite a timely request, the department has not received necessary medical ((clearance)) information regarding the current medical status of a defendant ((in pretrial custody for the purposes of admission to a state hospital));~~

~~((ii)) (b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to ((proceed or)) stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the~~

department (~~((Completion of a competency evaluation))~~), provided that completion shall not be postponed for procurement of ((mental health, substance use disorder, or medical history)) information which is merely supplementary ((to the competency determination));

~~((iii))~~ (c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral ((is frustrated by lack of)) requires additional time to accommodate the availability or participation ((by)) of counsel, ((~~jail or~~)) court personnel, interpreters, or the defendant;

~~((iv) The department does not have access to appropriate private space to conduct a competency evaluation for a defendant in pretrial custody;~~

~~(v))~~ (f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

~~((vi))~~ (g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

~~((2))~~ (5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or

may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

~~((3))~~ (7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits ((in)) under subsection (1) or (2) of this section ((after full implementation of the performance target or maximum time limit)), the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report ((must)) shall be made publicly available. An average may be used to determine timeliness under this subsection.

~~((4) Beginning December 1, 2013, the))~~ (8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to ((proceed or)) stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

~~((5))~~ (9) This section does not create any new entitlement or cause of action related to the timeliness of competency ((evaluations or admission for inpatient restoration)) to stand trial services ((related to competency to proceed or stand trial)), nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

Sec. 4. RCW 10.77.086 and 2019 c 326 s 4 are each amended to read as follows:

(1)~~((a)(i))~~ If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or

her and assist in his or her own defense, but in any event for a period of no longer than ~~((ninety))~~ 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration ~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties ~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((A))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((I))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~and~~

~~((II))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((B))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

~~((C))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((D))~~ (d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that

restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the ~~((department shall remove the defendant from the outpatient restoration program and place the defendant instead))~~ director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration program and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be the same as if the outpatient competency restoration had not occurred, starting from admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration program.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance, and may authorize the peace officer to detain the defendant for transport to the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for medical clearance or inpatient competency restoration, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The

court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ~~((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

~~(E))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((ii) The ninety day period for competency restoration under this subsection (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(b))~~ (2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial felony competency restoration period ~~((of commitment for competency restoration))~~ is ~~((forty five))~~ 45 days. ~~((The forty five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(e))~~ (3) If the court determines or the parties agree before the initial felony competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((4))~~ (5) of this section.

~~((2))~~ (4) On or before expiration of the initial felony competency restoration period ~~((of commitment under subsection (1) of this section))~~ the court shall conduct a hearing~~(, at which it shall))~~ to determine whether ~~((or~~

~~not))~~ the defendant is ~~((incompetent- (3))~~ now competent to stand trial. If the court finds by a preponderance of the evidence that ~~((a))~~ the defendant ~~((charged with a felony))~~ is incompetent to stand trial, the court ~~((shall have the option of extending the))~~ may order ~~((of commitment or alternative treatment))~~ an extension of the competency restoration period for an additional period of ~~((ninety))~~ 90 days, but the court must at the same time ~~((of extension))~~ set a date for a ~~((prompt))~~ new hearing to determine the defendant's competency to stand trial before the expiration of ~~((the))~~ this second restoration period. The defendant, the defendant's attorney, ~~((or))~~ and the prosecutor ~~((has))~~ have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third felony competency restoration period ~~((as provided in subsection (4) of this section))~~ if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. ~~((The ninety day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(4) For persons charged with a felony, at))~~

(5) At the hearing upon the expiration of the second felony competency restoration period, or at the end of the first felony competency restoration period ~~((in the case of a))~~ if the defendant ~~((with a developmental disability))~~ is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent~~(, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed))~~ to stand trial, the court shall dismiss the charges without prejudice~~((,))~~ and ~~((the court shall))~~ order the defendant to be committed to a state hospital ~~((as defined in RCW 72.23.010))~~ for up to ~~((seventy two))~~ 120 hours if the defendant has not undergone competency restoration services and up to 72 hours if the defendant engaged in competency restoration services starting from admission to the facility, excluding

Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ~~((The criminal charges))~~ However, the court shall not ~~((be dismissed))~~ dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. ~~((In the event that))~~ If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. ~~((The six month))~~

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

Sec. 5. RCW 10.77.088 and 2020 c 18 s 4 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for nonfelony competency restoration treatment, in which case the court shall schedule a hearing within seven days ~~((to determine whether to enter an order of competency restoration))~~.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order nonfelony competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether ~~((or not))~~ nonfelony competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a

preponderance of the evidence that there is a compelling state interest in ordering nonfelony competency restoration treatment, then the court shall issue an order ~~((competency restoration))~~ in accordance with subsection (2)~~((a))~~ of this section.

(2)~~((a))~~ If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing nonfelony competency restoration treatment, ~~((then))~~ the court shall commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((i))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((A))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~((and~~

~~((B))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((ii))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under ~~((b))~~ subsection (3) of this ~~((subsection))~~ section.

~~((iii))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder~~

~~diagnosis~~)). The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((iv))~~ (d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, ~~the department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead~~ the director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration program and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than twenty nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be the same as if the outpatient competency restoration had not occurred, starting from admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate of the outpatient competency restoration program.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance, and may authorize the peace officer to detain the defendant for transport to the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the

detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for medical clearance or inpatient competency restoration, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ~~((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

~~((v))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((b))~~ (3) The placement under ~~((a))~~ subsection (2) of this (subsection) section shall not exceed ((twenty nine)) 29 days if the defendant is ordered to receive inpatient competency restoration, ((or)) and shall not exceed ((ninety)) 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection ~~((, not to exceed ninety days. This period must be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility))~~.

~~((e))~~ (4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo nonfelony competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in ~~((d))~~ subsection (5) of this (subsection) section.

~~((d))~~ (5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

~~((ii))~~ (b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to ~~((seventy two))~~ 120 hours if the defendant has not undergone competency restoration services and up to 72 hours if the defendant engaged in competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The ~~((seventy two))~~ 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the ~~((seventy two))~~ 120-hour or 72-hour period.

~~((3))~~ (6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least ~~((twenty four))~~ 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((4))~~ (7) If at any time the court dismisses charges under subsections (1) through ~~((3))~~ (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her

right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

Sec. 6. RCW 10.77.220 and 2015 1st sp.s. c 7 s 8 are each amended to read as follows:

(1) No person who is criminally insane confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility. This section does not apply to confinement in a mental health facility located wholly within a correctional institution. Confinement of a person who is criminally insane in a county jail or other local facility while awaiting either placement in a treatment program or a court hearing pursuant to this chapter is permitted for no more than seven days.

(2) In the event that a person remains in jail 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, the department shall upon the request of any party perform a competency to stand trial status check at reasonable intervals to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation, and provide a status update to the parties and the court.

Sec. 7. RCW 10.77.250 and 1987 c 75 s 1 are each amended to read as follows:

~~((The))~~ (1) Within amounts appropriated, the department shall be responsible for all costs relating to the evaluation and inpatient treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto except as otherwise provided by law. Reimbursement may be obtained by the department pursuant to RCW 43.20B.330.

(2) Within amounts appropriated, the authority shall be responsible for all costs relating to outpatient competency restoration programs.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to detain a person for medical clearance or treatment, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. **Sec. 9.** A new section is added to chapter 10.77 RCW to read as follows:

The authority shall report annually to the governor and relevant committees of the legislature, beginning November 1, 2022, describing:

(1) How many individuals are being served by outpatient competency restoration programs and in what locations;

(2) The length of stay of individuals in outpatient competency restoration programs;

(3) The number of individuals who are revoked from an outpatient competency restoration program into inpatient treatment, and the outcomes of other individuals, if any, whose participation in an outpatient competency restoration program were terminated before the completion of the program; and

(4) For individuals who were revoked from an outpatient competency restoration program into an inpatient competency restoration program, how many days the individuals spent in outpatient competency restoration treatment and inpatient competency restoration treatment, and whether the restoration programs resulted in a finding of competent to stand trial or another outcome."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

February 23, 2022

SSB 5701

Prime Sponsor, Committee on Ways & Means: Determining monthly wages for workers' compensation. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Hoff, Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5715

Prime Sponsor, Senator Wellman: Modifying the definition of broadband or broadband service. Reported by Committee on Community & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Paul, Vice Chair; Boehnke, Ranking Minority Member; Chase, Assistant Ranking Minority Member; Corry; Donaghy; Frame; Jacobsen; Johnson, J.; Rule and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5722

Prime Sponsor, Committee on Environment, Energy & Technology: Reducing greenhouse gas emissions in buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair;

Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Appropriations.

February 23, 2022

2SSB 5746 Prime Sponsor, Committee on Ways & Means: Concerning drought preparedness, response, and funding. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Orcutt; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Morgan and Ramos.

Referred to Committee on Appropriations.

February 22, 2022

SSB 5749 Prime Sponsor, Committee on Housing & Local Government: Concerning rent payments made by residential and manufactured housing community tenants. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5753 Prime Sponsor, Committee on Health & Long Term Care: Increasing board and commission capacities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ~~((sixteen))~~ seventeen members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. ~~((In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and committees regulating these professions be appointed to the commission.))~~ Members of the commission hold office until their successors are appointed. ~~((The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all))~~ All members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be expanded function dental auxiliaries licensed under chapter 18.260 RCW, and ~~((two))~~ three members must be public members.

Sec. 2. RCW 18.32.0355 and 1994 sp.s. c 9 s 206 are each amended to read as follows:

Members must be ~~((citizens of the United States and))~~ residents of this state. Dentist members must be licensed dentists in the active practice of dentistry for a period of five years before appointment. Of the twelve dentists appointed to the commission, at least four must reside and engage in the active practice of dentistry east of the summit of the Cascade mountain range. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

Sec. 3. RCW 18.52.040 and 2011 c 336 s 488 are each amended to read as follows:

(1) The state board of nursing home administrators shall consist of ~~((nine))~~ eleven members appointed by the governor. ~~((Four))~~ Six members shall be persons licensed under this chapter who have at least four years actual experience in the administration of a licensed nursing home in this state ~~((immediately preceding~~

~~appointment to the board and who are not employed by the state or federal government)). At least one, but not more than two, of the six administrator members shall be an administrator of an assisted living facility or a continuing care retirement community.~~

~~((Four)) (2) Three members shall be representatives of ((the health care professions)) one or more of the following:~~

~~(a) Licensed health care professionals providing medical or nursing services in nursing homes who are privately or self-employed; ((or shall be persons employed by))~~

~~(b) Faculty or administrators of educational institutions who have special knowledge ((or expertise in the field of health care administration, health care education or long term care or both, or care of the aged and chronically ill.~~

~~One member)) of health care education, long-term care, or care of the aged or elderly; or~~

~~(c) Persons currently employed in areas related to the long-term care field including, but not limited to, pharmacy, home health, adult family homes, or therapy services.~~

~~(3) Two members shall be ((a)) members of the health care consuming public who are residents of ((a)) nursing homes or ((a)) family members of ((a resident)) nursing home residents or ((a)) persons eligible for medicare. No member who is a nonadministrator representative shall have any direct or family financial interest in nursing homes while serving as a member of the board. The governor shall consult with and seek the recommendations of the appropriate statewide business and professional organizations and societies primarily concerned with long-term health care facilities in the course of considering his or her appointments to the board. ((Board members currently serving shall continue to serve until the expiration of their appointments.))~~

Sec. 4. RCW 18.52.050 and 1992 c 53 s 5 are each amended to read as follows:

Members of the board shall be ~~((citizens of the United States and))~~ residents of this state. All administrator members of the board shall be holders of licenses under this

chapter. The terms of all members shall be five years. Any board member may be removed for just cause including a finding of fact of unprofessional conduct or impaired practice. The governor may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive full terms~~((whether full or partial))~~. Board members shall serve until their successors are appointed. Board members shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW. The board may elect annually a chair and vice chair to direct the meetings of the board. The board shall meet at least four times each year and may hold additional meetings as called by the secretary or the chair. A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 5. RCW 18.74.020 and 2007 c 98 s 2 are each amended to read as follows:

The state board of physical therapy is hereby created. The board shall consist of ~~((six))~~ seven members who shall be appointed by the governor. ~~((Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four))~~ Five members of the board shall be physical therapists licensed under this chapter and residing in this state, shall have not less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. One member shall be a physical therapist assistant licensed under this chapter and residing in this state, shall not have less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. The ~~((sixth))~~ seventh member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee

of any health facility nor derive his or her primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the board for any reason cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedure stated in this section to fill the remainder of the term. No member may serve for more than two ~~((successive))~~ consecutive full four-year terms.

The secretary of health shall furnish such secretarial, clerical, and other assistance as the board may require. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060, be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 6. RCW 18.74.027 and 1983 c 116 s 5 are each amended to read as follows:

The board shall elect from its members a chairperson and vice chairperson-secretary, who shall serve for one year and until their successors are elected. The board shall meet at least once a year and upon the call of the chairperson at such times and places as the chairperson designates. ~~((Three members constitute a quorum of the full board for the transaction of any business.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Sec. 7. RCW 18.92.021 and 2007 c 235 s 3 are each amended to read as follows:

(1) There is created a Washington state veterinary board of governors ~~((consisting))~~ reflecting the diverse practice of animal medicine, including large animal, small animal, and specialty practice, as well as diverse types of employment and practice ownership including sole proprietorships, partnerships, and corporations. The board shall consist of ((seven)) nine members, ((five)) six of whom shall be licensed veterinarians, one of whom shall be a licensed veterinary technician

~~((trained in both large and small animal medicine)), one of whom shall be a licensed veterinarian or a licensed veterinary technician, and one of whom shall be a ((lay)) member of the public.~~

(2)(a) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry, or employed as a licensed veterinary technician, as applicable~~((, and must be citizens of the United States))~~. Not more than ~~((one))~~ two licensed veterinary members shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

(b) The terms of the ~~((first licensed))~~ members ~~((of the board))~~ shall be ~~((as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for))~~ five years and until their successors are appointed and qualified.

(c) ~~((The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.~~

~~((d))~~ A member may be appointed to serve ~~((a second term, if that term does not run consecutively))~~ two consecutive full terms.

~~((e))~~ (d) Vacancies ~~((in))~~ on the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

(3) ~~((The licensed veterinary technician member is a nonvoting member with respect to board decisions related to the discipline of a veterinarian involving standard of care.~~

~~((4))~~ Officers of the board shall be a chair and a ~~((secretary-treasurer))~~ vice chair to be chosen by the members of the board from among its members.

~~((5))~~ Four members of the board shall constitute a quorum at meetings of the board. ~~((4))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction

of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 8. RCW 18.92.040 and 1991 c 3 s 240 are each amended to read as follows:

Each member of the board shall be compensated in accordance with RCW ~~((43.70.250))~~ 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW. No expense may be incurred by members of the board except in connection with board meetings without prior approval of the secretary.

Sec. 9. RCW 18.108.020 and 1991 c 3 s 253 are each amended to read as follows:

The Washington state board of massage is ~~((hereby))~~ created. The board shall consist of ~~((four))~~ seven members who shall be appointed by the governor for a term of four years each. ~~((Members))~~ All members shall be residents of this state ~~((and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be licensed under this chapter and actively engaged in the practice of massage during their incumbency.~~

~~In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board)).~~ Five members shall be massage therapists licensed under this chapter with at least three years' experience in the practice of massage immediately preceding their appointment and shall at all times during their terms remain licensed massage therapists.

One member shall be a consumer whose occupation does not include the administration of health activities or the provision of health services and who has no material financial interest in the provision of health care services.

One member shall be a massage educator or massage school owner with at least

three years' experience in the teaching or administration of direct student learning of the practice of massage. The educator or school owner member is not required to be a licensed massage therapist. The member shall recuse themselves from any board deliberations or decision making involving the school or educational program with which the member is professionally affiliated.

In the event that a member cannot complete ~~((his or her))~~ their term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive full terms ~~((whether full or partial))~~. The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

Each member of the board shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet as called by the chairperson or the secretary. ~~((Three members of the board shall constitute a quorum of the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 10. RCW 18.83.035 and 1989 c 226 s 1 are each amended to read as follows:

There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of ~~((seven))~~ nine psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household member who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a household member

who has so participated; and they may not have had within two years before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall ~~((be a citizen of the United States who has))~~ have actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Board members shall be appointed for a term of five years, except that the terms of the existing appointees shall be adjusted by the governor so that no more than two members' terms expire each year with all subsequent appointments for a five-year term. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson.

Sec. 11. RCW 18.83.045 and 1991 c 3 s 195 are each amended to read as follows:

The board shall meet at least once each year and at such other times as the board deems appropriate to properly discharge its duties. All meetings shall be held in Olympia, Washington, or such other places as may be designated by the secretary. Five members of the board shall constitute a quorum, except that oral examinations may be conducted with only three psychologist members. A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 12. RCW 18.83.051 and 1984 c 287 s 48 are each amended to read as follows:

Each member of the board shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 13. RCW 18.64.001 and 2013 c 19 s 3 are each amended to read as follows:

There shall be a state pharmacy quality assurance commission consisting of fifteen members, to be appointed by the governor by and with the advice and consent of the senate. Ten of the members shall be designated as pharmacist members, four of the members shall be

designated a public member, and one member shall be a pharmacy technician.

Each pharmacist member shall be a ~~((citizen of the United States and a))~~ resident of this state, and at the time of his or her appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his or her appointment and shall at all times during his or her incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a ~~((citizen of the United States and a))~~ resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the commission shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the commission.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 14. RCW 18.64.003 and 2013 c 19 s 4 are each amended to read as follows:

Members of the commission shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The commission shall elect a chairperson and a vice chairperson from among its members. A majority of the commission members appointed and serving constitutes a quorum for the transaction

of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure. The commission is designated as a class five group for purposes of chapter 43.03 RCW. Each member shall be compensated in accordance with RCW ((43.03.240)) 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 15. RCW 18.64.005 and 2013 c 19 s 5 are each amended to read as follows:

The commission shall:

(1) Regulate the practice of pharmacy and enforce all laws placed under its jurisdiction;

(2) Prepare or determine the nature of, and supervise the grading of, examinations for applicants for pharmacists' licenses;

(3) Establish the qualifications for licensure of pharmacists or pharmacy interns;

(4) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the commission, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW or a presiding officer designated by the commission. The commission may authorize the secretary, or their designee, to serve as the presiding officer for any disciplinary proceedings of the commission authorized under this chapter. The presiding officer shall not vote on or make any final decision in cases pertaining to standards of practice or where clinical expertise is necessary. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW;

(5) Issue subpoenas and administer oaths in connection with any hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the commission;

(6) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, or any other laws or rules under its jurisdiction;

(7) Promulgate rules for the dispensing, distribution, wholesaling,

and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the commission;

(8) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;

(9) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed as members of the commission. Such immunity shall apply to employees of the department when acting in the course of disciplinary proceedings;

(10) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

(11) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

(12) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

(13) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the department. The department shall also encourage such

referral by health maintenance organizations, health service contractors, and health care providers.

Sec. 16. RCW 18.64.310 and 2013 c 19 s 21 are each amended to read as follows:

The department shall:

(1) Establish reasonable license and examination fees and fees for services to other agencies in accordance with RCW 43.70.250 and 43.70.280. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ, with confirmation by the commission, an executive officer, who shall be exempt from the provisions of chapter 41.06 RCW and who shall (~~be a pharmacist licensed in Washington, and~~) employ inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, at the direction of the commission, including use of subpoena powers, violations of law or regulations under its jurisdiction or the jurisdiction of the commission;

(4) Make, at the direction of the commission, inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law. The written operating agreement between the department and the commission, as required by RCW 43.70.240 shall include provisions for the department to involve the commission in carrying out its duties required by this section.

NEW SECTION. Sec. 17. A new section is added to chapter 18.64 RCW to read as follows:

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission including, but not limited to, licensing, disciplinary, and adjudicative actions.

NEW SECTION. Sec. 18. A new section is added to chapter 18.59 RCW to read as follows:

Each member of the board shall be compensated in accordance with RCW 43.03.265. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 19. RCW 18.59.120 and 2011 c 336 s 492 are each amended to read as follows:

(1) There is established a board of occupational therapy practice. The board shall consist of five members appointed by the governor, who may consider the persons who are recommended for appointment by occupational therapy associations of the state. The members of the board shall be residents of the state. Four of the members shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least five years immediately preceding their appointment. Three of these four board members shall be occupational therapists who shall at all times be holders of licenses for the practice of occupational therapy in the state, (~~except for the initial members of the board,~~) all of whom shall fulfill the requirements for licensure under this chapter. At least one member of the board shall be an occupational therapy assistant licensed to assist in the practice of occupational therapy, except for the initial member appointed to this position, who shall fulfill the requirements for licensure as a occupational therapy assistant under this chapter. The remaining member of the board shall be a member of the public with an interest in the rights of consumers of health services.

(2) (~~The governor shall, within sixty days after June 7, 1984, appoint one member for a term of one year, two members for a term of two years, and two members for a term of three years.~~)

Appointments (~~made thereafter~~) shall be for three-year terms, but no person shall be appointed to serve more than two consecutive full terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the initial appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this section. The governor shall make appointments for vacancies in unexpired terms within ninety days after the vacancies occur.

(3) The board shall meet during the first month of each calendar year to select a chair and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chair or the written request of any two board members. (~~A majority of members of the board constitutes a quorum for all purposes.~~) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade, or administer examinations or, upon request of an applicant who fails an examination, to prepare a response indicating the reasons for the applicant's failure.

~~((4) Members of the board shall receive compensation in the amount of fifty dollars for each day's attendance at proper meetings of the committee.))~~

Sec. 20. RCW 18.30.050 and 2002 c 160 s 4 are each amended to read as follows:

(1) The Washington state board of denturists is created. The board shall consist of seven members appointed by the secretary as follows:

(a) Four members of the board must be denturists licensed under this chapter, except initial appointees, who must have five years' experience in the field of denturism or a related field.

(b) Two members shall be selected from persons who are not affiliated with any health care profession or facility, at least one of whom must be over sixty-five years of age representing the elderly.

(c) One member must be a dentist licensed in the state of Washington.

(2) The members of the board shall serve for terms of three years. (~~The terms of the initial members shall be staggered, with the members appointed under subsection (1)(a) of this section serving two year and three year terms initially and the members appointed under subsection (1)(b) and (c) of this section serving one year, two year, and three year terms initially. Vacancies shall be filled in the same manner as the original appointments are made.~~) Appointments to fill vacancies shall be for the remainder of the unexpired term of the vacant position.

(3) No appointee may serve more than two consecutive terms.

(4) Members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Each member of the board shall be compensated in accordance with RCW 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(5) A member of the board may be removed for just cause by the secretary.

Sec. 21. RCW 18.30.060 and 1995 c 1 s 7 are each amended to read as follows:

(1) The board shall elect a chairperson of the board annually. The same person may not hold the office of chairperson for more than three years in succession.

(2) (~~A majority of the board constitutes a quorum for all purposes, and a majority vote of the members voting governs the decisions of the board.~~) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 22. RCW 18.36A.150 and 2011 c 41 s 1 are each amended to read as follows:

(1) There is created the board of naturopathy consisting of seven members appointed by the governor to four-year terms. Five members of the board shall be persons licensed under this chapter and two shall be members of the public. No member may serve more than two consecutive full terms. Members hold office until their successors are appointed. (~~The governor may appoint the~~

~~initial members of the board to staggered terms from one to four years. Thereafter, all~~) All members shall be appointed to full four-year terms.

(2) The public members of the board may not be a member of any other health care licensing board or commission, have a fiduciary obligation to a facility rendering services regulated under this chapter, or have a material or financial interest in the rendering of services regulated under this chapter.

(3) The board shall elect officers each year. The board shall meet at least twice each year and may hold additional meetings as called by the chair. Meetings of the board are open to the public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW. The department shall provide secretarial, clerical, and other assistance as required by the board.

(4) Each member of the board shall be compensated in accordance with RCW (~~43.03.240~~) 43.03.265. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(5) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

(6) The board may appoint members to panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the board.

(7) The board may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

(8) The governor may remove a member of the board for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that a member of the board has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, he or she shall file with the secretary of state a statement of the cause for and the order

of removal from office, and the secretary shall immediately send a certified copy of the order of removal and statement of causes by certified mail to the last known post office address of the member. If a vacancy occurs on the board, the governor shall appoint a replacement to fill the remainder of the unexpired term.

Sec. 23. RCW 18.54.030 and 2011 c 336 s 489 are each amended to read as follows:

The initial composition of the optometry board includes the three members of the examining committee for optometry plus two more optometrists to be appointed by the governor.

The governor must make all appointments to the optometry board. Only optometrists who are (~~citizens of the United States,~~) residents of this state, having been licensed to practice and practicing optometry in this state for a period of at least four years immediately preceding the effective date of appointment, and who have no connection (~~with any school or college embracing the teaching of optometry or~~) with any optical supply business may be appointed.

~~((The governor may set the terms of office of the initial board at his or her discretion, to establish the following perpetual succession: The terms of the initial board include one position for one year, two for two years, and two for three years; and upon the expiration of the terms of the initial board, all)) All~~ appointments are for three years.

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of three years.

In the event that a vacancy occurs on the board in the middle of an appointee's term, the governor must appoint a successor for the unexpired portion of the term only.

Sec. 24. RCW 18.54.060 and 1963 c 25 s 6 are each amended to read as follows:

~~((Three members constitute a quorum for the transaction of business of the board))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 25. RCW 18.54.130 and 1984 c 287 s 41 are each amended to read as follows:

Members of the board are entitled to receive their travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each member of the board will also be compensated in accordance with RCW ((~~43.03.240~~)) 43.03.265. The board is designated as a class five group for purposes of chapter 43.03 RCW.

Sec. 26. RCW 18.35.150 and 2014 c 189 s 12 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing aid specialist, audiology, and speech-language pathology. The board shall consist of eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing aid specialists who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. ((~~Of the initial appointments, one hearing aid specialist, one speech language pathologist, one audiologist, and one~~

~~consumer shall be appointed for a term of two years, and one hearing aid specialist, one speech language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms.~~) No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing aid specialists, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. ((~~A quorum is a majority of the board. A hearing aid specialist, speech language pathologist, and audiologist must be represented.~~)) A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW ((~~43.03.240~~)) 43.03.265 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is designated as a class five group for purposes of chapter 43.03 RCW.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

Sec. 27. RCW 18.57.003 and 2017 c 101 s 1 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of eleven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

On expiration of the term of any member, the governor shall appoint for a period of five years a qualified individual to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be (~~a citizen of the United States and must be~~) an actual resident of this state. Two members must be consumers who have neither a financial nor a fiduciary relationship to a health care delivery system, one member must have been in active practice as a licensed osteopathic physician assistant in this state for at least five years immediately preceding appointment, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall elect a chairperson(~~or a secretary,~~) and a vice chairperson from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

~~((An affirmative vote of a simple majority of the members present at a meeting or hearing shall be required for the board to take any official action. The board may not take any action without a quorum of the board members present. A simple majority of the board members currently serving constitutes a quorum of the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Each member of the board shall be compensated in accordance with RCW

43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

Sec. 28. RCW 18.57.003 and 2020 c 80 s 14 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of eleven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

On expiration of the term of any member, the governor shall appoint for a period of five years a qualified individual to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be (~~a citizen of the United States and must be~~) an actual resident of this state. Two members must be consumers who have neither a financial nor a fiduciary relationship to a health care delivery system, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall elect a chairperson(~~or a secretary,~~) and a vice chairperson from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

~~((An affirmative vote of a simple majority of the members present at a meeting or hearing shall be required for the board to take any official action. The board may not take any action without a quorum of the board members present. A simple majority of the board members currently serving constitutes a quorum of~~

~~the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Each member of the board shall be compensated in accordance with RCW 43.03.265 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW.

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

Sec. 29. RCW 18.22.014 and 2020 c 248 s 2 are each amended to read as follows:

The board shall meet at the places and times it determines and as often as necessary to discharge its duties. The board shall elect a chairperson(~~(,)~~) and a vice chairperson(~~(, and secretary)~~) from among its members. Members must be compensated in accordance with RCW 43.03.265 in addition to travel expenses provided by RCW 43.03.050 and 43.03.060. The board is a class five group for purposes of chapter 43.03 RCW. ~~((A simple majority of the board members currently serving constitutes a quorum of the board.))~~ A majority of the board members appointed and serving constitutes a quorum for the transaction of board business. The affirmative vote of a majority of a quorum of the board is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

Sec. 30. RCW 18.200.060 and 1997 c 285 s 7 are each amended to read as follows:

(1) The secretary has the authority to appoint an advisory committee to further the purposes of this chapter. The secretary may consider the persons who are recommended for appointment by the orthotic and prosthetic associations of the state. The committee is composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Subsequent appointments are for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.

Members of the advisory committee must be residents of this state (~~and citizens of the United States~~). The committee is composed of three individuals licensed in the category designated and engaged in rendering services to the public. Two members must at all times be holders of licenses for the practice of either prosthetics or orthotics, or both, in this state, except for the initial members of the advisory committee, all of whom must fulfill the requirements for licensure under this chapter. One member must be a practicing orthotist. One member must be a practicing prosthetist. One member must be licensed by the state as a physician licensed under chapter 18.57 or 18.71 RCW, specializing in orthopedic medicine or surgery or physiatry. Two members must represent the public at large and be unaffiliated directly or indirectly with the profession being credentialed but, to the extent possible, be consumers of orthotic and prosthetic services. The two members appointed to the advisory committee representing the public at large must have an interest in the rights of consumers of health services and must not be or have been a licensee of a health occupation committee or an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility.

(2) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) The advisory committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The advisory committee may be requested by the secretary to approve an examination required for licensure under this chapter.

(5) The advisory committee may be requested by the secretary to review and monitor the exemptions to requirements of certain orthoses and prostheses in this chapter and recommend to the secretary any statutory changes that may be needed to properly protect the public.

(6) The advisory committee, at the request of the secretary, may recommend rules in accordance with the

administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of orthotic and prosthetic care.

(7) The advisory committee shall meet at the times and places designated by the secretary and hold meetings during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice chair. A majority of the members currently serving constitute a quorum.

(8) Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committees shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of their committees.

(9) The secretary, members of advisory committees, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 31. RCW 18.25.0165 and 1994 sp.s. c 9 s 106 are each amended to read as follows:

Members must be (~~citizens of the United States and~~) residents of this state. Members must be licensed chiropractors for a period of five years before appointment. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

Sec. 32. RCW 18.79.070 and 2005 c 17 s 1 are each amended to read as follows:

(1) The state nursing care quality assurance commission is established, consisting of fifteen members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for appointment by the appropriate professional associations in the state. No person may serve as a member of the commission for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced registered

nurse practitioner members, three licensed practical nurse members, and three public members on the commission. Each member of the commission must be a (~~citizen of the United States and a~~) resident of this state.

(3)(a) Registered nurse members of the commission must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced registered nurse practitioner members of the commission must:

(a) Be licensed as advanced registered nurse practitioners under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the commission must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of

health services regulated by the commission.

In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter 9, Laws of 1994 sp. sess. The governor may appoint initial members of the commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the commission hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

Sec. 33. RCW 18.79.140 and 1994 sp.s. c 9 s 414 are each amended to read as follows:

The executive director must be a graduate of ~~((an approved nursing education program and of))~~ a college or university, with a masters' degree ~~((, and currently licensed as a registered nurse under this chapter; have a minimum of eight years' experience in nursing in any combination of administration and nursing education; and have been actively engaged in the practice of registered nursing or nursing education within two years immediately before the time of appointment))~~.

Sec. 34. RCW 18.71.015 and 2019 c 55 s 4 are each amended to read as follows:

The Washington medical commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed in the state of Washington as physician assistants under chapter 18.71A RCW, and six individuals who are members of the public. At least two of the public members shall not be from the health care industry. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional

district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor ~~((Members of the initial commission may be appointed to staggered terms of one to four years))~~, and ~~((thereafter))~~ all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. ~~((In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.))~~ No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be ~~((a citizen of the United States, must be))~~ an actual resident of this state, and, if a physician or physician assistant, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

NEW SECTION. Sec. 35. Section 27 of this act expires July 1, 2022.

NEW SECTION. Sec. 36. Section 28 of this act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

ESSB 5761 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Concerning employer requirements for providing wage and salary information to applicants for employment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SSB 5764 Prime Sponsor, Committee on Ways & Means: Concerning apprenticeships and higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Kraft.

Referred to Committee on Appropriations.

February 23, 2022

SSB 5765 Prime Sponsor, Committee on Health & Long Term Care: Concerning the practice of midwifery. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Harris; Maycumber; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5783 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Reestablishing the underground economy task force. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representative Hoff, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5787 Prime Sponsor, Senator Nguyen: Concerning the linked deposit program. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry; Ryu and Santos.

Referred to Committee on Rules for second reading.

February 21, 2022

2SSB 5789 Prime Sponsor, Committee on Ways & Means: Creating the Washington career and college pathways innovation challenge program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The Washington career and college pathways innovation challenge program is established. The purpose of the program is to meet statewide educational attainment goals established in RCW 28B.77.020 by developing local and regional partnerships that foster innovations to:

(a) Increase postsecondary enrollment, success, and completion for students enrolling directly from high school and adults returning to education;

(b) Eliminate educational opportunity gaps for students of color, English

language learners, students with disabilities, opportunity youth, and foster and homeless youth;

(c) Enhance the ability of Washington residents to achieve their own goals in life; and

(d) Increase the skills and talents of Washington's workforce.

(2)(a) The student achievement council shall administer the program and award grants, based on a competitive grant process, to local and regional partnerships that represent cross-sector collaborations among education and higher education agencies and institutions, local education agencies, local government, community-based organizations, employers, and other local entities. The student achievement council must consult, in both the design of the grant program as well as in the administration of the grant program, with stakeholders including representatives of:

(i) The state board for community and technical colleges;

(ii) An organization representing the presidents of the public four-year institutions of higher education;

(iii) The workforce training and education coordinating board;

(iv) An organization representing the private, not-for-profit, four-year institutions of higher education;

(v) The commission on African American affairs;

(vi) The commission on Hispanic affairs;

(vii) The commission on Asian Pacific American affairs;

(viii) The Washington state LGBTQ commission;

(ix) The governor's office of Indian affairs; and

(x) The Washington state women's commission.

(b) In awarding the grants, the student achievement council shall consider applications that meet at least one of the following criteria:

(i) Plan and pilot innovative initiatives to raise educational attainment and reach new populations;

(ii) Engage community-based organizations and resources to reach the range of populations living in the region;

(iii) Develop programs that recognize the needs of specific populations to be successful in postsecondary education and training;

(iv) Expand the use of integrated work-based learning models and career connected learning;

(v) Provide financial support to cover expenses beyond educational tuition and fees, and other services and supports for students to enroll and complete education and training;

(vi) Further the development of innovations, such as the use of mastery-based measurements of student achievement as the basis for awarding degrees and certificates, expansion of accelerated programs, and alternative scheduling to meet working adult needs; and

(vii) Include local matching funds.

(c) In administering the program the student achievement council may hire staff to support grant oversight and provide technical assistance to grantees.

(d) The student achievement council shall provide a report each year by September 1st to the governor and the education and higher education committees of the legislature. The report shall:

(i) Describe grants awarded;

(ii) Report the progress of each local and regional partnership by reporting on high school graduation, postsecondary enrollment, and completion for each of the regions that partnerships serve; and

(iii) Disaggregate data by income, race, ethnicity, and other demographic characteristics.

Sec. 2. RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The ((~~student achievement council fund for innovation and quality~~)) Washington career and college pathways innovation challenge program account is hereby established in the custody of the state treasurer. The student achievement council shall deposit in the fund all moneys received ((~~under~~ ~~RCW~~

~~28B.120.030~~)) for the Washington career and college pathways innovation challenge program. Moneys in the fund may be spent only for the purposes of ((~~RCW 28B.120.010 and 28B.120.020~~)) awarding grants under the Washington career and college pathways innovation challenge program. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 3. The student achievement council may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 4. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~((+account+))~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural

rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of

earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1)RCW 28B.120.005 (Findings) and 2010 c 245 s 6, 1999 c 169 s 2, & 1991 c 98 s 1;

(2)RCW 28B.120.010 (Washington fund for innovation and quality in higher education program—Incentive grants) and 2012 c 229 s 571, 2010 c 245 s 7, 1999 c 169 s 5, 1996 c 41 s 1, & 1991 c 98 s 2;

(3)RCW 28B.120.020 (Program administration—Powers and duties of student achievement council) and 2012 c 229 s 572, 2011 1st sp.s. c 11 s 235, 2010 c 245 s 8, 1999 c 169 s 3, 1996 c 41 s 2, & 1991 c 98 s 3;

(4)RCW 28B.120.025 (Program administration—Powers and duties of state board for community and technical colleges) and 2012 c 229 s 573 & 1999 c 169 s 4;

(5)RCW 28B.120.030 (Receipt of gifts, grants, and endowments) and 2012 c 229 s 574, 1999 c 169 s 6, & 1991 c 98 s 4; and

(6)RCW 28B.120.900 (Intent—1999 c 169) and 1999 c 169 s 1.

NEW SECTION. Sec. 6. Sections 1 and 3 of this act constitute a new chapter in Title 28B RCW."

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

February 22, 2022

SB 5801 Prime Sponsor, Senator Keiser: Concerning attorney and witness fees in industrial insurance court appeals. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member; Mosbrucker, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5817 Prime Sponsor, Senator Frockt: Restricting the use of synthetic media in campaigns for elective office. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5819 Prime Sponsor, Committee on Ways & Means: Concerning the developmental disabilities administration's no-paid services caseload. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 21, 2022

ESSB 5847 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing information to public service employees about the public service loan forgiveness program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that our country

faces a student loan debt crisis. Nationally, Americans owe \$1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly \$27.4 billion of outstanding debt, more than \$35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

(a) Develop materials to increase awareness of the federal public service loan forgiveness program;

(b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;

(c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and

(d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted towards the definition of full time for the public service loan

forgiveness program as set forth in 34 C.F.R. Sec. 685.219.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.77 RCW to read as follows:

(1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

(3) For purposes of this section, the definitions in this subsection apply:

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec.

501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

NEW SECTION. Sec. 3. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall:

(a) Develop a program for state agencies to certify employment for the purposes of the public service loan forgiveness program by July 1, 2023.

(b) Assist the student loan advocate in creating and distributing materials designed to increase awareness of the public service loan forgiveness program set forth in section 1 of this act.

(c) Collaborate with the student achievement council, the employment security department, the department of retirement systems, nonprofit entities, local government representatives, and other public service employers in developing a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees. The program established for state agencies in this section and the certification process in section 4 of this act may be considered in the development of the initiative. A plan for a statewide initiative must be developed and submitted to the higher education committees of the legislature by December 1, 2024, in compliance with RCW 43.01.036.

(2) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form, as allowed by the United States department of education.

(b) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(c) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(d) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) As soon as available, a state agency shall provide the materials described in section 2 of this act in written or electronic form to:

(a) All employees annually;

(b) Newly hired employees within 30 days of the employee's first day of employment.

(2) A state agency must certify employment for the purposes of the public service loan forgiveness program in accordance with the program established in section 3 of this act beginning July 1, 2023.

(a) If a state agency does not directly certify employment with the United States department of education, the state agency must annually provide notice of renewal and a copy of the public service loan forgiveness form with employer information and employment certification sections of the form already completed reflecting at least the last 12 months of employment to:

(i) An employee who requests a public service loan forgiveness form;

(ii) Any current employee for whom the state agency has previously certified employment, unless the employee has opted out; and

(iii) An employee upon separation from service or employment, unless the employee has opted out. The notice of renewal and completed employer sections of the public service loan forgiveness form provided to a separated employee must be sent within 60 days of separation and are exempted from the annual requirement set forth in subsection (2)(a) of this section.

(b) A state agency shall not unreasonably delay in certifying employment.

(c) A state agency must seek permission from its employees prior to certifying their employment.

(d) Institutions of higher education must use the calculation established in section 5 of this act and may apply it retroactively to determine whether a part-time academic employee is considered full time for the public service loan forgiveness program.

(e) A state agency may send the information necessary for public service loan forgiveness employment certification to the United States department of education, or its agents, if the United States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly, notwithstanding other provisions of law.

(f) The office of financial management is authorized to adopt rules for the purpose of this section.

(3) An employee of a state agency may opt out of the employment certification process established in section 3 of this act at any time.

(4) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan forgiveness form.

(b) "Full time" has the same meaning as set forth in 34 C.F.R. Sec. 685.219.

(c) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(d) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(e) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

NEW SECTION. Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

For the purpose of determining whether a part-time academic employee at an institution of higher education is considered full time for certifying employment for the public service loan forgiveness program, duties performed in support of, or in addition to, contractually assigned in-class teaching hours must be included. To calculate this, each hour of in-class teaching time shall be multiplied by 3.35 hours. This section shall not supersede any calculation or adjustment established by a collective bargaining agreement or employer policy for additional work done outside of in-class teaching. An institution of higher education shall not treat any adjusted total hours worked differently from hours worked without an adjustment when determining whether an employee is full time. "Institution of higher education" has the same meaning as "institutions of higher education" in RCW 28B.10.016.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Chandler; Hoff; Kraft and Sutherland.

Referred to Committee on Appropriations.

February 23, 2022

SB 5855 Prime Sponsor, Senator Lovelett: Concerning the use of campaign funds to reimburse expenses for child care and other caregiving services. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5856 Prime Sponsor, Committee on Law & Justice: Concerning transfers of firearms to museums and historical societies. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

ESSB 5878 Prime Sponsor, Committee on Early Learning & K-12 Education: Clarifying

visual and performing arts instruction.
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Washington state has long led the way in creating arts education policy. Washington state was one of the first states to adopt visual and performing arts graduation requirements. Our state has a two-credit visual and performing arts graduation requirement, although the second credit may be waived in certain circumstances. Our state has also been a leader by formally declaring the arts including dance, music, theatre, visual arts, and media as core content areas in the definition of basic education. However, there is a very large gap between policy and practice in our state. While most high schools offer a range of arts courses, it is not uncommon for middle schools to offer only one of the arts, usually music, and for elementary schools to offer no formal arts instruction at all, during the regular school day. When arts instruction is offered, it is often as an extracurricular activity, a volunteer docent program, or as a program which meets far less often than other core subjects do. Further, students who perform poorly on standardized tests in math and English often have what little arts instruction they would normally receive taken away, in favor of remediation in the test subject areas. Our students who live in low socioeconomic areas tend to perform worse on standardized tests. As a result, poorer students in our state tend to be denied arts instruction at a higher rate than students from economically stable homes and neighborhoods. The evidence of the multiple benefits of arts education is voluminous and undeniable. The arts are not only a vehicle for doing better at other subjects; they have immense value in their own right and should be taught as stand-alone disciplines, the way our laws and policies are written.

(2) The legislature intends to clarify, for schools and school districts, the importance of arts education and to bring our schools' practices in line with our state and federal laws and policies, and the promises made to our communities, by ensuring formal instruction in the core

disciplines of visual and performing arts for all Washington students, regardless of their family's socioeconomic status or the relative affluence of the neighborhood in which they live. The legislature recognizes and supports that the best practice is for basic education courses, including the arts, to be taught by certificated teachers who are qualified through an endorsement to teach in the subject area of the course. However, the legislature acknowledges that there is a shortage of arts endorsed teachers in Washington, so intends to allow arts instruction to also be provided by certificated teachers actively pursuing an endorsement in the relevant arts discipline.

Sec. 2. RCW 28A.230.020 and 2013 c 23 s 48 are each amended to read as follows:

All common schools shall give instruction in reading, handwriting, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, visual and performing arts, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule of the superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.230 RCW to read as follows:

(1) Beginning with the 2023-24 school year, public schools shall offer regular instruction in at least one visual art or at least one performing art, throughout the school year. Each student must receive instruction in at least one arts discipline throughout their elementary education experience. For grades nine through 12, all students must be given the opportunity to take arts coursework each academic year.

(2) Every student must have access to arts education, as part of basic education under RCW 28A.150.210. Arts instruction must be accessible by all students, in a manner that is commensurate with instruction in other core subject areas.

(3) Arts instruction must be provided by either: A certificated teacher with an endorsement in the relevant arts discipline; or a certificated teacher actively pursuing an endorsement in the relevant arts discipline.

(4) Instruction under this section must be solely for the arts discipline in the skills and craft of each specific arts discipline as their own end, rather than as a vehicle to enhance learning in any other nonarts subject area. If schools wish to integrate or infuse the arts into other subject matter, they must do so in addition to the regular, formal arts instruction required by this section.

(5) The arts instructors in each school district, as subject matter experts, shall be consulted to determine which specific visual and performing arts courses to offer at given grade levels, so that instruction is properly aligned to state learning standards in the arts and students' developmental stages and vertically aligned to give arts-focused students the best chance for success in their arts college or career pathway.

(6) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Berg; Bergquist; Callan; Ortiz-Self and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin; McEntire; Rude and Steele.

Referred to Committee on Rules for second reading.

February 22, 2022

SSB 5890 Prime Sponsor, Committee on Labor, Commerce & Tribal Affairs: Clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility.

Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff, Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5900 Prime Sponsor, Committee on Health & Long Term Care: Creating a provisional certification for emergency medical services providers under chapters 18.71 and 18.73 RCW. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5927 Prime Sponsor, Senator Honeyford: Concerning the safety and security of retail cannabis outlets. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Each retail outlet must report any attempt or incident of robbery in the first or second degree at the retail outlet to the board within 10 days of the attempt or incident.

(2) The board's chief enforcement officer must regularly consult with the Washington state patrol to provide details of attempts or incidents of robbery in the first or second degree of a retail outlet and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

Sec. 2. RCW 9.94A.832 and 2013 c 270 s 1 are each amended to read as follows:

In a criminal case where(~~(+~~
~~(+))~~) the defendant has been convicted of robbery in the first degree or robbery in the second degree(~~(+)~~) and

~~((+2))~~ there has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant committed a robbery of:

(1) A pharmacy as defined in RCW 18.64.011(~~(+21))~~; or

(2) A cannabis retail outlet, licensed under chapter 69.50 RCW, and the defendant committed the robbery in concert with another individual or individuals;

the court shall make a finding of fact of the special allegation, or if a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis; Griffey; Hackney; Orwall; Ramos; Simmons; Thai and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading.

February 22, 2022

SB 5929 Prime Sponsor, Senator Wilson, C.: Changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5931 Prime Sponsor, Senator Wagoner: Concerning appointment of judges pro tempore in the court of appeals. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5946 Prime Sponsor, Committee on Business, Financial Services & Trade: Protecting consumers from the discontinuance of the London interbank offered rate. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Corry; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5961 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Incentivizing the use of biochar. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan; Graham and Gregerson.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5964 Prime Sponsor, Committee on Ways & Means: Concerning consolidated local permit review processes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70B.140 and 1995 c 347 s 418 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must, by ordinance or resolution, exclude project permits for interior alterations within a residential unit that is located on a lot with four or fewer residential units from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use, and involve no exterior work adding to the building footprint.

(5) Nothing in this section precludes a city or county from using means other

than site plan review to ensure that interior alterations do not increase nonconformity with local zoning or development regulations.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a consolidated permit review grant program. The department may award grants to any local government that provides, by ordinance, resolution, or other action, a commitment to the following building permit review consolidation requirements:

(a) Issuing final decisions on permit applications for projects involving less than 5,000 square feet of building area within 45 business days or 90 calendar days, whichever period is longer. For the purposes of this section, "business days" do not include any day in which the local government is awaiting information, documentation, clarification, or other necessary action from the applicant before the processing of the application can resume.

(i) To achieve permit review within the stated time frame, a local government must provide consolidated review for building permit applications. This may include an initial technical peer review of the application for conformity with the requirements of RCW 36.70B.070 by all departments, divisions, and sections of the local government with jurisdiction over the project.

(ii) A local government may contract with a third-party business to conduct the consolidated permit review or as additional inspection staff. Any funds expended for such a contract may be eligible for reimbursement under this act;

(b) Establishing an application fee structure that would allow the jurisdiction to continue providing consolidated permit review within the 45 business day or 90 calendar day time frame.

(i) A local government may consult with local building associations to develop a reasonable fee system.

(ii) A local government must determine, no later than August 1, 2023, the specific fee structure needed to

provide permit review within the timeline specified in this subsection (1)(b).

(2) A jurisdiction that is awarded a grant under this section must provide a quarterly report to the department of commerce. The report must include the average and maximum time for permit review during the jurisdiction's participation in the grant program.

(3) If a jurisdiction is unable to successfully meet the terms and conditions of the grant, the jurisdiction must enter a 90 day probationary period. If the jurisdiction is not able to meet the requirements of this section by the end of the probationary period, the jurisdiction is no longer eligible to receive grants under this section.

(4) For the purposes of this section, "residential permit" means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70B RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a grant program for local governments to update their permit review process from paper filing systems to software systems capable of processing digital permit applications, virtual inspections, electronic review, and capacity for video storage.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must convene a digital permitting process work group to examine potential license and permitting software for local governments to encourage streamlined and efficient permit review.

(2) The department of commerce, in consultation with the association of Washington cities and Washington state association of counties, shall appoint members to the work group representing groups including but not limited to:

- (a) Cities and counties;
- (b) Building industries; and

(c) Building officials.

(3) The department of commerce must convene the first meeting of the work group by August 1, 2022. The department must submit a final report to the governor and the appropriate committees of the legislature by August 1, 2023. The final report must:

(a) Evaluate the existing need for digital permitting systems;

(b) Review barriers preventing local jurisdictions from accessing or adopting digital permitting systems;

(c) Evaluate the benefits and costs associated with a statewide permitting software system; and

(d) Provide budgetary, administrative policy, and legislative recommendations to increase the adoption of or establish a statewide system of digital permit review."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg; Robertson and Senn.

Referred to Committee on Appropriations.

February 23, 2022

SJM 8006 Prime Sponsor, Senator Hasegawa: Concerning a national infrastructure bank. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Walen, Vice Chair; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member and Corry.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MESSAGE FROM THE SENATE

February 23, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5651,

and the same is herewith transmitted.

Sarah Bannister, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2022-4655, by Representatives Slatter, Hansen, Wicks, Ryu, Paul, Morgan, Leavitt, Santos, Chopp, Simmons, and Chambers

WHEREAS, Jan Yoshiwara is retiring as executive director of the Washington State Board for Community and Technical Colleges on July 31, 2022; and

WHEREAS, Jan's retirement caps an honorable and impactful 44-year career serving Washington's community and technical college students and the 34 local colleges that serve them; and

WHEREAS, Jan is dedicated to providing higher education opportunities for people of all ages and backgrounds for whom a college credential can make the greatest change in the trajectory of their lives and the lives of their families; and

WHEREAS, Jan attended high school and college in California during a time of excitement, change, and social activism in the 1960s and early 1970s; and

WHEREAS, Jan was influenced by the civil rights movement and decided to work at the intersection of civil rights and higher education by serving students who may not have the same opportunities as others because of financial hardships, language barriers, race, or ethnicity; and

WHEREAS, Under Jan's leadership, Washington's community and technical college system put racial equity at the front and center of its mission; and

WHEREAS, Due to Jan's leadership, Washington's community and technical colleges are part of a national reform movement called "Guided Pathways" to increase retention and completion rates for all students, especially students of color; and

WHEREAS, Under Jan's visionary direction, Washington became one of the first states in the nation to offer applied bachelor's degrees, allowing students to build on 2-year professional degrees and earn bachelor's degrees close to home; and

WHEREAS, Jan was at the forefront of the community and technical college system's adoption of a performance-based funding model that awards colleges funds when students reach key momentum points leading to a credential; and

WHEREAS, Jan established a research division within the State Board to ensure the community and technical

college system is transparent, accountable, and data-driven; and

WHEREAS, Jan's reforms are helping to move more students from K-12, through college, and into careers and universities, thereby uplifting the lives of the people who live, work, and innovate in Washington; and

WHEREAS, Jan has shepherded the community and technical college system through sweeping changes with a mix of grace, expertise, and collaboration that has won the affection and respect of all those who work with her;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its deepest gratitude to Jan Yoshiwara for a life-long career serving students, colleges, employers, and communities in Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Jan Yoshiwara and members of the State Board for Community and Technical Colleges.

There being no objection, HOUSE RESOLUTION NO. 4655 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4656, by Representatives Wicks, Walen, Fitzgibbon, Chapman, Ryu, Dolan, Santos, and Morgan

WHEREAS, There are thousands of therapy animal teams serving in communities across the United States; and

WHEREAS, Therapy animal teams in Washington play an essential role in improving human health and well-being through the human-animal bond; and

WHEREAS, Therapy animal teams make millions of visits per year in settings such as hospitals, nursing homes, schools, and hospice; and

WHEREAS, Therapy animal teams interact with a variety of people in our communities across Washington including veterans, seniors, patients, students facing literacy challenges, and those approaching end of life; and

WHEREAS, These exceptional therapy animals who partner with their human companions bring comfort and healing to those in need;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and encourage Washingtonians to celebrate our therapy animals and their human handlers; and

BE IT FURTHER RESOLVED, That the House of Representatives publicly salute the service of therapy animal teams in our Washington communities and in communities across the nation.

There being no objection, HOUSE RESOLUTION NO. 4656 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4657, by Representatives Fitzgibbon, Santos, Cody, Berry, Callan, Orwall, Chapman, Wicks, Thai, Walen, Ryu, Dolan, Pollet, Duerr, Valdez, Harris-Talley, Dufault, Gregerson, Morgan, Leavitt, Simmons, and Young

WHEREAS, On March 17th, during the annual celebration of the Feast of Saint Patrick, the Patron Saint of Ireland, Irish Americans join with men, women, and children of all other ethnic origins who, for one day, become Irish and celebrate Patrick and love Ireland; and

WHEREAS, On Saint Patrick's Day, all who wear green live for a day in the spirit of Saint Patrick, Bridget, and Columcille whose 1500th anniversary was in the last year; and

WHEREAS, Irish immigrants to the United States helped form the cultural foundation of the nation and those of Irish lineage today proudly sing support for Ireland; and

WHEREAS, The first documented Irish presence in the State of Washington dates to the expeditions of Captain Vancouver and the Lewis and Clark Corps of Discovery; and

WHEREAS, Spokane has the second highest percentage of Irish ancestry of any major city in the United States; and

WHEREAS, We celebrate the establishment of the American Irish State Legislators Caucus with its aim of fostering and strengthening the longstanding relationship that exists between the United States of America and Ireland to the mutual benefit of both countries with leadership in all 50 states; and

WHEREAS, The songs of Ireland are the tragic songs of love and the joyous songs of battle: The nostalgic reveries of the sorrows and the glories that are the Emerald Isle; and the lamentations of life's myriad travails and the odes to joy and the life eternal;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commemorate the celebration of the Feast of St. Patrick, the Patron Saint of Ireland; and

BE IT FURTHER RESOLVED, That the Chief Clerk be, and hereby is, authorized and directed to transmit a duly certified copy of this resolution to Senator Mark Daly, chair of the Senate of Ireland, which on this year celebrates its 100th anniversary of the National Co-Chairs of the American Irish State Legislators Caucus, Speaker Robin Vos of Wisconsin, Assemblywoman Carol Murphy of New Jersey, Representative Killian Timoney of Kentucky, Representative Fran Hurley of Illinois, Senator Shannon O'Brien of Montana, and Senator Mia Costello of Alaska.

There being no objection, HOUSE RESOLUTION NO. 4657 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4659, by Representatives Morgan, Wicks, Pollet, Fitzgibbon, Senn, Sells, and Leavitt

WHEREAS, Mr. Ester Wilfong committed his life to educating the children of Washington state, serving as a

sixth-grade teacher in Central Kitsap schools from 1952 to 1959; and

WHEREAS, From 1959 to 1982 Mr. Wilfong served as a teacher and administrator in Tacoma Public Schools; and

WHEREAS, Mr. Wilfong continued his service after retirement by mentoring the next generation of school principals; and

WHEREAS, As a teacher, Mr. Wilfong was popular with his students, developing a well-earned reputation as an excellent faculty leader; and

WHEREAS, Between 1968 and 1969, Mr. Wilfong served as the President of the Washington Education Association; and

WHEREAS, Mr. Wilfong served on the Board of Directors, including as a member of the Executive Committee for the National Education Association; and

WHEREAS, In 1982 Mr. Wilfong joined the Washington State School Retirees Association leading efforts to improve the lives of senior citizens; and

WHEREAS, Mr. Wilfong was an active member of the Tacoma Urban League, Tacoma Philharmonic, NAACP, Metropolitan Development Council, Washington State Human Rights Commission, Tacoma Volunteer Bureau, Goodwill Business Advisory Council, and Minority Concerns Task Force, and Chair of the Tacoma Planning Commission; and

WHEREAS, Mr. Wilfong traveled Pierce County registering citizens to vote, later to be named Educator Citizen of the Year by Tacoma Public Schools; and

WHEREAS, Mr. Wilfong achieved all his success in spite of barriers from explicit racism, having been dismissed from his first teaching job due to the color of his skin;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Mr. Ester Wilfong for his service, dedication, and commitment to the people of Washington state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Mr. Ester Wilfong.

There being no objection, HOUSE RESOLUTION NO. 4659 was adopted.

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 22, 2022

HB 2119 Prime Sponsor, Representative Fey: Addressing transportation resources. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Duerr; Entenman; Hackney; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Donaghy; Goehner; Griffey; Klicker; McCaslin; Orcutt; Paul; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5411 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

February 23, 2022

2SSB 5532 Prime Sponsor, Committee on Ways & Means: Establishing a prescription drug affordability board. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Biological product" has the same meaning as in 42 U.S.C. Sec. 262(i)(1).

(3) "Biosimilar" has the same meaning as in 42 U.S.C. Sec. 262(i)(2).

(4) "Board" means the prescription drug affordability board.

(5) "Excess costs" means:

(a) Costs of appropriate utilization of a prescription drug that exceed the therapeutic benefit relative to other alternative treatments; or

(b) Costs of appropriate utilization of a prescription drug that are not sustainable to public and private health care systems over a 10-year time frame.

(6) "Generic drug" has the same meaning as in RCW 69.48.020.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(9) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW, including generic, brand name, specialty drugs, and biological products.

NEW SECTION. Sec. 2. PRESCRIPTION DRUG AFFORDABILITY BOARD. (1) The prescription drug affordability board is established, to include five members who have expertise in health care economics or clinical medicine appointed by the governor.

(2) Board members shall serve for a term of five years and members may be reappointed by the governor for additional terms.

(3) No board member or advisory group member may be an employee of, a board member of, or consultant to a prescription drug manufacturer, pharmacy benefit manager, health carrier, prescription drug wholesale distributor, or related trade association, except that a representative from the prescription drug industry serving on an advisory group may be an employee, consultant, or board member of a prescription drug manufacturer or related trade association and shall not be deemed to have a conflict of interest pursuant to subsection (4) of this section.

(4)(a) Board members, advisory group members, staff members, and contractors providing services on behalf of the board shall recuse themselves from any board

activity in any case in which they have a conflict of interest.

(b) For the purposes of this section, a conflict of interest means an association, including a financial or personal association, that has the potential to bias or appear to bias an individual's decisions in matters related to the board or the activities of the board.

(5) The board shall establish advisory groups consisting of relevant stakeholders, including but not limited to patients and patient advocates for the condition treated by the drug and one member who is a representative of the prescription drug industry, for each drug affordability review conducted by the board pursuant to section 4 of this act. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group.

(6) The authority shall provide administrative support to the board and any advisory group of the board and shall adopt rules governing their operation that shall include how and when the board will use and discuss confidential information that is exempt from public disclosure.

(7) Board members shall be compensated for participation in the work of the board in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board.

(8) A simple majority of the board's membership constitutes a quorum for the purpose of conducting business.

(9) All meetings of the board must be open and public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(10) The board may not hold its first meeting until at least one year after the authority publishes its first report on the impact that drug costs, rebates, and other discounts have on health care premiums pursuant to RCW 43.71C.100.

(11) The board must coordinate and collaborate with the authority, other boards, work groups, and commissions related to prescription drug costs and emerging therapies, including but not limited to the health care cost transparency board established in

chapter 70.390 RCW, and the universal health care commission established in RCW 41.05.840. All coordination and collaboration by the board pursuant to this subsection must comply with chapter 42.30 RCW, the open public meetings act.

(12) The board may collaborate with prescription drug affordability boards established in other states.

NEW SECTION. **Sec. 3.** **AUTHORITY TO REVIEW DRUG PRICES.** By June 30, 2023, and annually thereafter, utilizing data collected pursuant to chapter 43.71C RCW, the all-payer health care claims database, or other data deemed relevant by the board, the board must identify prescription drugs that have been on the market for at least four years, are dispensed at a retail, specialty, or mail-order pharmacy, are not designated by the United States food and drug administration under 21 U.S.C. Sec. 360bb as a drug solely for the treatment of a rare disease or condition, and meet the following thresholds:

(1) Brand name prescription drugs and biologic products that:

(a) Have a wholesale acquisition cost of \$60,000 or more per year or course of treatment lasting less than one year; or

(b) Have a price increase of 15 percent or more in any 12-month period or for a course of treatment lasting less than 12 months, or a 50 percent cumulative increase over three years;

(2) A biosimilar product with an initial wholesale acquisition cost that is not at least 15 percent lower than the reference biological product; and

(3) Generic drugs with a wholesale acquisition cost of \$100 or more for a 30-day supply or less that has increased in price by 200 percent or more in the preceding 12 months.

NEW SECTION. **Sec. 4.** **AFFORDABILITY REVIEWS.** (1) The board may choose to conduct an affordability review of up to 24 prescription drugs per year identified pursuant to section 3 of this act. When deciding whether to conduct a review, the board shall consider:

(a) The class of the prescription drug and whether any therapeutically equivalent prescription drugs are available for sale;

(b) Input from relevant advisory groups established pursuant to section 2 of this act; and

(c) The average patient's out-of-pocket cost for the drug.

(2) For prescription drugs chosen for an affordability review, the board must determine whether the prescription drug has led or will lead to excess costs to patients. The board may examine publicly available information as well as collect confidential and proprietary information from the prescription drug manufacturer and other relevant sources.

(3) A manufacturer must submit all requested information to the board within 30 days of the request.

(4) The authority may assess a fine of up to \$100,000 against a manufacturer for each failure to comply with an information request from the board. The process for the assessment of a fine under this subsection shall be established by the authority in rule and is subject to review under the administrative procedure act, chapter 34.05 RCW.

(5) When conducting a review, the board shall consider:

(a) The relevant factors contributing to the price paid for the prescription drug, including the wholesale acquisition cost, discounts, rebates, or other price concessions;

(b) The average patient copay or other cost sharing for the drug;

(c) The effect of the price on consumers' access to the drug in the state;

(d) Orphan drug status;

(e) The dollar value and accessibility of patient assistance programs offered by the manufacturer for the drug;

(f) The price and availability of therapeutic alternatives;

(g) Input from:

(i) Patients affected by the condition or disease treated by the drug; and

(ii) Individuals with medical or scientific expertise related to the condition or disease treated by the drug;

(h) Any other information the drug manufacturer or other relevant entity chooses to provide;

(i) The impact of pharmacy benefit manager policies on the price consumers pay for the drug; and

(j) Any other relevant factors as determined by the board.

(6) In performing an affordability review of a drug the board may consider the following factors:

(a) Life-cycle management;

(b) The average cost of the drug in the state;

(c) Market competition and context;

(d) Projected revenue;

(e) Off-label usage of the drug; and

(f) Any additional factors identified by the board.

(7) All information collected by the board pursuant to this section is confidential and not subject to public disclosure under chapter 42.56 RCW.

(8) The board shall publicize which prescription drugs are subject to an affordability review before the review begins.

NEW SECTION. Sec. 5. UPPER PAYMENT LIMITS. (1) The authority must adopt rules setting forth a methodology established by the board for setting upper payment limits for prescription drugs the board has determined have led or will lead to excess costs based on its affordability review. Each year, the board may set an upper payment limit for up to 12 prescription drugs.

(2) The methodology must take into consideration:

(a) The cost of administering the drug;

(b) The cost of delivering the drug to patients;

(c) The status of the drug on the drug shortage list published by the United States food and drug administration; and

(d) Other relevant administrative costs related to the production and delivery of the drug.

(3) The methodology determined by the board must not use quality-adjusted life years that take into account a patient's age or severity of illness or disability to identify subpopulations for which a prescription drug would be less cost-effective. For any prescription drug that

extends life, the board's analysis of cost-effectiveness may not employ a measure or metric which assigns a reduced value to the life extension provided by a treatment based on a preexisting disability or chronic health condition of the individuals whom the treatment would benefit.

(4) Before setting an upper payment limit for a drug, the board must post notice of the proposed upper payment limit on the authority's website, including an explanation of the factors considered when setting the proposed limit and instructions to submit written comment. The board must provide 30 days to submit public comment.

(5) The board must monitor the supply of drugs for which it sets an upper payment limit and may suspend that limit if there is a shortage of the drug in the state.

(6) An upper payment limit for a prescription drug established by the board applies to all purchases of the drug by any entity and reimbursements for a claim for the drug by a health carrier, or a health plan offered under chapter 41.05 RCW, when the drug is dispensed or administered to an individual in the state in person, by mail, or by other means.

(7) An employer-sponsored self-funded plan may elect to be subject to the upper payment limits as established by the board.

(8) The board must establish an effective date for each upper payment limit, provided that the date is at least six months after the adoption of the upper payment limit and applies only to purchases, contracts, and plans that are issued on or renewed after the effective date.

(9) Any entity affected by a decision of the board may request an appeal within 30 days of the board's decision, and the board must rule on the appeal within 60 days. Board rulings are subject to judicial review pursuant to chapter 34.05 RCW.

(10) For any upper payment limit set by the board, the board must notify the manufacturer of the drug and the manufacturer must inform the board if it is able to make the drug available for sale in the state and include a rationale for its decision. The board must annually report to the relevant committees of the

legislature detailing the manufacturers' responses.

(11) The board may reassess the upper payment limit for any drug annually based on current economic factors.

(12) The board may not establish an upper payment limit for any prescription drug before January 1, 2027.

(13)(a) Any individual denied coverage by a health carrier for a prescription drug because the drug was unavailable due to an upper payment limit established by the board, may seek review of the denial pursuant to RCW 48.43.530 and 48.43.535.

(b) If it is determined that the prescription drug should be covered based on medical necessity, the carrier may disregard the upper payment limit and must provide coverage for the drug.

NEW SECTION. Sec. 6. USE OF SAVINGS.

(1) Any savings generated for a health plan, as defined in RCW 48.43.005, or a health plan offered under chapter 41.05 RCW that are attributable to the establishment of an upper payment limit established by the board must be used to reduce costs to consumers, prioritizing the reduction of out-of-pocket costs for prescription drugs.

(2) By January 1, 2024, the board must establish a formula for calculating savings for the purpose of complying with this section.

(3) By March 1st of the year following the effective date of the first upper payment limit, and annually thereafter, each state agency and health carrier issuing a health plan in the state must submit a report to the board describing the savings in the previous calendar year that were attributable to upper payment limits set by the board and how the savings were used to satisfy the requirements of subsection (1) of this section.

NEW SECTION. Sec. 7. MANUFACTURER WITHDRAWAL FROM THE MARKET.

(1) Any manufacturer that intends to withdraw a prescription drug from sale or distribution within the state because the board has established an upper payment limit for that drug shall provide a notice of withdrawal in writing indicating the drug will be withdrawn because of the establishment of the upper payment limit at least 180 days before the withdrawal to the office of the insurance commissioner, the authority,

and any entity in the state with which the manufacturer has a contract for the sale or distribution of the drug.

(2) If a manufacturer chooses to withdraw the prescription drug from the state, it shall be prohibited from selling that drug in the state for a period of three years.

(3) A manufacturer that has withdrawn a drug from the market may petition the authority, in a form and manner determined by the authority in rule, to reenter the market before the expiration of the three-year ban if it agrees to make the drug available for sale in compliance with the upper payment limit.

NEW SECTION. Sec. 8. RULE MAKING. The authority may adopt any rules necessary to implement this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans issued or renewed on or after January 1, 2024, if the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 11 of this act), establishes an upper payment limit for a prescription drug pursuant to section 5 of this act, a carrier must provide sufficient information, as determined by the commissioner, to indicate that reimbursement for a claim for that prescription drug will not exceed the upper payment limit for the drug established by the board.

(2) The commissioner may adopt any rules necessary to implement this section.

Sec. 10. RCW 43.71C.100 and 2019 c 334 s 10 are each amended to read as follows:

(1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services

administrative organizations, individual prescription drugs, individual classes of prescription drugs, individual manufacturers, or discount amounts paid in connection with individual prescription drugs.

(3) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

(4) Except for the report, and as provided in subsection (5) of this section, the authority shall keep confidential all data submitted pursuant to RCW 43.71C.020 through 43.71C.080.

(5) For purposes of public policy, upon request of a legislator, the authority must provide all data provided pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the legislature and may not be publicly released.

(6) For the purpose of reviewing drug prices and conducting affordability reviews, the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 11 of this act), and the health care cost transparency board, established in chapter 70.390 RCW, may access all data collected pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority.

(7) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW. Any information provided pursuant to this section must be kept confidential and may not be publicly released. Recipients of data under subsection (6) of this section shall:

(a) Follow all rules adopted by the authority regarding appropriate data use and protection; and

(b) Acknowledge that the recipient is responsible for any liability arising from misuse of the data and that the recipient does not have any conflicts under the ethics in public service act that would prevent the recipient from accessing or using the data.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

Sec. 12. RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing

body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to

adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205;

(p) To consider proprietary or confidential data collected or analyzed pursuant to chapter 70.--- RCW (the new chapter created in section 11 of this act).

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Riccelli; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Calder, Assistant Ranking Minority Member and Maycumber.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris; Rude and Ybarra.

Referred to Committee on Appropriations.

February 23, 2022

ESSB 5593 Prime Sponsor, Committee on Housing & Local Government: Concerning urban growth area boundaries. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the

population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation

program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of

development and likely future development pressure for the succeeding 20-year period. The department shall provide by rule how such patterns of development may be determined, and may adopt any other rules necessary to effectuate this subsection (3)(c). Any revisions to an urban growth area must be made in accordance with countywide planning policies adopted pursuant to RCW 36.70A.210, and may only be made if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities;

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands; and

(ix) Any cities within the urban growth area that is to be revised must have taken actions to increase the buildable residential land within the existing urban growth area boundary, including authorizing the development of, at a minimum, accessory dwelling units throughout the residential areas of the urban growth area, and of duplexes, cottage apartments, townhouses, or row

houses in at least one designated residential area within the urban growth area.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2024, and every eight years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every eight years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)~~((a)(ii) through (iv) [(b) through (d)])~~ (b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)~~((a)(ii) through (iv) [(b) through (d)])~~ (b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and

cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has

made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Berg and Senn.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member and Robertson.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5596

Prime Sponsor, Senator Trudeau: Conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Davis; Entenman; Goodman; Kirby; Orwall; Peterson; Thai; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Gilday, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SSB 5597

Prime Sponsor, Committee on Ways & Means: Concerning the Washington voting rights act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

VOTE DILUTION PROHIBITION AND COST RECOVERY MECHANISM

Sec. 1. RCW 29A.92.020 and 2018 c 113 s 104 are each amended to read as follows:

~~((As)) It is a violation of this chapter for a political subdivision to impose a method of electing its governing body that constitutes vote dilution as provided in RCW 29A.92.030((, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes)).~~

Sec. 2. RCW 29A.92.030 and 2019 c 64 s 7 are each amended to read as follows:

(1) A political subdivision ~~((is))~~ commits vote dilution and shall be found in violation of this chapter when it is shown that:

(a) Elections in the political subdivision exhibit polarized voting; and

(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

~~(2) ((The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district based election district shall not preclude a finding of a violation under this chapter, but may be a factor in determining a remedy. The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts.~~

~~(3))~~ In determining whether there is polarized voting under this chapter, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the

rights and privileges of members of a protected class. Elections conducted prior to the filing of an action pursuant to this chapter are more probative to establish the existence of ~~((racially))~~ polarized voting than elections conducted after the filing of an action.

~~((4))~~ (3) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this chapter shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.

(4) The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts. No single factor is dispositive or necessary to establish a violation of this section. The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this chapter, but may be a factor in determining a remedy.

(5) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.

(6) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this chapter.

(7) A class of citizens protected by this section may include a cohesive coalition of members of different racial, ethnic, or language minority groups.

Sec. 3. RCW 29A.92.060 and 2019 c 64 s 9 are each amended to read as follows:

(1) A voter who resides in the political subdivision, or an organization whose membership includes or is likely to include a voter in the jurisdiction and who resides in the political subdivision, who intends to challenge a political subdivision's electoral system under this chapter shall first notify the political subdivision. The political subdivision shall promptly make such notice public.

(2) The notice provided shall identify and provide contact information for the person or persons who intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of RCW 29A.92.030.

Sec. 4. RCW 29A.92.090 and 2019 c 64 s 12 are each amended to read as follows:

(1) After exhaustion of the time period in RCW 29A.92.080, any voter who resides in a political subdivision or organization whose membership includes or is likely to include a voter in the jurisdiction and who resides in the political subdivision where a violation of RCW 29A.92.020 is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) ~~((Members))~~ A cohesive coalition of members of different protected classes may file an action jointly pursuant to this chapter if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate.

Sec. 5. RCW 29A.92.110 and 2019 c 454 s 2 are each amended to read as follows:

(1) ~~((The))~~ After finding a violation of RCW 29A.92.020 or upon stipulation of the parties, the court may order appropriate remedies including, but not limited to, the imposition of a district-based election system. ~~((The court may order the affected jurisdiction to draw~~

~~or redraw district boundaries or appoint an individual or panel to draw or redraw district lines. The proposed districts must be approved by the court prior to their implementation.))~~ In tailoring a remedy, the court shall consider proposed remedies by the parties and may not give deference to a proposed remedy only because it is proposed by the political subdivision. The court may not approve a remedy that has a dilutive effect on the protected class.

(2) If the court orders a district-based remedy, the court must approve proposed district boundaries prior to their implementation. The court must determine that the proposed district boundaries will not have a dilutive effect on the protected class before court approval.

(3) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.

~~((3))~~ (4) In tailoring a remedy after a finding of a violation of RCW 29A.92.020 or upon stipulation of the parties:

(a) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.

(b) If the court's order providing a remedy or approving proposed districts,

whichever is later, is issued during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices. All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to this subsection (~~((+3+))~~) (4). The governing body may subsequently choose to stagger the terms of its positions.

(~~((+4+))~~) (5) Within thirty days of the conclusion of any action filed under RCW 29A.92.100, the political subdivision must publish on the subdivision's website, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own website, then it may publish on the county website.

Sec. 6. RCW 29A.92.070 and 2019 c 64 s 10 are each amended to read as follows:

(1) The political subdivision shall work in good faith with the person or organization providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with RCW 29A.92.020 and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political

subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with RCW 29A.92.020, an action under this chapter may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.

(4) In agreeing to adopt the person's or organization's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

(5)(a) If the court issues an order under subsection (2) of this section, the person or organization who sent the notice may make a demand to the political subdivision for reimbursement of the costs incurred in conducting the research necessary to send the notice. A demand made under this subsection must:

(i) Be in writing;

(ii) Be received by the political subdivision within 30 days of the adoption of the new electoral system; and

(iii) Include financial documentation, such as a detailed invoice for demographic services, that support the demand. The political subdivision may request additional documentation if the documentation provided is insufficient for the political subdivision to corroborate the claimed costs.

(b) The political subdivision shall, within 60 days of receiving the demand, reimburse the reasonable costs of the person or organization who sent the notice, not to exceed \$50,000.

Sec. 7. RCW 29A.92.080 and 2019 c 64 s 11 are each amended to read as follows:

(1) Any voter who resides in the political subdivision or organization

whose membership includes or is likely to include a voter in the jurisdiction and who resides in the political subdivision may file an action under this chapter if, ((one hundred eighty)) 90 days after a political subdivision receives notice of a challenge to its electoral system under RCW 29A.92.060, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with RCW 29A.92.020. ((However, if notice is received after July 1, 2021, then the political subdivision shall have ninety days to obtain a court order before an action may be filed.))

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of RCW 29A.92.020. The persons or organizations who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with RCW 29A.92.020, an action under this chapter may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.

(4)(a) If the court issues an order under subsection (2) of this section, the persons or organizations who sent notices may make a demand to the political subdivision for reimbursement of the costs incurred in conducting the research necessary to send the notices. A demand made under this subsection must:

(i) Be in writing;

(ii) Be received by the political subdivision within 30 days of the adoption of the new electoral system; and

(iii) Include financial documentation, such as a detailed invoice for demographic services, that support the demand. The political subdivision may request additional documentation if the documentation provided is insufficient for the political subdivision to corroborate the claimed costs.

(b) The political subdivision shall, within 60 days of receiving the demand, reimburse the reasonable costs of the persons or organizations who sent the notices, not to exceed \$50,000.

Sec. 8. RCW 29A.92.130 and 2018 c 113 s 405 are each amended to read as follows:

(1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees, including all such reasonable fees and costs incurred before filing the action. ((No fees or costs may be awarded if no action is filed.))

(2)(a) A prevailing plaintiff does not need to achieve relief or favorable judgment if the plaintiff demonstrates that they succeeded in altering the political subdivision's behavior to correct a claimed harm.

(b) For purposes of this section, "altering the political subdivision's behavior" includes, but is not limited to, adopting a new method of electing a governing body, modifying district boundaries, or amending a voting rule or qualification.

(3) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.

(4) In an action in which a political subdivision has, through the preclearance procedures in section 9 of this act, obtained a declaratory judgment from a superior court or a certification of no objection from the attorney general before the action was filed, the court may consider the political subdivision's reliance on preclearance when awarding reasonable attorneys' fees.

PART II

PRECLEARANCE

NEW SECTION. Sec. 9. A new section is added to chapter 29A.92 RCW to read as follows:

(1) For purposes of this section and section 10 of this act:

(a) "Covered jurisdiction" means:

(i) A county in which, based on data from the American community survey:

(A) The proportion of members of any protected class consisting of at least 10,000 voting age citizens or whose members comprise at least 10 percent of the citizen voting age population of the county that has an income below the poverty level exceeds that of the total population of the county as a whole by at least 5 percent at any point within the previous ten years;

(B) The proportion of members of any protected class consisting of at least 10,000 voting age citizens or whose members comprise at least 10 percent of the citizen voting age population of the county that is considered uninsured in terms of health coverage exceeds that of the total population of the county as a whole by at least 5 percent at any point within the previous ten years; or

(C) The proportion of members of any protected class consisting of at least 10,000 voting age citizens or whose members comprise at least 10 percent of the citizen voting age population of the county that is at least 25 years of age and does not have a high school diploma or its equivalent exceeds that of the total population of the county as a whole by at least 5 percent at any point within the previous ten years;

(ii) A school district with a difference of at least 10 percent between the graduation rates of students of any protected class and the district as a whole;

(iii) A political subdivision that, within the previous 25 years, has become subject to a court order or government enforcement action based upon a finding of any violation of this chapter, the federal voting rights act, the Fifteenth Amendment to the United States Constitution, or a voting-related violation of the Fourteenth Amendment to the United States Constitution; or

(iv) A political subdivision that, within the previous five years, has failed to comply with its obligations to provide data or information to the repository, as stated in section 11 of this act.

(b) "Covered practice" means:

(i) Any change to the method of election of members of a governing body by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at large seats or seats from a multimember district;

(ii) Any change, or series of changes within a 12-month period, to the boundaries of the covered jurisdiction that reduces by more than five percentage points the proportion of the jurisdiction's voting age population that is composed of members of a single racial or language-minority group, as determined by the most recent American community survey data;

(iii) Any change to the boundaries of election districts or wards in the covered jurisdiction;

(iv) Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or which limits or impairs the creation or distribution of voting materials in any language other than English; or

(v) Any change to the covered jurisdiction's plan of government, including a change to or in the framing of a jurisdiction's charter.

(2)(a) Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body of a covered jurisdiction shall either:

(i) Institute an action in Thurston county superior court for a declaratory judgment or, if the jurisdiction is

located within Thurston county, institute an action in King county superior court for a declaratory judgment; or

(ii) Submit such covered practice to the attorney general for issuance of a certification that no objection exists to the enactment or administration by the covered jurisdiction of the covered practice.

(b) The superior court shall issue the declaratory judgment or, if applicable, the attorney general shall issue a certification of no objection, only if the covered practice:

(i) Does not violate RCW 29A.92.020; and

(ii) Will not result in the retrogression in the position of persons based on race, color, or membership in a language-minority group such that the covered practice does not have the purpose or effect of diminishing the ability of any citizen on account of race, color, or membership in a language-minority group to participate in the electoral process or elect their preferred candidates of choice.

(c) The attorney general, or any person whose opportunity to vote is affected by a covered practice that has been enacted or administered by a covered jurisdiction, may institute an action in superior court to compel the governing body of the jurisdiction to institute an action for a declaratory judgment or to seek issuance of a certification of no objection pursuant to this subsection.

(3)(a) No qualification, prerequisite, standard, practice, or procedure that is a covered practice is effective until the superior court has entered a declaratory judgment or the attorney general has issued a certification of no objection.

(b) A certification of no objection is deemed to have been issued if:

(i) The attorney general does not issue an objection within 60 days of the governing body's submission of any other covered policy; or

(ii) The attorney general affirmatively indicates that no such objection will be made, upon a showing of good cause to facilitate an expedited approval within 60 days of the governing body's submission.

(c) An affirmative indication by the attorney general that no objection will be made, the attorney general's failure to object, or a declaratory judgment entered by the superior court pursuant to this section does not bar a subsequent action to enjoin enforcement of any qualification, prerequisite, standard, practice, or procedure.

(d) If the attorney general affirmatively indicates that no objection will be made within the 60-day period following the receipt of the governing body's submission, the attorney general may reserve the right to reexamine the submission if additional information that would otherwise require objection in accordance with this section comes to his or her attention during the remainder of the 60-day period.

(4) If the attorney general objects to a covered practice submitted by a covered jurisdiction, the governing body of such jurisdiction may file an appeal to the objection in Thurston county superior court.

(5) If the attorney general issues a certification of no objection to a covered practice submitted by a covered jurisdiction, any person whose opportunity to vote is affected by the covered practice may file an action in superior court to appeal the attorney general's issuance of a certification of no objection.

(6) In any action filed pursuant to this subsection, the superior court shall enjoin the enactment or administration of the covered practice that is the subject of the action unless it determines that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language-minority group nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

(7) As early as practicable each fifth calendar year, the secretary of state shall, in consultation with the attorney general, the office of financial management, and other relevant agencies, determine and notify those political subdivisions which qualify as covered jurisdictions pursuant to subsection (1) of this section, based on the most recent American community survey data or other census data. The attorney general shall

publish the list of these counties, cities, and towns on a website established and maintained for this purpose. A determination made pursuant to this subsection is effective upon publication.

(8) This section expires June 30, 2029.

NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.92 RCW to read as follows:

(1) No later than December 1, 2028, the attorney general shall prepare and transmit a report to the legislature on the activities conducted under and the effects of section 9 of this act. The report shall include, at a minimum, the following information:

(a)(i) The number of practices referred to the attorney general for a certification of no objection;

(ii) The number of instances in which the attorney general issued a certification of no objection;

(b) The number of instances in which covered jurisdictions sought a declaratory judgment in superior court for preclearance of a covered practice, and the outcomes of all such cases;

(c) The number of instances in which a claimant challenged a certification of no objection;

(d) The number of instances in which, after a certification of no objection was not issued, the covered jurisdiction:

(i) Challenged the determination in superior court; or

(ii) Modified the covered practice and sought a certification of no objection for the modified practice;

(e) The number of instances in which the attorney general instituted an action in superior court to compel a covered jurisdiction to institute an action for declaratory judgment or seek a certification of no objection for a covered practice;

(f) Other summary statistics regarding preclearance that categorize covered practices by practice type and jurisdiction type;

(g) A narrative summary of the overall outcomes of the preclearance requirements in section 9 of this act in the state;

(h) The fiscal impact of implementing the provisions of section 9 of this act on the office of the attorney general; and

(i) Any other information the attorney general believes is relevant to evaluating the impacts of section 9 of this act.

(2) This section expires June 30, 2029.

PART III

DATA COLLECTION AND REQUIRED REPORTING

NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.92 RCW to read as follows:

(1) There shall be established within the University of Washington a repository of the data necessary to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with the public policy expressed in this title, implementing best practices in voting and elections to achieve the purposes of this title, and to investigate potential infringements upon the right to vote.

(2) The operation of the repository shall be the responsibility of the director of the repository, hereinafter referred to in this title as the "director," who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor.

(3) The director shall appoint such staff as are necessary to implement and maintain the repository.

(4) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(a) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(b) Election results at the precinct level for every statewide election and every election in every political subdivision;

(c) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations for every election in every political subdivision;

(d) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;

(e) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;

(f) Apportionment plans for every election in every political subdivision; and

(g) Any other data that the director deems advisable to maintain in furtherance of the purposes of this title.

(5) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.

(6) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.

(7) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

(8) On or before January 1, 2023, and every fifth year thereafter, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.

(9) Upon the certification of election results and the completion of the voter

history file after each election, the secretary of state shall transmit copies of:

(a) Election results at the election district level;

(b) Contemporaneous voter registration lists;

(c) Voter history files;

(d) Maps, descriptions, and shapefiles for election districts; and

(e) Lists of voting centers and student engagement hubs.

(10) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.

PART IV

PROVISIONS FOR COUNTIES

Sec. 12. RCW 36.32.010 and 1990 c 252 s 1 are each amended to read as follows:

There is established in each county in this state a board of county commissioners. Except as provided in RCW 36.32.020, 36.32.055, and 36.32.0552, each board of county commissioners shall consist of three qualified electors, two of whom shall constitute a quorum to do business.

Sec. 13. RCW 36.32.020 and 2018 c 113 s 204 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system, including expanding from three to

five commissioners, pursuant to RCW 29A.92.040. Except where necessary to comply with a court order issued pursuant to RCW 29A.92.110, and except in the case of an intervening census, the lines of the districts shall not be changed more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 14. RCW 36.32.030 and 2018 c 301 s 6 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. The terms of office of county commissioners shall be staggered so that either one or two commissioners are elected at a general election held in each even-numbered year.

(2)(a) At the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect county commissioners in accordance with a districting plan adopted under RCW 36.32.054. Any county commissioner whose term is set to expire on or after January 1, 2023, is subject to the new election in accordance with the districting plan. The county commissioners shall begin their terms of office on January 1, 2023, and such terms shall be staggered terms, as designated in the districting plan.

(b) A county expanding to five commissioners pursuant to RCW 29A.92.040 must elect county commissioners and stagger their terms as designated in its districting plan.

PART V

GENERAL PROVISIONS

Sec. 15. RCW 29A.92.010 and 2018 c 113 s 103 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance to the extent such case law does not violate the spirit, intent, and elements of this chapter.

(1) "At large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at large with district-based elections.

(2) "Crossover district" means a district where a protected class is a minority of the population but potentially large enough to elect candidates of choice with help from voters who are not members of the protected class who cross over to support a protected class's candidate of choice.

(3) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

~~((4))~~ (4) "Federal voting rights act" means the federal voting rights act of 1965, 52 U.S.C. 10301 et seq.

(5) "Plan of government" has the meaning defined in RCW 35A.01.070 for cities operating under the optional municipal code, or the structure of elected officials serving executive and legislative functions in other jurisdictions.

(6) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal voting rights act ~~((, 52 U.S.C. 10301 et seq.))~~ in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

~~((4))~~ (7) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

~~((5))~~ (8) "Protected class" means a class of voters who are members of ~~((a))~~ any race, color, or language-minority group, as this class is referenced and defined in the federal voting rights act(~~(, 52 U.S.C. 10301 et seq)~~).

(9) "Retgression" means diminution of the ability of a protected class to participate in the electoral process or elect candidates of their choice.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 4, 6 through 9, and 15 of this act take effect January 1, 2023."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Appropriations.

February 23, 2022

E2SSB 5600 Prime Sponsor, Committee on Ways & Means: Concerning the sustainability and expansion of state registered apprenticeship programs. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Kraft.

Referred to Committee on Appropriations.

February 23, 2022

E2SSB 5702 Prime Sponsor, Committee on Ways & Means: Requiring coverage for donor human milk. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) For group health plans other than small group health plans issued or renewed on or after January 1, 2023, a health carrier shall provide coverage for medically necessary donor human milk for inpatient use when ordered by a licensed health care provider with prescriptive authority or an international board certified lactation consultant certified by the international board of lactation consultant examiners for an infant who is medically or physically unable to receive maternal human milk or participate in chest feeding or whose parent is medically or physically unable to produce maternal human milk in sufficient quantities or caloric density or participate in chest feeding, if the infant meets at least one of the following criteria:

- (a) An infant birth weight of below 2,500 grams;
- (b) An infant gestational age equal to or less than 34 weeks;
- (c) Infant hypoglycemia;
- (d) A high risk for development of necrotizing enterocolitis, bronchopulmonary dysplasia, or retinopathy of prematurity;
- (e) A congenital or acquired gastrointestinal condition with long-term feeding or malabsorption complications;
- (f) Congenital heart disease requiring surgery in the first year of life;
- (g) An organ or bone marrow transplant;
- (h) Sepsis;
- (i) Congenital hypotonias associated with feeding difficulty or malabsorption;
- (j) Renal disease requiring dialysis in the first year of life;
- (k) Craniofacial anomalies;
- (l) An immunologic deficiency;
- (m) Neonatal abstinence syndrome;

(n) Any other serious congenital or acquired condition for which the use of pasteurized donor human milk and donor human milk derived products is medically necessary and supports the treatment and recovery of the child; or

(o) Any baby still inpatient within 72 hours of birth without sufficient human milk available.

(2) Donor human milk covered under this section must be obtained from a milk bank that meets minimum standards adopted by the department of health pursuant to section 5 of this act.

(3) For purposes of this section:

(a) "Donor human milk" means human milk that has been contributed to a milk bank by one or more donors.

(b) "Milk bank" means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

(4) The commissioner may adopt any rules necessary to implement this section.

Sec. 2. RCW 48.43.715 and 2019 c 33 s 9 are each amended to read as follows:

(1) The commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten essential health benefits categories, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ten essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ten essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) Upon authorization by the legislature to modify the state's essential health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the commissioner shall include coverage for donor human milk in the updated plan.

Sec. 3. RCW 41.05.017 and 2021 c 280 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the

provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, section 1 of this act, and chapter 48.49 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide coverage under this chapter for medically necessary donor human milk for inpatient use when ordered by a licensed health care provider with prescriptive authority or an international board certified lactation consultant certified by the international board of lactation consultant examiners for an infant who is medically or physically unable to receive maternal human milk or participate in chest feeding or whose parent is medically or physically unable to produce maternal human milk in sufficient quantities or caloric density or participate in chest feeding, if the infant meets at least one of the following criteria:

(a) An infant birth weight of below 2,500 grams;

(b) An infant gestational age equal to or less than 34 weeks;

(c) Infant hypoglycemia;

(d) A high risk for development of necrotizing enterocolitis, bronchopulmonary dysplasia, or retinopathy of prematurity;

(e) A congenital or acquired gastrointestinal condition with long-term feeding or malabsorption complications;

(f) Congenital heart disease requiring surgery in the first year of life;

(g) An organ or bone marrow transplant;

(h) Sepsis;

(i) Congenital hypotonias associated with feeding difficulty or malabsorption;

(j) Renal disease requiring dialysis in the first year of life;

(k) Craniofacial anomalies;

(l) An immunologic deficiency;

(m) Neonatal abstinence syndrome;

(n) Any other serious congenital or acquired condition for which the use of pasteurized donor human milk and donor human milk derived products is medically necessary and supports the treatment and recovery of the child; or

(o) Any baby still inpatient within 72 hours of birth without sufficient human milk available.

(2) Donor human milk covered under this section must be obtained from a milk bank that meets minimum standards adopted by the department of health pursuant to section 5 of this act.

(3) The authority may require an enrollee to obtain expedited prior authorization to receive coverage for donor human milk as required under this section.

(4) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available.

(5) For purposes of this section:

(a) "Donor human milk" means human milk that has been contributed to a milk bank by one or more donors.

(b) "Milk bank" means an organization that engages in the procurement, processing, storage, distribution, or use of human milk contributed by donors.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW to read as follows:

The department shall adopt standards for ensuring milk bank safety. The standards adopted by the department must, at a minimum, consider the clinical, evidence-based guidelines established by a national accrediting organization. The standards must address donor screening, milk handling and processing, and recordkeeping. The department shall also review and consider requiring additional testing standards, including but not limited to testing for the presence of viruses, bacteria, and prescription and nonprescription drugs in donated milk."

Correct the title.

Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Harris and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

SSB 5723 Prime Sponsor, Committee on Health & Long Term Care: Concerning improving diversity in clinical trials. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Maycumber; Riccelli; Rude; Simmons; Stonier; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 23, 2022

SB 5788 Prime Sponsor, Senator Pedersen: Concerning guardianship of minors. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.130.225 and 2020 c 312 s 108 are each amended to read as follows:

(1) On its own, on motion when a guardianship petition is filed under RCW 11.130.190, or on petition by a person interested in a minor's welfare, including the minor, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority, ability, and the willingness to act ((in the circumstances)) to prevent substantial harm to the minor's health, safety, or welfare.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a motion for or a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under RCW 11.130.200;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under RCW 11.130.185.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the

outcome of a full hearing under RCW 11.130.190 or 11.130.220.

(8) If a petition for guardianship under RCW 11.130.215 is pending, or is subsequently filed after a petition under this section, the cases shall be linked or consolidated.

Sec. 2. RCW 13.04.030 and 2020 c 41 s 4 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The

jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

(C) Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court

proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300(3)(d).

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family or probate court over (~~child custody~~) minor guardianship proceedings under chapter (~~26.10~~) 11.130 RCW and parenting plans or residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 3. RCW 26.12.172 and 2008 c 6 s 1046 are each amended to read as follows:

Any court rules adopted for the implementation of parenting seminars shall include the following provisions:

(1) In no case shall opposing parties be required to attend seminars together;

(2) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interests, the court shall either:

(a) Waive the requirement of completion of the seminar; or

(b) Provide an alternative, voluntary parenting seminar for battered spouses or battered domestic partners; and

(3) The court may waive the seminar for good cause.

(4) Cases filed as a minor guardianship under chapter 11.130 RCW are exempt from requirements of parenting seminar attendance.

Sec. 4. RCW 26.23.050 and 2021 c 35 s 14 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the support order when the coverage terminates;

(e) A statement that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in RCW 26.09.320 if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other party to the order when the coverage terminates; and

(iv) A statement that a party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue

a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support, after a payment is past due.

(c) If a mandatory income withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding order.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of child support may serve a notice on the person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of

whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for a child or children covered by the order through health care coverage if:

(i) The person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the person required to provide medical support without further notice to the person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each party to the support order must:

(i) Promptly file with the court and update as necessary the confidential

information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the person required to pay support to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, ~~((26.10,))~~ 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW and minor guardianships under chapter 11.130 RCW shall complete to the best of their knowledge a verified and signed confidential information form or

equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers, to ensure that the parties' information is added to the judicial information system's person database. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 11.130.010 and 2020 c 312 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Court visitor" means the person appointed by the court pursuant to this chapter.

(8) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

(9) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

(10) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

(11) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

(12) "Guardian ad litem" means a person appointed to inform the court about, ~~((and))~~ or to represent, the needs and best interests of a minor.

(13) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

(14) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

(15) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator.

The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

(16) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(17) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(18) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

(19) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

(20) "Minor" means an unemancipated individual under eighteen years of age.

(21) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

(22) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

(23) "Notice party" means a person entitled to notice under this chapter or otherwise determined by the court to be entitled to notice.

(24) "Parent" does not include an individual whose parental rights have been terminated.

(25) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(26) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed

guardian or conservator for three or more persons.

(27) "Property" includes tangible and intangible property.

(28) "Protective arrangement instead of conservatorship" means a court order entered under RCW 11.130.590.

(29) "Protective arrangement instead of guardianship" means a court order entered under RCW 11.130.585.

(30) "Protective arrangement under Article 5 of this chapter" means a court order entered under RCW 11.130.585 or 11.130.590.

(31) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

(33) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(34) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(35) "Special agent" means the person appointed by the court pursuant to RCW 11.130.375 or 11.130.635.

(36) "Standby guardian" means a person appointed by the court under RCW 11.130.220.

(37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(38) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the

decisions, and in communicating a decision once made if consistent with the individual's wishes.

(39) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

(40) "Visitor" means a court visitor.

Sec. 6. RCW 11.130.085 and 2019 c 437 s 117 are each amended to read as follows:

(1) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

(a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding;

(b) Has been convicted of:

(i) A felony;

(ii) A crime involving dishonesty, neglect, violence, or use of physical force; or

(iii) Other crimes relevant to the functions the individual would assume as guardian or conservator; or

(c) Has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business.

(2) A guardian or conservator that engages or anticipates engaging an agent the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence, or use of physical force, or other crimes relevant to the functions the agent is being engaged to perform promptly shall disclose that knowledge to the court.

(3) If a conservator engages or anticipates engaging an agent to manage finances of the individual subject to conservatorship and knows the agent is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding, the conservator promptly shall disclose that knowledge to the court.

(4) If a guardian or conservator that engages or anticipates engaging an agent

and knows the agent has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business, the guardian or conservator promptly shall disclose that knowledge to the court.

(5) A court may not be able to access certain databases. The parties and not the court are responsible for confirming the accuracy of what is represented.

Sec. 7. RCW 11.130.210 and 2020 c 312 s 105 are each amended to read as follows:

(1) Before granting any order under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information regarding all proposed guardians and all adult members of any proposed guardian's household as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for ~~((the petitioner and))~~ all proposed guardians as well as all adult members of the ((petitioner's)) proposed guardian's household.

Sec. 8. RCW 11.130.215 and 2020 c 312 s 106 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a probated will or other record

unless the court finds the appointment is contrary to the best interest of the minor. Any "other record" must be a declaration or other sworn document and may include a power of attorney or other sworn statement as to the care, custody, or control of the minor child.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191; and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

NEW SECTION. Sec. 9. Section 4 of this act takes effect January 1, 2023."

Correct the title.

Signed by Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno; Davis; Entenman; Goodman; Kirby; Klippert; Orwall; Peterson; Thai; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

E2SSB 5803 Prime Sponsor, Committee on Ways & Means: Mitigating the risk of wildfires caused by an electric utility's equipment. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is in the best interest of the state, our citizens, and our landscapes to identify the sources of wildland fires; identify and implement best practices to reduce the prevalence and intensity of those wildland fires; put those practices in place; and by putting those practices in place, reduce the risk of wildland fires and damage resulting from those fires.

(2) The legislature finds that electric utilities are partners with relevant state agencies, emergency responders, and public and private entities in identifying best practices to reduce the risk of and prevent wildland fires. Many electric utilities have developed and are implementing wildfire mitigation plans. The legislature

further finds that electric utilities should adopt and implement wildfire mitigation plans, and that electric utilities should be informed by recognized best practices, as applicable to their geography, terrain, vegetation, and other characteristics specific in their service area, for reducing wildland fire risk and reducing damage from wildland fires as may be ignited by electric utility equipment.

(3) Therefore, the legislature intends to authorize the development of best practices guidelines and to require that electric utilities provide their wildfire mitigation plans to the state in order to promote public transparency and to obtain review of the plans for inclusion of applicable best practices guidelines.

NEW SECTION. Sec. 2. A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall contract with an independent consultant with experience in developing utility wildfire mitigation plans to recommend a format and a list of elements to be included in electric utility wildfire mitigation plans, including best practices guidance that may apply to each element as appropriate. In developing the format and list of elements, the department shall seek input from the utilities and transportation commission, the energy emergency management office of the department of commerce, the utility wildland fire prevention advisory committee, electric utilities, the state fire marshal, the governor's office of Indian affairs, and the public. By July 1, 2023, the department shall make public a recommended format and list of elements for electric utility wildfire mitigation plans.

(2) The recommended elements must acknowledge that utilities serve areas that vary in topography, vegetation, population, and other characteristics, and that best practices guidelines within each element must recognize that a utility's wildfire mitigation plan will be designed to fit site-specific circumstances. The recommended elements must include, but are not limited to:

(a) Vegetation management along transmission and distribution lines and near associated equipment;

(b) Infrastructure inspection and maintenance repair activities, schedules, and recordkeeping;

(c) Modifications or upgrades to facilities and construction of new facilities to incorporate cost-effective measures to minimize fire risk;

(d) Preventative programs, including adoption of new technologies to harden utility infrastructure; and

(e) Operational procedures.

(3) The recommended format and list of elements developed by the department must be forwarded to the utilities and transportation commission, the energy emergency management office of the department of commerce, and all electric utilities in Washington state for a review period of three months prior to finalizing the format and list of elements that utilities will use to adopt or update their electric utility wildfire mitigation plan.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility, public utility district, irrigation district, cooperative, or mutual corporation association.

(b) "Electric utility" means: (i) An electrical company as defined in RCW 80.04.010 that is engaged in the business of distributing electricity to one or more electric customers in the state; or (ii) a consumer-owned utility that is engaged in the business of distributing electricity to one or more electric customers in the state.

NEW SECTION. Sec. 3. A new section is added to chapter 80.28 RCW to read as follows:

(1) By October 31, 2023, and at a minimum every two years thereafter, each electrical company must review and revise, if appropriate, its wildfire mitigation plan and submit it to the commission. The plan should include a review of specific circumstances of that electrical company and incorporate as appropriate the recommendations developed pursuant to section 2 of this act. The electrical company must submit its plan to the commission and make the plan publicly available. Within six months of submission by the electrical company, the commission shall review the

plan and confirm whether or not the plan contains the recommended elements. In reviewing the plan, the commission must consult with the department of natural resources and the energy emergency management office of the department of commerce. The commission's review of an electrical company's wildfire mitigation plan does not relieve an electrical company from proactively managing wildfire risk, including by monitoring emerging practices and technologies, and mitigating and responding to wildfires. The commission is not liable for an electrical company's performance implementing its wildfire mitigation plan. An electrical company may pursue recovery of reasonable costs and investments associated with a wildfire mitigation plan through a proceeding to set rates at the commission. Nothing in this section or sections 2, 4, and 6 of this act may be construed to preclude electrical companies from continuing to develop and implement wildfire mitigation measures. After the commission's review, the electrical company must provide a copy of the plan to the department of natural resources along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 6 of this act.

(2) For the purposes of this section, "electrical company" means a company owned by investors that meets the definition of "corporation" in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

NEW SECTION. Sec. 4. A new section is added to chapter 19.29A RCW to read as follows:

(1) By December 31, 2023, and every two years thereafter, each consumer-owned utility must review and revise, if appropriate, its wildfire mitigation plan. The plan should include a review of specific circumstances of that utility and incorporate as appropriate the recommendations developed pursuant to section 2 of this act.

(a) The governing board of each consumer-owned utility shall review the plan and confirm whether the plan contains the recommended elements. Local fire districts must be provided the opportunity to review and provide feedback during this period. After the

governing board's review, the utility must provide a copy to the department of natural resources, along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 6 of this act.

(b) Each consumer-owned utility must also provide its plan to the energy emergency management office of the department of commerce for review, which must review the plans and provide feedback within six months for consideration for inclusion in the next plan revision.

(c) By December 31, 2022, each utility must provide a copy of their most recent plan to the department of natural resources and it must be posted on a website.

(d) By December 31, 2023, the energy emergency management office will be available to provide technical assistance to consumer-owned utilities to include the best practices guidelines in their revision of plans.

(2) Two or more abutting utilities may codevelop a wildfire mitigation plan. Wildfire mitigation plans that are codeveloped by more than one utility may identify areas of common implementation, including communication protocols, that will assist in implementing the recommended elements pursuant to section 2 of this act.

(3) Nothing in this section prohibits a utility from reviewing or updating its wildfire mitigation plan more often than every two years or requires that the utility submit their plan beyond the requirements of subsection (1) of this section.

Sec. 5. RCW 76.04.780 and 2021 c 183 s 1 are each amended to read as follows:

(1) The commissioner shall convene a utility wildland fire prevention advisory committee with electrical power distribution utilities by August 1, 2021. The duties of the advisory committee are to advise the department on issues including, but not limited to:

(a) Matters related to the ongoing implementation of the relevant recommendations of the electric utility wildland fire prevention task force

established in chapter 77, Laws of 2019, and by August 1, 2021:

(i) Finalizing a model agreement for managing danger trees and other vegetation adjacent to utility rights-of-way on state uplands managed by the department;

(ii) Implementing recommendations of the task force related to communications and information exchanges between the department and utilities;

(iii) Implementing recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 76.04.015; and

(iv) Implementing recommendations of the task force related to creating rosters of certified wildland fire investigator firms or persons and qualified utility operations personnel who may be called upon as appropriate;

(b) Providing a forum for electric utilities, the department, and other fire suppression organizations of the state to identify and develop solutions to issues of ~~((wildfire))~~ wildland fire prevention and risk mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, electric utility infrastructure protection, and wildland fire suppression and response;

(c) Establishing joint public communications protocols among members of the advisory committee, and other entities, to inform residents of the state of potential critical fire weather events and the potential for power outages or disruptions;

(d) Providing comment to the wildland fire advisory committee established in RCW 76.04.179 through an annual presentation addressing policies and priorities of the utility wildland fire prevention advisory committee; and

(e) All other related issues deemed necessary by the commissioner.

(2) By August 1, 2021, the department must post on its website and update quarterly as necessary:

(a) Communication protocols and educational exchanges between the department and electric utilities;

(b) A voluntary model danger tree management agreement to utilities for their consideration for execution with the department;

(c) Protocols and thresholds that may be utilized when the department's investigation involves electric utility infrastructure or potential electric utility liability; and

(d) A roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire.

(3) Beginning July 1, 2022, and at the beginning of each subsequent biennium thereafter, the department must submit, in compliance with RCW 43.01.036, a report describing the prior biennium proceedings of the advisory committee, including identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities. In addition, by July 1, 2023, the department must submit to the appropriate committees of the senate and house of representatives:

(a) A compilation and summary of existing wildfire mitigation plans maintained by electric utilities;

(b) An analysis of the costs and benefits of preparing and maintaining a comprehensive statewide wildland fire risk map that identifies relative risk classes, with detail at a level to assist property owners, local governments, utilities, wildland management agencies, and fire response agencies in taking actions to minimize wildland fire starts and resulting damage. The analysis must also address incorporating the boundaries of the wildland urban interface as mapped pursuant to RCW 19.27.031; and

(c) Recommendations for strengthening state agency coordination of wildland fire risk reduction, prevention, and suppression. In this work the utility wildland fire prevention advisory committee shall seek the views of the wildland fire advisory committee created under RCW 76.04.179, as well as the views of the department of commerce energy policy division and the emergency management division of the military department.

(4) The commissioner or the commissioner's designee must chair the advisory committee created in subsection (1) of this section and must appoint advisory committee members. The advisory committee must include a representative of the energy emergency management office

of the department of commerce and a representative of the utilities and transportation commission. Advisory committee membership should also include:

(a) Entities providing retail electric service, including:

(i) One person representing each investor-owned utility;

(ii) Two persons representing municipal utilities;

(iii) Two persons representing public utility districts;

(iv) Two persons representing rural electric cooperatives;

(v) One person representing small forestland owners;

(vi) One person representing industrial forestland owners;

(b) Other persons with expertise in wildland fire risk reduction and prevention; and

(c) No more than two other persons designated by the commissioner.

(5) In addition to the advisory committee membership established in subsection (4) of this section, the commissioner shall designate two additional advisory committee members representing historically marginalized or underrepresented communities.

(6) The commissioner or the commissioner's designee shall convene the initial meeting of the advisory committee. The advisory committee chair must schedule and hold meetings on a regular basis in order to expeditiously accomplish the duties and make recommendations regarding the elements described in subsection (3) of this section.

(7) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

(8) Participation on the advisory committee created in subsection (1) of this section is strictly voluntary and without compensation.

(9) Any requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. **Sec. 6.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department must create a public website to host electric utility wildfire mitigation plans developed under sections 3 and 4 of this act.

(2) Nothing in this act may be construed to preclude electric utilities from continuing to develop and implement their wildfire mitigation plans. Electric utilities are encouraged to submit their 2022 plans to the department's energy emergency management office for inclusion on the website under subsection (1) of this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility, public utility district, irrigation district, cooperative, or mutual corporation association.

(b) "Electric utility" means: (i) An electrical company as defined in RCW 80.04.010 that is engaged in the business of distributing electricity to one or more electric customers in the state; or (ii) a consumer-owned utility that is engaged in the business of distributing electricity to one or more electric customers in the state."

Correct the title.

Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Appropriations.

February 23, 2022

SSB 5860

Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning water policy in regions with regulated reductions in aquifer levels. Reported by Committee on Rural Development, Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Klicker; Kloba; Kretz; Lekanoff; McEntire; Morgan; Orcutt; Ramos; Schmick and Springer.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5866 Prime Sponsor, Senator Robinson:
Concerning medicaid long-term services
and supports eligibility determinations
completed by federally recognized Indian
tribes. Reported by Committee on Health
Care & Wellness

MAJORITY recommendation: Do pass. Signed by
Representatives Cody, Chair; Bateman, Vice Chair;
Schmick, Ranking Minority Member; Caldier, Assistant
Ranking Minority Member; Bronoske; Davis; Harris;
Macri; Maycumber; Riccelli; Rude; Simmons; Stonier;
Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 23, 2022

ESSB 5874 Prime Sponsor, Committee on Higher
Education & Workforce Development:
Concerning residency of students affiliated
with the military. Reported by Committee
on College & Workforce Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting
clause and insert the following:

"Sec. 1. RCW 28B.15.012 and 2021 c
272 s 9 are each amended to read as
follows:

Whenever used in this chapter:

(1) The term "institution" shall mean
a public university, college, or
community or technical college within the
state of Washington.

(2) The term "resident student" shall
mean:

(a) A financially independent student
who has had a domicile in the state of
Washington for the period of one year
immediately prior to the time of
commencement of the first day of the
semester or quarter for which the student
has registered at any institution and has
in fact established a bona fide domicile
in this state primarily for purposes
other than educational;

(b) A dependent student, if one or both
of the student's parents or legal
guardians have maintained a bona fide
domicile in the state of Washington for
at least one year immediately prior to
commencement of the semester or quarter

for which the student has registered at
any institution;

(c) A student classified as a resident
based upon domicile by an institution on
or before May 31, 1982, who was enrolled
at a state institution during any term of
the 1982-1983 academic year, so long as
such student's enrollment (excepting
summer sessions) at an institution in
this state is continuous;

(d) Any student who has spent at least
seventy-five percent of both his or her
junior and senior years in high schools
in this state, whose parents or legal
guardians have been domiciled in the
state for a period of at least one year
within the five-year period before the
student graduates from high school, and
who enrolls in a public institution of
higher education within six months of
leaving high school, for as long as the
student remains continuously enrolled
for three quarters or two semesters in
any calendar year;

(e) Any person who has completed and
obtained a high school diploma, or a
person who has received the equivalent of
a diploma; who has continuously lived in
the state of Washington for at least a
year primarily for purposes other than
educational before the individual is
admitted to an institution of higher
education under subsection (1) of this
section; and who provides to the
institution an affidavit indicating that
the individual will file an application
to become a permanent resident at the
earliest opportunity the individual is
eligible to do so and a willingness to
engage in any other activities necessary
to acquire citizenship, including but not
limited to citizenship or civics review
courses;

(f) Any person who has lived in
Washington, primarily for purposes other
than educational, for at least one year
immediately before the date on which the
person has enrolled in an institution,
and who holds lawful nonimmigrant status
pursuant to 8 U.S.C. Sec. (a)(15)
(E)(iii), (H)(i), or (L), or who holds
lawful nonimmigrant status as the spouse
or child of a person having nonimmigrant
status under one of those subsections, or
who, holding or having previously held
such lawful nonimmigrant status as a
principal or derivative, has filed an
application for adjustment of status
pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is ~~((on))~~ one of the following:

~~(i) On active military duty ((stationed in the state or who is a));~~

~~(ii) A member of the ((Washington)) army or air national guard as defined in subsection (10) of this section, regardless of active military status; or~~

~~(iii) A member of the reserve component of the United States army, navy, air force, or marine corps;~~

~~(h) ((A student who is on active military duty or a member of the Washington national guard who meets the following conditions:~~

~~(i) Entered service as a Washington resident;~~

~~(ii) Has maintained a Washington domicile; and~~

~~(iii) Is stationed out of state;~~

~~(i)) A student who is the spouse, state registered domestic partner, or a dependent as defined in Title 10 U.S.C. Sec. 1072(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule of a person defined in (g) of this subsection((. If the person defined in (g) of this subsection is reassigned out of state, the student maintains the status as a resident student so long as the student is either:~~

~~(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or~~

~~(ii) Enrolled in an institution and remains continuously enrolled at the institution;~~

~~(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;~~

~~(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;~~

~~(l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard));~~

~~((m)) (i) A student who ((has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation)) is eligible for veterans administration educational assistance or rehabilitation benefits under Title 38 U.S.C. or educational assistance under Title 10 U.S.C. chapter 1606 as those titles existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;~~

~~((n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;~~

~~(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;~~

~~((p)) (j) A student who ((is the spouse or child to an individual who)) has separated or retired from the uniformed services with at least ten years of honorable service and at least ninety days of active duty service, and who enters an institution ((of higher education in Washington)) within three years of the service member's date of separation or retirement;~~

~~((q)) (k) A student who is the spouse, state registered domestic partner, or child under the age of 26 years of an individual who has separated or retired from the uniformed services with at least 10 years of honorable service and at least 90 days of active duty service, and who enters an institution within three years of the service member's date of separation or retirement;~~

(l) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

~~((r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;~~

~~(s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service connected disabilities under 38 U.S.C. Sec. 3102(a);~~

~~(t)) (m) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on ((July 28, 2019)) January 18, 2022, or such subsequent date as the student achievement council may determine by rule; or~~

~~((u) A student of an out of state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;~~

~~(v)) (n) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational((+~~

~~(w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or~~

~~(x) A student who resides in Washington and is the spouse or a dependent of a person defined in (w) of this subsection. If the person defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,~~

~~Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:~~

~~(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or~~

~~(ii) Enrolled in an institution and remains continuously enrolled at the institution)).~~

~~(3)((a)) A student who qualifies under subsection (2)((k), (m), (n), (o), (p), (q), (r), (s), or (t)) (g) through (m) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.~~

~~((b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.))~~

~~(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) ((~~e~~ (u)) of this section, a nonresident student shall include:~~

~~(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.~~

~~(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:~~

~~(i) A lawful permanent resident;~~

~~(ii) A temporary resident;~~

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The ((Washington)) national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under Title 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States space force, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

(10) "National guard" means that part of the military force of the state that is organized, equipped, and federally recognized under the provisions of the national defense act of the United States, and in the event the national guard is called into federal service or in the event the state guard or any part or individual member thereof is called into active state service by the commander-in-chief. National guard service includes being subject to call up for active duty under Title 32 U.S.C. or Title 10 U.S.C. status or when called to state active service by the governor under the provisions of RCW 38.08.040.

(11) "Child" includes, but is not limited to:

(a) A legitimate child;

(b) An adopted child;

(c) A stepchild;

(d) A foster child; and

(e) A legal dependent."

On page 1, line 1 of the title, after "military;" strike the remainder of the title and insert "and amending RCW 28B.15.012."

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member and Kraft.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Hoff.

Referred to Committee on Appropriations.

February 23, 2022

SB 5909 Prime Sponsor, Senator Randall: Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.06.210 and 2013 c 21 s 1 are each amended to read as follows:

(1) The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. A proclamation of a state of emergency is effective upon the governor's signature.

(2) The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended.

(3) The state of emergency shall cease to exist upon ~~((the))~~:

(a) The issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected; or

(b) If the legislature is not in session and it has been more than 90 days since the state of emergency was declared by the governor, termination of the state

of emergency in writing by all four members of the leadership of the senate and the house of representatives. For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

Sec. 2. RCW 43.06.220 and 2019 c 472 s 2 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The sale, purchase or dispensing of alcoholic beverages;

(f) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(g) The use of certain streets, highways or public ways by the public; and

(h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area

described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in the following areas:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes;

(f) Permits for industrial, business, or medical uses of alcohol; and

(g) Such other statutory and regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, unless (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another statewide elected official, (ii) the waiver or suspension would conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or (iii) the waiver or suspension would conflict with the rights, under the First Amendment, of freedom of speech or of the people to peaceably assemble. The governor shall give as much notice as practical to legislative leadership and impacted local governments when issuing orders under this subsection (2)(g).

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

(4) No order or orders concerning waiver or suspension of statutory obligations or limitations under subsection (2) of this section may continue for longer than thirty days

unless extended by the legislature through concurrent resolution. If the legislature is not in session, the waiver or suspension of statutory obligations or limitations may be extended in writing by all four members of the leadership of the senate and the house of representatives until the legislature can extend the waiver or suspension by concurrent resolution.

(5) The order or orders under subsection (1) of this section may be terminated in writing by all four members of the leadership of the senate and the house of representatives if the legislature is not in session.

(6) For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

~~((45))~~ (7) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

Sec. 3. RCW 43.79.270 and 2021 c 334 s 972 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature

is in session at the same time as it is transmitted to the governor.

(2) Except as provided in subsection (3) of this section, and notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) (~~During the 2021-2023 fiscal biennium, whenever~~) Whenever any money in the amount of \$5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating, capital, or transportation budget approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

(a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;

(b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and

(c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal the opportunity to review and comment on

the proposed allotment amendment before approving under RCW 43.79.280.

Sec. 4. RCW 43.79.285 and 2021 c 334 s 956 are each reenacted and amended to read as follows:

(1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following sixteen members:

(a) The majority and minority leaders of the senate;

(b) The speaker and the minority leader of the house of representatives;

(c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and

(d) Six additional members of the house of representatives with three members from each of the two largest caucuses of the house of representatives appointed by their respective leaders.

(2) The cochaIRS of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The purpose of the committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys received by the state from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on

the legislature's constitutional power to appropriate state funds.

(6) The committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days. The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time. The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(7) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the office of financial management with five calendar days notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(8) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

NEW SECTION. **Sec. 5.** RCW 43.79.285 is recodified as a section in chapter 44.04 RCW."

Correct the title.

Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Dolan and Gregerson.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 23, 2022

ESSB 5942 Prime Sponsor, Committee on Law & Justice: Enacting the uniform college athlete name, image, or likeness act. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Hansen; Paul; Pollet and Sells.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hoff and Kraft.

Referred to Committee on Rules for second reading.

February 23, 2022

SB 5972 Prime Sponsor, Senator Warnick: Concerning extending the expiration date of a statute dealing with wildlife conflict resolution. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan; Graham and Gregerson.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 24, 2022

HB 1781 Prime Sponsor, Representative Tharinger: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking

Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Eslick; Gilday; Kloba; Leavitt; MacEwen; Maycumber; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 23, 2022

HB 1816 Prime Sponsor, Representative Ormsby: Making 2021-2023 fiscal biennium supplemental operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 24, 2022

ESSB 5004 Prime Sponsor, Committee on Ways & Means: Providing a tax exemption for medical marijuana patients. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.535 and 2015 2nd sp.s. c 4 s 205 are each amended to read as follows:

(1)(a) There is levied and collected a marijuana excise tax equal to thirty-seven percent of the selling price on each retail sale in this state of marijuana concentrates, useable marijuana, and marijuana-infused products. This tax is separate and in addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is not part of the total retail price to which general state and local sales and use taxes apply. The tax must be separately itemized from the state and local retail

sales tax on the sales receipt provided to the buyer.

(b) The tax levied in this section must be reflected in the price list or quoted shelf price in the licensed marijuana retail store and in any advertising that includes prices for all useable marijuana, marijuana concentrates, or marijuana-infused products.

(2)(a) Until January 1, 2027, the tax levied by subsection (1) of this section does not apply to sales, by a marijuana retailer with a medical marijuana endorsement to qualifying patients or designated providers who have been issued a recognition card, of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the department in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being compliant marijuana products.

(b) Each seller making exempt sales under this subsection (2) must maintain information establishing eligibility for the exemption in the form and manner required by the board.

(c) The board must provide a separate tax reporting line on the excise tax form for exemption amounts claimed under this subsection (2).

(d) To assist with the review required in section 2 of this act, the board must consult with the joint legislative audit and review committee to determine if there is additional information on sales that sellers must report to the board beginning January 1, 2023.

(3) All revenues collected from the marijuana excise tax imposed under this section must be deposited each day in the dedicated marijuana account.

~~((3))~~ (4) The tax imposed in this section must be paid by the buyer to the seller. Each seller must collect from the buyer the full amount of the tax payable on each taxable sale. The tax collected as required by this section is deemed to be held in trust by the seller until paid to the board. If any seller fails to collect the tax imposed in this section or, having collected the tax, fails to pay it as prescribed by the board, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is, nevertheless, personally liable to the state for the amount of the tax.

~~((4))~~ (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) ~~("Board" means the state liquor and cannabis board.~~

~~(b))~~ "Retail sale" has the same meaning as in RCW 82.08.010.

~~((e))~~ (b) "Selling price" has the same meaning as in RCW 82.08.010, except that when product is sold under circumstances where the total amount of consideration paid for the product is not indicative of its true value, "selling price" means the true value of the product sold.

~~((d))~~ (c) "Product" means marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products.

~~((e))~~ (d) "True value" means market value based on sales at comparable locations in this state of the same or similar product of like quality and character sold under comparable conditions of sale to comparable purchasers. However, in the absence of such sales of the same or similar product, true value means the value of the product sold as determined by all of the seller's direct and indirect costs attributable to the product.

~~((5))~~ (6)(a) The board must regularly review the tax level established under this section and make recommendations, in consultation with the department of revenue, to the legislature as appropriate regarding adjustments that would further the goal of discouraging use while undercutting illegal market prices.

(b) The ~~((state liquor and cannabis))~~ board must report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature every two years. The report at a minimum must include the following:

(i) The specific recommendations required under (a) of this subsection;

(ii) A comparison of gross sales and tax collections prior to and after any marijuana tax change;

(iii) The increase or decrease in the volume of legal marijuana sold prior to and after any marijuana tax change;

(iv) Increases or decreases in the number of licensed marijuana producers, processors, and retailers;

(v) The number of illegal and noncompliant marijuana outlets the board requires to be closed;

(vi) Gross marijuana sales and tax collections in Oregon; and

(vii) The total amount of reported sales and use taxes exempted for qualifying patients. The department of revenue must provide the data of exempt amounts to the board.

(c) The board is not required to report to the legislature as required in (b) of this subsection after January 1, 2025.

~~((6))~~ (7) The legislature does not intend and does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal antitrust laws including, but not limited to, agreements among retailers as to the selling price of any goods sold.

NEW SECTION. Sec. 2. (1) The joint legislative audit and review committee must review the tax exemption under section 1 of this act to identify any changes in consumer behavior and determine whether the exemption results in an unanticipated decrease in state revenue. The review must include:

(a) An assessment of the amount of new qualifying patients or designated providers under RCW 69.51A.010 occurring after the effective date of this section as compared to prior years;

(b) Any changes in the amount of sales of tax-exempt products identified in section 1 of this act; and

(c) Any other information the joint legislative audit and review committee deems necessary to assess any changes in consumer behavior or revenue collections resulting from the tax exemption under section 1 of this act.

(2) The joint legislative audit and review committee may access data from the department of revenue, the department of health, or any other state agency as necessary to complete its review of the tax exemption under section 1 of this act.

(3) The joint legislative audit and review committee must submit a report of

its findings to the legislature by December 1, 2025.

NEW SECTION. Sec. 3. This act takes effect January 1, 2023."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Walen, Vice Chair.

Referred to Committee on Rules for second reading.

February 24, 2022

ESB 5054 Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, marijuana, or any drug under RCW 46.61.502(6)(a); or

(c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6)(a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion

for a special drug offender sentencing alternative for driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from a substance use disorder;

(ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and

(iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6)(a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3)(a) of this section as part of the prison-based alternative or under subsection (3)(b) of this section as part of the residential treatment-based alternative may be required to pay \$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court

and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time

served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

Sec. 2. RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A

prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling

any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means:
 (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program

of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew,

electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree,

murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student

receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government

for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to

complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

(62) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

Sec. 3. RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial

management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 4. RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department

pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, ~~((e))~~ 9.94A.695, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 5. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;

(viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

~~((viii))~~ (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;

~~((ix))~~ (x) RCW 9.94A.695, relating to the mental health sentencing alternative;

~~((x))~~ (xi) RCW 9.94A.507, relating to certain sex offenses;

~~((xi))~~ (xii) RCW 9.94A.535, relating to exceptional sentences;

~~((xii))~~ (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xiii))~~ (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

~~((xiv))~~ (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail

administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 6. RCW 9.94A.525 and 2021 c 215 s 100 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment

and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug; count one point for a deferred prosecution granted under chapter 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual

physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender

under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the

third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 7. RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to sixty days' confinement for each violation or by the department with up to thirty days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

~~((d))~~ (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((e))~~ (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

~~((f))~~ (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((g))~~ (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The

department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 8. RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.

(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

~~((3))~~ (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

~~((4))~~ (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.695.

~~((5))~~ (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((6))~~ (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((7))~~ (8) If the offender was sentenced pursuant to RCW 10.95.030(3) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((8))~~ (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((9))~~ (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 9. RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first

degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the

department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

(b) Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

Sec. 10. RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507; or

(b) A serious violent offense.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:

(a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;

(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;

(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and

(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.

(5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.

(8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.

(9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

(10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 11. RCW 10.05.010 and 2019 c 263 s 701 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a (~~traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, or a~~) misdemeanor or gross misdemeanor domestic violence offense, or a violation of RCW 46.61.502 or 46.61.504, shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. A person may not participate in a deferred prosecution program for (~~a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW if he or she has participated in a deferred prosecution program for a prior traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, and a person may not participate in a deferred prosecution program for~~) a misdemeanor

or gross misdemeanor domestic violence offense if he or she has participated in a deferred prosecution program for a prior domestic violence offense. A person charged with a gross misdemeanor violation of RCW 46.61.502 or 46.61.504 may only participate in a deferred prosecution once in his or her lifetime unless the person meets the requirements in subsection (5) of this section. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

(4) A person is not eligible for a deferred prosecution program if the misdemeanor or gross misdemeanor domestic violence offense was originally charged as a felony offense in superior court.

(5)(a) A person who has previously participated in a deferred prosecution under this chapter for the person's first gross misdemeanor violation of RCW 46.61.502 or 46.61.504 is eligible to petition the court for a second deferred prosecution for the person's second gross misdemeanor violation of RCW 46.61.502 or 46.61.504 if the court finds that:

(i) The person participated in a previous deferred prosecution for his or her first charged offense of RCW 46.61.502 or 46.61.504;

(ii) The person is eligible to petition the court for a second deferred prosecution for his or her second charged gross misdemeanor offense of RCW 46.61.502 or 46.61.504 pursuant to RCW 10.05.020; and

(iii) The person has no prior out-of-state convictions that qualify as a "prior offense" as defined under RCW 46.61.5055.

(b) If a person petitions the court for a second deferred prosecution while still under the jurisdiction of a court on a first deferred prosecution, the first deferred prosecution shall be revoked before the court considers the person's petition for a second deferred prosecution.

Sec. 12. RCW 10.05.020 and 2021 c 215 s 115 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental problems or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved substance use disorder treatment program as designated in chapter 71.24 RCW if the petition alleges a substance use disorder, by an approved mental health center if the petition alleges a mental problem, or by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 if the petition alleges a domestic violence behavior problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from ~~((alcoholism, drug addiction))~~ a substance use disorder, mental problems, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made

knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 13. RCW 10.05.040 and 2018 c 201 s 9005 are each amended to read as follows:

The program to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

(1) Whether the person suffers from the problem described;

(2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;

(3) Whether extensive and long term treatment is required;

(4) Whether effective treatment or child welfare services for the person's problem are available; ~~((and))~~

(5) Whether the person is amenable to treatment or willing to cooperate with child welfare services; and

(6) With respect to petitions brought for a deferred prosecution of a charge under RCW 46.61.502 or 46.61.504, whether the petitioner is amenable to treatment as demonstrated by completion of residential treatment or completion of a minimum of 18 hours of intensive outpatient treatment. The minimum treatment requirement under this section may be waived if the court finds good cause.

Sec. 14. RCW 10.05.060 and 2009 c 135 s 1 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be filed with the court. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing,

an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record (~~for ten years from date of entry of the order granting deferred prosecution~~) consistent with the requirements of RCW 46.01.260(2).

Sec. 15. RCW 10.05.140 and 2019 c 263 s 706 are each amended to read as follows:

(1) As a condition of granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any (~~alcohol dependency~~) substance use disorder-based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for (~~alcoholism or drugs~~) substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance abuse or mental health cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for (~~alcoholism or drugs~~) substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 16. RCW 10.05.150 and 2016 sp.s. c 29 s 527 are each amended to read as follows:

A deferred prosecution program for (~~alcoholism~~) substance use disorder shall be for a two-year period and shall include, but not be limited to, the following requirements:

(1) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;

(2) Participation in an intensive inpatient or intensive outpatient program in a state-approved substance use disorder treatment program;

(3) Participation in a minimum of two meetings per week of (~~an alcoholism~~) a substance use disorder self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;

(4) Participation in (~~an alcoholism~~) a substance use disorder self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;

(5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months

following the intensive phase of treatment;

(6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;

(7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;

(8) All treatment within the purview of this section shall occur within or be approved by a state-approved substance use disorder treatment program as described in chapter ~~((70.96A))~~ 71.24 RCW;

(9) Signature of the petitioner agreeing to the terms and conditions of the treatment program.

Sec. 17. RCW 10.05.170 and 1991 c 247 s 2 are each amended to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral and may levy a monthly assessment upon the petitioner as provided in RCW 10.64.120. In a jurisdiction with a probation department, the court may appoint the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

~~(1) ((If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every six months request from the department of licensing an abstract of the petitioner's driving record; and~~

~~(2))~~ At least once every month make contact with the petitioner or with any agency to which the petitioner has been directed for treatment as a part of the deferral; and

(2) If the charge for which deferred prosecution is granted is a charge of RCW 46.61.502 or 46.61.504:

(a) At least once every three months, request an abstract of the petitioner's driving record;

(b) At least once every month, make contact with the petitioner until treatment is completed;

(c) Review the petitioner's criminal history at a minimum of every 90 days until the end of the deferral period; and

(d) Report known violations of supervision or law and noncompliance with conditions of the deferred prosecution to the court within five business days or as soon as practicable.

Sec. 18. RCW 46.61.502 and 2017 c 335 s 1 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove

by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

Sec. 19. RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than twenty-four consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the

person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-eight consecutive hours nor more than three hundred sixty-four days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) One prior offense in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's

physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this

mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) Two prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no

test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in** (~~ten~~) **15 years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within (~~ten~~) 15 years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or

other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) Penalty for having a minor passenger in vehicle. If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of sixteen were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of

not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) Other items courts must consider while setting penalties. In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) Treatment and information school. An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) Driver's license privileges of the defendant. (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) Penalty for alcohol concentration less than 0.15. If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7

sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be

revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless

manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or

an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within (~~ten~~) 15 years" means that the arrest for a prior offense occurred within (~~ten~~) 15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 20. RCW 46.61.504 and 2017 c 335 s 2 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the

laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

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(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

NEW SECTION. **Sec. 21.** Sections 1 through 5, 7 through 10, and 18 through 20 of this act take effect July 1, 2022.

NEW SECTION. **Sec. 22.** Sections 6 and 11 through 17 of this act take effect January 1, 2023."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Klippert, Assistant Ranking Minority Member; Davis; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Graham and Griffey.

Referred to Committee on Appropriations.

ESB 5202

Prime Sponsor, Senator Schoesler: Establishing school district depreciation subfunds for the purposes of preventative maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.320.330 and 2021 c 332 s 7045 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following

supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are

documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(e) A depreciation subfund of its general fund for the school district to reserve moneys for future facility and equipment needs, including preventative maintenance and emergency facility needs. Up to two percent of a school district's general fund may be deposited each fiscal year into the depreciation subfund. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and includes: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playfields, athletic facilities, and other school district real property. School districts, subject to applicable public works bid limits, may use school district employees to perform preventative maintenance with moneys from the depreciation subfund, but moneys from the depreciation subfund may not be used for employee compensation that is unrelated to this subsection (1)(e).

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and

proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall

not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventative maintenance expenditures made from the district's general fund.

(h) During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bergquist; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Berg and Callan.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5252 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning school district consultation with local tribes. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Appropriations.

February 24, 2022

ESSB 5268 Prime Sponsor, Committee on Health & Long Term Care: Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Part 1: Increase the Capabilities of Community Residential Settings and Services

NEW SECTION. **Sec. 1.** (1) The legislature finds that the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services" and recommendations in the 2021 preliminary report of the joint executive and legislative task force established in chapter 317, Laws of 2020 are the product of deliberations among a diverse and dedicated group of stakeholders and are critical to advancing the continuum of care for individuals with developmental disabilities.

(2) The legislature intends to continue efforts to expand community residential settings and supports with the goals of reducing the risk of federal divestment from Washington's intermediate care facilities and delivering appropriate care to clients of the developmental disabilities administration. To that end, the legislature finds that a reliable network of community providers is critical to meeting these goals and that community residential rates must be established at appropriate levels to ensure that individuals with intellectual and developmental disabilities have community residential options that appropriately address their needs and ensure stable, permanent outcomes.

(3) The legislature also finds that it is imperative that internal processes within the department of social and health services, including those that guide eligibility determinations, assess hours of service delivery, and measure quality of providers, be examined to ensure that these systems function in the most streamlined and efficient manner with the goal of achieving a system that has greater consistency with regard to expectations and requirements of providers and that is structured to be more person-centered and user-friendly at interface.

Sec. 2. RCW 43.88C.010 and 2021 c 334 s 975 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) ~~((The))~~ By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities

administration. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) Beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

~~((11))~~ (13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

~~((12))~~ (14) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((13))~~ (15) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.18 RCW to read as follows:

(1) Expenditures for the individual and family services waiver and the basic plus waiver as referenced in RCW 43.88C.010 must be considered by the governor and the legislature for inclusion in maintenance level budgets beginning with the governor's budget proposal submitted in December 2022 and funding for these expenditures are subject to amounts appropriated for this specific purpose. The department of social and health services must annually submit a budget request for these expenditures.

(2) Beginning with the governor's budget proposal submitted in December 2022 and within the department's existing appropriations, the department of social

and health services must annually submit a budget request for expenditures for the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration as referenced in RCW 43.88C.010.

NEW SECTION. Sec. 4. (1) With consideration to legislative intent to expand community residential settings, and within the department's existing appropriations, the department of social and health services shall examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. No later than October 1, 2022, the department of social and health services must submit a preliminary report to the governor and the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, includes the average length of stay for clients residing in state-operated intermediate care facilities, and recommends whether or not an increase to respite hours is needed. A progress report is due on October 1, 2023, and a final report of this information shall be submitted no later than October 1, 2024.

(2) This section expires January 1, 2025.

NEW SECTION. Sec. 5. (1) The department of social and health services must contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(a) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(b) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(c) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers

who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring.

(2) This section expires January 31, 2024.

NEW SECTION. Sec. 6. (1) With consideration to legislative intent to expand community residential settings and within the department's existing appropriations, the department of social and health services shall submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(a) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(b) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(c) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan.

(2) This section expires January 31, 2024.

NEW SECTION. Sec. 7. (1) Within the department's existing appropriations, and no later than June 30, 2023, the department of social and health services in collaboration with appropriate stakeholders shall develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities. The department of social and health services must submit a report of these activities to the governor and the legislature no later than June 30, 2023.

(2) This section expires July 31, 2023.

NEW SECTION. Sec. 8. (1) The joint legislative audit and review committee shall:

(a) Review the developmental disabilities administration's existing processes and staffing methodology used for determining eligibility, assessing for eligibility, delivering services,

and managing individuals who are waiting for services;

(b) Review best practices from other states regarding eligibility determination, eligibility assessment, service delivery, management of individuals who are waiting for services, and staffing models; and

(c) Identify options for streamlining the eligibility, assessment, service delivery, and management of individuals who are waiting for services processes and the potential staffing impacts.

(2) The joint legislative audit and review committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2024.

(3) This section expires January 31, 2025.

Part 2: Improve Cross-System Coordination

NEW SECTION. Sec. 9. An individual's disability will often overshadow other medical or functional needs which can result in missed connections and poor outcomes. It is the intent of the legislature that cross-system coordination involving individuals with intellectual and developmental disabilities be improved to ensure that these individuals receive the appropriate types of services and supports when they are needed to adequately address mental health conditions, medical conditions, individual preferences, and the natural aging process.

NEW SECTION. Sec. 10. (1) Within the department's existing appropriations, the department of social and health services shall work with the developmental disabilities council to:

(a) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with co-occurring intellectual and developmental disabilities and mental health conditions;

(b) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(c) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(d) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision-making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate.

(2) Within the department's existing appropriations, the department of social and health services shall work with the health care authority and Washington state's managed care organizations to establish the necessary agreements for intellectual and developmental disabilities clients who live in the community to access intermediate care facility-based professionals to receive care covered under the state plan. The department of social and health services must consider methods to deliver these services at mobile or brick-and-mortar clinical settings in the community.

(3) No later than December 1, 2022, the department of social and health services shall submit a report describing the efforts outlined in subsections (1) and (2) of this section and any recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(4) This section expires January 31, 2023.

Part 3: Redesign State-Operated Intermediate Care Facilities to Function as Short-Term Crisis Stabilization and Intervention

NEW SECTION. **Sec. 11.** It is the intent of the legislature that intermediate care facilities be redesigned from long-term care settings

to settings that support short-term crisis stabilization and intervention and that, in order to achieve stable, permanent placements in the least restrictive settings possible, an infrastructure of procedures be developed to ensure that individuals placed in intermediate care settings remain in that setting no longer than is absolutely necessary.

NEW SECTION. **Sec. 12.** (1) Within the department of social and health services' existing appropriations, the developmental disabilities administration must develop procedures that ensure that:

(a) Clear, written, and verbal information is provided to the individual and their family member that explains:

(i) That placement in the intermediate care facility is temporary; and

(ii) What constitutes continuous aggressive active treatment and its eligibility implications;

(b) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(c) When stabilization services are available in the community, the individual is presented with the option to receive those services in the community prior to being offered services in a state-operated intermediate care facility; and

(d) When the individual has not achieved crisis stabilization after 60 consecutive days in the state-operated intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's care plan.

(2) Subject to funding appropriated specifically for this purpose, the department of social and health services must expand the number of family mentors and establish peer mentors to connect each client in an intermediate care

facility with a mentor to assist in their transition planning.

(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the individual does not lose their community residential services while the individual is receiving stabilization services in a state-operated intermediate care facility. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day vacancy payment for individuals who are transferred from the community residential service provider to a state-operated intermediate care facility for stabilization services; and

(b) Utilize client resources or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer to a state-operated intermediate care facility for stabilization services.

(4) No later than November 1, 2022, the department of social and health services must submit a report describing the efforts outlined in subsections (1) through (3) of this section and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(5) This section expires January 31, 2023."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5376 Prime Sponsor, Committee on Early Learning & K-12 Education: Promoting awareness of the governor's office of the education ombuds. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the office of the education ombuds within the office of the governor was established by the legislature in 2006 to reduce educational opportunity gaps by supporting families, students, educators, and communities in understanding the K-12 school system and resolving concerns collaboratively. The legislature recognizes that it placed the education ombuds within the office of the governor to ensure independence and impartiality.

(2) The legislature further recognizes that the education ombuds provides services including:

(a) Informing students, parents or guardians, employees, and members of the public about the state's public elementary and secondary education system;

(b) Identifying obstacles and recommending strategies to help students and community members to participate effectively in schools;

(c) Identifying and recommending strategies for improving student success;

(d) Referring individuals and families to appropriate resources, agencies, or departments;

(e) Facilitating the resolution of informal complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(f) Serving as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

(3) The legislature intends for public schools to annually notify parents or guardians, students, and school employees about these services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Beginning August 1, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a link to the website of the office of the education ombuds; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters.

(2) Public schools are encouraged to comply with both subsection (1)(b)(i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.190 RCW to read as follows:

Institutional education providers must comply with the requirements in section 2(1) of this act, related to provision of information about the office of the education ombuds.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.710 RCW to read as follows:

Section 2 (1) and (2) of this act, related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.715 RCW to read as follows:

Section 2 (1) and (2) of this act, related to provision of information about the office of the education ombuds, governs school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools established under this chapter."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 24, 2022

ESSB 5428 Prime Sponsor, Committee on Housing & Local Government: Concerning the application of the state environmental policy act to temporary shelters and transitional encampments. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.21C RCW to read as follows:

(1) Until August 1, 2032, a lead agency taking a permit action to site a temporary shelter or transitional encampment is exempt from compliance with this chapter if the following conditions are met:

(a) The temporary shelter or transitional encampment is used for people experiencing homelessness;

(b) The temporary shelter or transitional encampment includes no more than 200 beds and the number of occupants is based on one person for each bed;

(c) The permit for the temporary shelter or transitional encampment includes a condition that the shelter or encampment is used on the site for no more than five years. If a temporary shelter or transitional encampment is to remain on the site for more than five years, the permit action to extend or reissue a permit to the temporary shelter or transitional encampment is not exempt from compliance with this chapter;

(d) The temporary shelter or transitional encampment does not involve erecting a new permanent structure;

(e) The jurisdiction acting as lead agency and in which the temporary shelter or transitional encampment will be located has declared a state of emergency

on homelessness that is in effect at the time of the permit action;

(f) If the temporary shelter or transitional encampment will receive public services, including but not limited to public safety, public health, or water, sewer, or solid waste services, through an interlocal agreement that are provided by a county or city that is not the lead agency, the lead agency must:

(i) Provide notice to the mayor or executive authority of the county or city that would be required to provide services to the temporary shelter or transitional encampment at least 14 calendar days before any permit application for the shelter or encampment is submitted; and

(ii) Obtain written notification from the mayor or executive authority of the other county or city approving of the siting;

(g) For any temporary shelter or transitional encampment proposed to be located within .25 miles of another town, city, or county, the shelter or encampment operator or permit applicant must provide written notice of the shelter or encampment's size, location, and services via email or first-class mail to that jurisdiction's mayor or executive authority at least 14 calendar days before any permit application for the shelter or encampment is submitted;

(h) The operator of the temporary shelter or transitional encampment must establish a community advisory committee that provides input on shelter or encampment operations. As requested by any town, city, or county within .25 miles of the shelter or encampment, the committee must include one representative as identified by that jurisdiction. A representative of the temporary shelter or transitional encampment operator must attend all advisory committee meetings and provide to the committee quarterly reports that address shelter or encampment operations. The community advisory committee must create a process to accept and address complaints from the community;

(i) The allowance of drugs or alcohol by temporary shelter or transitional encampment occupants must be determined by the jurisdiction based on analysis of the needs and population served by the specific shelter or encampment;

(j) The permit for the temporary shelter or transitional encampment includes a condition that the encampment or shelter complies with any drainage, erosion control, wastewater, stormwater, and other water quality regulations of the jurisdiction and is consistent with any applicable national pollutant discharge elimination system permit or permit issued under chapter 90.48 RCW to the jurisdiction;

(k) The temporary shelter or transitional encampment host or operator has developed a disengagement plan for cleanup for the shelter or encampment;

(l) The temporary shelter or transitional encampment host or operator has developed a medical waste disposal plan for the shelter or encampment;

(m) The temporary shelter or transitional encampment host or operator has developed a solid waste management program for the shelter or encampment;

(n) The local jurisdiction must make available employment, mental health, and drug counseling services to persons residing at the temporary shelter or transitional encampment; and

(o) If the jurisdiction is a county planning under chapter 36.70A RCW, the temporary shelter or transitional encampment is to be located within an urban growth area designated under RCW 36.70A.110.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Temporary shelter" means a use sited in a new or existing structure or modular structure that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that support temporary shelters.

(b) "Transitional encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that are separate from the sleeping shelters and that support transitional encampments.

(3) The exemption established in this section is in addition to the exemption established by rule pursuant to RCW

43.21C.110(1)(k), and does not in any way limit or change that exemption.

(4) This section expires January 1, 2033.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke; Fey and Goehner.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5498 Prime Sponsor, Senator Wilson, C.: Awarding diplomas posthumously. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature affirms its statutory assertion that the purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(2) The legislature finds that, on rare occasions and due to unforeseen circumstances, school districts may wish to provide recognition of a student's status of being on-track to graduate, which is interrupted by an untimely passing that prevents the completion of the secondary education program. In these limited instances, school districts should have discretion to issue a posthumous high school diploma with an "honoris causa" inscription.

(3) The legislature recognizes that the authority to issue a high school diploma properly rests with the local school district and its determination of

whether a student has met the applicable state and local graduation requirements. The legislature finds, however, that establishing uniform requirements governing the issuance of posthumous diplomas by school districts will promote the proper and effective administration of the public education system.

(4) The legislature, therefore, intends to authorize school districts to issue posthumous high school diplomas for qualifying students and in accordance with delineated requirements that promote local discretion, consistent administration, and the acknowledgement of academic achievements that were prematurely interrupted by the student's untimely passing.

Sec. 2. RCW 28A.230.120 and 2008 c 185 s 1 are each amended to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States; and

(ii) Left high school before graduation to serve in World War II, the Korean conflict, or the Vietnam era as defined in RCW 41.04.005.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a

diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

(4)(a) A school district, at the request of the parent, guardian, or custodian, may issue a posthumous high school diploma for a deceased student if the student:

(i) Was enrolled in a public school of the district at the time of death;

(ii) Was deemed on-track for graduation before the time of death; and

(iii) Died after matriculating into high school.

(b) A high school diploma issued under this subsection (4) must bear the inscription "honoris causa" and may not be issued before the graduation date of the class in which the student was enrolled.

(c) Nothing in this subsection (4):

(i) Obligates school districts to award a diploma for a deceased student at the same ceremony or event as other graduating students; or

(ii) Limits the retroactive issuance of a high school diploma.

(d) Diplomas issued under this subsection (4) may not be applied toward student graduation counts or for any other purpose of federal and state accountability data collection.

NEW SECTION. Sec. 3. This act may be known and cited as Evitan's law."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5505

Prime Sponsor, Senator Rolfes: Reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used for the purpose of a farmers market. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5590

Prime Sponsor, Committee on Environment, Energy & Technology: Eliminating the 2022 expiration date of the marine resources advisory council. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 24, 2022

ESSB 5628

Prime Sponsor, Committee on Law & Justice: Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.61.260 and 2004 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of ~~((cyberstalking))~~ cyber harassment if ~~((he or she))~~ the person, with intent to harass~~((r))~~ or intimidate~~((r, torment, or embarrass))~~ any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to ~~((such other))~~ that person or a third party and the communication:

(a) ~~((Using))~~ (i) Uses any lewd, lascivious, indecent, or obscene words, images, or language, or ~~((suggesting))~~ suggests the commission of any lewd or lascivious act;

~~((b) Anonymously)) (ii) Is made anonymously or repeatedly ((whether or not conversation occurs)); (or~~

~~(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household)) (iii) Contains a threat to inflict bodily injury immediately or in the future on the person threatened or to any other person; or~~

~~(iv) Contains a threat to damage, immediately or in the future, the property of the person threatened or of any other person; and~~

~~(b) With respect to any offense committed under the circumstances identified in (a)(iii) or (iv) of this subsection:~~

~~(i) Would cause a reasonable person, with knowledge of the sender's history, to suffer emotional distress or to fear for the safety of the person threatened; or~~

~~(ii) Reasonably caused the threatened person to suffer emotional distress or fear for the threatened person's safety.~~

~~(2) ((Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.~~

~~(3) Cyberstalking is a class C felony if either of the following applies:~~

~~(a) The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no contact order or no harassment order in this or any other state; or~~

~~(b) The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.~~

~~(4)) (a) Except as provided in (b) of this subsection, cyber harassment is a gross misdemeanor.~~

~~(b) A person who commits cyber harassment is guilty of a class C felony if any of the following apply:~~

~~(i) The person has previously been convicted in this or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically~~

~~named in a no-contact or no-harassment order;~~

~~(ii) The person cyber harasses another person under subsection (1)(a)(iii) of this section by threatening to kill the person threatened or any other person;~~

~~(iii) The person cyber harasses a criminal justice participant or election official who is performing the participant's official duties or election official's official duties at the time the communication is made;~~

~~(iv) The person cyber harasses a criminal justice participant or election official because of an action taken or decision made by the criminal justice participant or election official during the performance of the participant's official duties or election official's official duties; or~~

~~(v) The person commits cyber harassment in violation of any protective order protecting the victim.~~

~~(3) Any criminal justice participant or election official who is a target for threats or harassment prohibited under subsection (2)(b)(iii) or (iv) of this section, and any family members residing with the participant or election official, shall be eligible for the address confidentiality program created under RCW 40.24.030.~~

~~(4) For purposes of this section, a criminal justice participant includes any:~~

~~(a) Federal, state, or municipal court judge;~~

~~(b) Federal, state, or municipal court staff;~~

~~(c) Federal, state, or local law enforcement agency employee;~~

~~(d) Federal, state, or local prosecuting attorney or deputy prosecuting attorney;~~

~~(e) Staff member of any adult corrections institution or local adult detention facility;~~

~~(f) Staff member of any juvenile corrections institution or local juvenile detention facility;~~

~~(g) Community corrections officer, probation officer, or parole officer;~~

~~(h) Member of the indeterminate sentence review board;~~

(i) Advocate from a crime victim/witness program; or

(j) Defense attorney.

(5) For the purposes of this section, an election official includes any staff member of the office of the secretary of state or staff member of a county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose duties relate to voter registration or the processing of votes as provided in Title 29A RCW.

(6) The penalties provided in this section for cyber harassment do not preclude the victim from seeking any other remedy otherwise available under law.

(7) Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

~~((5))~~ (8) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, ~~((electronic mail))~~ email, internet-based communications, pager service, and electronic text messaging.

Sec. 2. RCW 9A.90.030 and 2016 c 164 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Access" means to gain entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of electronic data, data network, or data system, including via electronic means.

(2) "Cybercrime" includes crimes of this chapter.

(3) "Data" means a digital representation of information, knowledge, facts, concepts, data software, data programs, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a data network, data program, data services, or data system.

(4) "Data network" means any system that provides digital communications between one or more data systems or other

digital input/output devices including, but not limited to, display terminals, remote systems, mobile devices, and printers.

(5) "Data program" means an ordered set of electronic data representing coded instructions or statements that when executed by a computer causes the device to process electronic data.

(6) "Data services" includes data processing, storage functions, internet services, email services, electronic message services, website access, internet-based electronic gaming services, and other similar system, network, or internet-based services.

(7) "Data system" means an electronic device or collection of electronic devices, including support devices one or more of which contain data programs, input data, and output data, and that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control. This term does not include calculators that are not programmable and incapable of being used in conjunction with external files.

(8) "Electronic tracking device" means an electronic device that permits a person to remotely determine or monitor the position and movement of another person, vehicle, device, or other personal possession. As used in this definition, "electronic device" includes computer code or other digital instructions that once installed on a digital device, allows a person to remotely track the position of that device.

(9) "Identifying information" means information that, alone or in combination, is linked or linkable to a trusted entity that would be reasonably expected to request or provide credentials to access a targeted data system or network. It includes, but is not limited to, recognizable names, addresses, telephone numbers, logos, HTML links, email addresses, registered domain names, reserved IP addresses, user names, social media profiles, cryptographic keys, and biometric identifiers.

~~((9))~~ (10) "Malware" means any set of data instructions that are designed, without authorization and with malicious intent, to disrupt computer operations, gather sensitive information, or gain access to private computer systems.

"Malware" does not include software that installs security updates, removes malware, or causes unintentional harm due to some deficiency. It includes, but is not limited to, a group of data instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to infect other data programs or data, consume data resources, modify, destroy, record, or transmit data, or in some other fashion usurp the normal operation of the data, data system, or data network.

~~((10))~~ (11) "White hat security research" means accessing a data program, service, or system solely for purposes of good faith testing, investigation, identification, and/or correction of a security flaw or vulnerability, where such activity is carried out, and where the information derived from the activity is used, primarily to promote security or safety.

~~((11))~~ (12) "Without authorization" means to knowingly circumvent technological access barriers to a data system in order to obtain information without the express or implied permission of the owner, where such technological access measures are specifically designed to exclude or prevent unauthorized individuals from obtaining such information, but does not include white hat security research or circumventing a technological measure that does not effectively control access to a computer. The term "without the express or implied permission" does not include access in violation of a duty, agreement, or contractual obligation, such as an acceptable use policy or terms of service agreement, with an internet service provider, internet website, or employer. The term "circumvent technological access barriers" may include unauthorized elevation of privileges, such as allowing a normal user to execute code as administrator, or allowing a remote person without any privileges to run code.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.90 RCW to read as follows:

(1) A person commits the crime of cyberstalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) The person knowingly and without consent:

(i) Installs or monitors an electronic tracking device with the intent to track the location of another person; or

(ii) Causes an electronic tracking device to be installed, placed, or used with the intent to track the location of another person; and

(b)(i) The person knows or reasonably should know that knowledge of the installation or monitoring of the tracking device would cause the other person reasonable fear;

(ii) The person has notice that the other person does not want to be contacted or monitored by him or her; or

(iii) The other person has a protective order in effect protecting him or her from the person.

(2)(a) It is not a defense to the crime of cyberstalking that the person was not given actual notice that the other person did not want the person to contact or monitor him or her; and

(b) It is not a defense to the crime of cyberstalking that the person did not intend to frighten, intimidate, or harass the other person.

(3)(a) Except as provided in (b) of this subsection, a person who cyberstalks another person is guilty of a gross misdemeanor.

(b) A person who cyberstalks another person is guilty of a class C felony if any of the following applies:

(i) The person has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order;

(ii) There is a protective order in effect protecting the victim from contact with the person;

(iii) The person has previously been convicted of a gross misdemeanor or felony stalking offense for stalking another person;

(iv) The person has previously been convicted of a gross misdemeanor or felony cyberstalking offense for cyberstalking another person;

(v)(A) The victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator;

community corrections officer; employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and

(B) The person cyberstalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or

(vi) The victim is a current, former, or prospective witness in an adjudicative proceeding, and the person cyberstalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(4) The provisions of this section do not apply to the installation, placement, or use of an electronic tracking device by any of the following:

(a) A law enforcement officer, judicial officer, probation or parole officer, or other public employee when any such person is engaged in the lawful performance of official duties and in accordance with state or federal law;

(b) The installation, placement, or use of an electronic tracking device authorized by an order of a state or federal court;

(c) A legal guardian for a disabled adult or a legally authorized individual or organization designated to provide protective services to a disabled adult when the electronic tracking device is installed, placed, or used to track the location of the disabled adult for which the person is a legal guardian or the individual or organization is designated to provide protective services;

(d) A parent or legal guardian of a minor when the electronic tracking device is installed, placed, or used to track the location of that minor unless the parent or legal guardian is subject to a court order that orders the parent or legal guardian not to assault, threaten, harass, follow, or contact that minor;

(e) An employer, school, or other organization, who owns the device on which the tracking device is installed and provides the device to a person for use in connection with the person's involvement with the employer, school, or

other organization and the use of the device is limited to recovering lost or stolen items; or

(f) The owner of fleet vehicles, when tracking such vehicles. For the purposes of this section, "fleet vehicle" means any of the following:

(i) One or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes;

(ii) Motor vehicles held for lease or rental to the general public; or

(iii) Motor vehicles held for sale, or used as demonstrators, test vehicles, or loaner vehicles, by motor vehicle dealers.

NEW SECTION. Sec. 4. RCW 9.61.260 is recodified as a new section in chapter 9A.90 RCW.

Sec. 5. RCW 40.24.030 and 2019 c 278 s 3 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, ~~((and))~~ (b) any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), and any family members residing with him or her, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), and any family members residing with him or her, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or

incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; ~~((or))~~ (B) that the applicant, as an election official as described in RCW 9.61.260 (as recodified by this act), is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or; (B) threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicard to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

(i) Applicant's full legal name;

(ii) Applicant's Washington driver's license or identicard number;

(iii) Applicant's date of birth;

(iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and

(v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within ~~((thirty))~~ 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the

applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, ~~((or))~~ (b) the safety of any election official as described in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9.61.260 (as recodified by this act) who is a target for threats or harassment prohibited under RCW 9.61.260(2)(b) (iii) or (iv) (as recodified by this act), or any family members residing with him or her, shall be punished under RCW 40.16.030 or other applicable statutes.

Sec. 6. RCW 7.77.170 and 2013 c 119 s 18 are each amended to read as follows:

(1) There is no privilege under RCW 7.77.150 for a collaborative law communication that is:

(a) Available to the public under chapter 42.56 RCW or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;

(b) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(c) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or

(d) In an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.

(2) The privileges under RCW 7.77.150 for a collaborative law communication do not apply to the extent that a communication is:

(a) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process;

(b) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the child protective services agency or

adult protective services agency is a party to or otherwise participates in the process; or

(c) Sought or offered to prove or disprove stalking or ~~((cyberstalking))~~ cyber harassment of a party or child.

(3) There is no privilege under RCW 7.77.150 if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:

(a) A court proceeding involving a felony or misdemeanor; or

(b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

(4) If a collaborative law communication is subject to an exception under subsection (2) or (3) of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.

(5) Disclosure or admission of evidence excepted from the privilege under subsection (2) or (3) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

(6) The privileges under RCW 7.77.150 do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

Sec. 7. RCW 7.92.020 and 2020 c 296 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Electronic monitoring" means the same as in RCW 9.94A.030.

(2) "Minor" means a person who is under ~~((eighteen))~~ 18 years of age.

(3) "Petitioner" means any named petitioner for the stalking protection order or any named victim of stalking conduct on whose behalf the petition is brought.

(4) "Stalking conduct" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of ~~((cyberstalking))~~ cyber harassment as defined under RCW 9.61.260 (as recodified by this act);

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, or following of another that:

(i) Would cause a reasonable person to feel intimidated, frightened, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The stalker knows or reasonably should know threatens, frightens, or intimidates the person, even if the stalker did not intend to intimidate, frighten, or threaten the person.

(5) "Stalking no-contact order" means a temporary order or a final order granted under this chapter against a person charged with or arrested for stalking, which includes a remedy authorized under RCW 7.92.160.

(6) "Stalking protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized in RCW 7.92.100.

Sec. 8. RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury,

unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or

client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications,

personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or

trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20)(a) "Isolate" or "isolation" means to restrict a person's ability to

communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but

not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, and contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts

for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of (~~cyberstalking~~) cyber harassment as defined under RCW 9.61.260 (as recodified by this act); or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary

protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Sec. 9. RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the dwelling that the parties share; from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(d) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(e) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a

different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(f) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(g) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(h) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or

private school the respondent will attend and to the school the petitioner attends;

(i) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(j) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, (~~cyberstalking~~) cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(k) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(l) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(m) Order possession and use of essential personal effects. The court

shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(n) Order use of a vehicle;

(o) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(p) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(q) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(r) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(s) Order financial relief and restrain the transfer of jointly owned assets;

(t) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(u) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(3) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.

(c) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a

petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(d) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

(4) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

Sec. 10. RCW 9.94A.030 and 2021 c 237 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced

offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within (~~eight hundred eighty~~) 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is

charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the

payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include

electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~(twenty-four)~~ 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the

order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age (~~(fourteen)~~) 14;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Sexual exploitation;
- (p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (r) Any other class B felony offense with a finding of sexual motivation;
- (s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;
- (t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
- (u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
- (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of (~~(fourteen)~~) 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent

liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was (~~(ten)~~) 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is (~~(eighteen)~~) 18 years of age or older or is less than (~~(eighteen)~~) 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any

prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person (~~(eighteen)~~) 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any

crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~sixteen~~) 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~eighteen~~) 18 years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in

authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) (~~Cyberstalking~~) Cyber harassment, RCW 9.61.260(~~(3)(a)~~) (2)(b)(i) (as recodified by this act);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~((twenty-four))~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~((twenty-four))~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to

the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development,

substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 11. RCW 9.94A.030 and 2021 c 237 s 1 and 2021 c 215 s 97 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within (~~eight hundred eighty~~) 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name

or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as

defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual

enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence (~~(twenty-four)~~ 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age (~~fourteen~~) 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of (~~fourteen~~) 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e)

as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was (~~ten~~) 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is (~~eighteen~~) 18 years of age or older or is less than (~~eighteen~~) 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the

following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person (~~eighteen~~) 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any

crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~sixteen~~) 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was (~~eighteen~~) 18 years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in

authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) ~~((Cyberstalking))~~ Cyber harassment, RCW 9.61.260(~~(3)(a))~~ (2)(b)(i) (as recodified by this act);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as

a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender (~~twenty-four~~) 24 hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for (~~twenty-four~~) 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to

complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 12. RCW 9.94A.515 and 2020 c 344 s 4 are each amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040)

	Rape of a Child 1 (RCW 9A.44.073)		Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 9A.60.050)
	Trafficking 2 (RCW 9A.40.100(3))		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
XI	Manslaughter 1 (RCW 9A.32.060)		Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Rape 2 (RCW 9A.44.050)		Robbery 1 (RCW 9A.56.200)
	Rape of a Child 2 (RCW 9A.44.076)		Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VIII	Arson 1 (RCW 9A.48.020)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
X	Child Molestation 1 (RCW 9A.44.083)		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 9A.60.050)
	Criminal Mistreatment 1 (RCW 9A.42.020)		Manslaughter 2 (RCW 9A.32.070)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Promoting Prostitution 1 (RCW 9A.88.070)
	Kidnapping 1 (RCW 9A.40.020)		Theft of Ammonia (RCW 69.55.010)
	Leading Organized Crime (RCW 9A.82.060(1)(a))	VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Malicious explosion 3 (RCW 70.74.280(3))		Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
	Sexually Violent Predator Escape (RCW 9A.76.115)		Burglary 1 (RCW 9A.52.020)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)		Child Molestation 2 (RCW 9A.44.086)
	Assault of a Child 2 (RCW 9A.36.130)		Civil Disorder Training (RCW 9A.48.120)
	Explosive devices prohibited (RCW 70.74.180)		Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Hit and Run—Death (RCW 46.52.020(4)(a))		

Drive-by Shooting (RCW 9A.36.045)

False Reporting 1 (RCW 9A.84.040(2)(a))

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually

Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hate Crime (RCW 9A.36.080)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age ((~~Fourteen~~)) 14 (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

((~~Cyberstalking (subsequent conviction or threat of death)~~)) Cyber Harassment (RCW 9.61.260((~~3~~)) (2)(b) (as recodified by this act))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW
9A.56.130)

False Reporting 2 (RCW
9A.84.040(2)(b))

Harassment (RCW
9A.46.020)

Intimidating a Public Servant
(RCW 9A.76.180)

Introducing Contraband 2
(RCW 9A.76.150)

Malicious Injury to Railroad
Property (RCW 81.60.070)

Manufacture of Untraceable
Firearm with Intent to Sell (RCW
9.41.190)

Manufacture or Assembly of
an Undetectable Firearm or
Untraceable Firearm (RCW
9.41.325)

Mortgage Fraud (RCW
19.144.080)

Negligently Causing
Substantial Bodily Harm By Use
of a Signal Preemption Device
(RCW 46.37.674)

Organized Retail Theft 1
(RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary
Device (RCW 9.40.120)

Possession of Machine Gun,
Bump-Fire Stock, Undetectable
Firearm, or Short-Barreled
Shotgun or Rifle (RCW
9.41.190)

Promoting Prostitution 2
(RCW 9A.88.080)

Retail Theft with Special
Circumstances 1 (RCW
9A.56.360(2))

Securities Act violation
(RCW 21.20.400)

Tampering with a Witness
(RCW 9A.72.120)

Telephone Harassment
(subsequent conviction or threat
of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW
9A.56.083)

Theft with the Intent to Resell
1 (RCW 9A.56.340(2))

Trafficking in Stolen
Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big
Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment
(RCW 9A.40.040)

Unlawful Misbranding of
Fish or Shellfish 1 (RCW
77.140.060(3))

Unlawful possession of
firearm in the second degree
(RCW 9.41.040(2))

Unlawful Taking of
Endangered Fish or Wildlife 1
(RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish,
Shellfish, or Wildlife 1 (RCW
77.15.260(3)(b))

Unlawful Use of a
Nondesignated Vessel (RCW
77.15.530(4))

Vehicular Assault, by the
operation or driving of a vehicle
with disregard for the safety of
others (RCW 46.61.522)

Willful Failure to Return
from Work Release (RCW
72.65.070)

II Commercial Fishing Without
a License 1 (RCW
77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)	(second or subsequent offense) (RCW 19.290.100)
Counterfeiting (RCW 9.16.035(3))	Theft 1 (RCW 9A.56.030)
Electronic Data Service Interference (RCW 9A.90.060)	Theft of a Motor Vehicle (RCW 9A.56.065)
Electronic Data Tampering 1 (RCW 9A.90.080)	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at (five thousand dollars) <u>\$5,000</u> or more) (RCW 9A.56.096(5)(a))
Electronic Data Theft (RCW 9A.90.100)	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))	Trafficking in Insurance Claims (RCW 48.30A.015)
Escape from Community Custody (RCW 72.09.310)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Health Care False Claims (RCW 48.80.030)	Unlawful Practice of Law (RCW 2.48.180)
Identity Theft 2 (RCW 9.35.020(3))	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Malicious Mischief 1 (RCW 9A.48.070)	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Organized Retail Theft 2 (RCW 9A.56.350(3))	Voyeurism 1 (RCW 9A.44.115)
Possession of Stolen Property 1 (RCW 9A.56.150)	I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Possession of a Stolen Vehicle (RCW 9A.56.068)	False Verification for Welfare (RCW 74.08.055)
Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))	Forgery (RCW 9A.60.020)
Scrap Processing, Recycling, or Supplying Without a License	Fraudulent Creation or Revocation of a Mental Health

Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at ~~((seven hundred fifty dollars))~~ \$750 or more but less than ~~((five thousand dollars))~~ \$5,000) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

Sec. 13. RCW 9.94A.515 and 2021 c 215 s 99 are each amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)

	Trafficking 1 (RCW 9A.40.100(1))		Kidnapping 1 (RCW 9A.40.020)
XIII	Malicious explosion 2 (RCW 70.74.280(2))		Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))		Malicious explosion 3 (RCW 70.74.280(3))
XII	Assault 1 (RCW 9A.36.011)		Sexually Violent Predator Escape (RCW 9A.76.115)
	Assault of a Child 1 (RCW 9A.36.120)	IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Assault of a Child 2 (RCW 9A.36.130)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)		Explosive devices prohibited (RCW 70.74.180)
	Rape 1 (RCW 9A.44.040)		Hit and Run—Death (RCW 46.52.020(4)(a))
	Rape of a Child 1 (RCW 9A.44.073)		Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Trafficking 2 (RCW 9A.40.100(3))		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
XI	Manslaughter 1 (RCW 9A.32.060)		Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Rape 2 (RCW 9A.44.050)		Robbery 1 (RCW 9A.56.200)
	Rape of a Child 2 (RCW 9A.44.076)		Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VIII	Arson 1 (RCW 9A.48.020)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
X	Child Molestation 1 (RCW 9A.44.083)		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Criminal Mistreatment 1 (RCW 9A.42.020)		Manslaughter 2 (RCW 9A.32.070)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))

Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))

Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))

Drive-by Shooting (RCW 9A.36.045)

False Reporting 1 (RCW 9A.84.040(2)(a))

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sell, install, or reinstall counterfeit, nonfunctional,

damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hate Crime (RCW 9A.36.080)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age ((~~Fourteen~~) 14 (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or
C Felony (RCW
9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor
for Immoral Purposes (RCW
9.68A.090)

Criminal Gang Intimidation
(RCW 9A.46.120)

Custodial Assault (RCW
9A.36.100)

~~((Cyberstalking (subsequent
conviction or threat of death)))
Cyber Harassment (RCW
9.61.260((3)) (2)(b) (as
recodified by this act))~~

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW
9A.56.130)

False Reporting 2 (RCW
9A.84.040(2)(b))

Harassment (RCW
9A.46.020)

Intimidating a Public Servant
(RCW 9A.76.180)

Introducing Contraband 2
(RCW 9A.76.150)

Malicious Injury to Railroad
Property (RCW 81.60.070)

Manufacture of Untraceable
Firearm with Intent to Sell (RCW
9.41.190)

Manufacture or Assembly of
an Undetectable Firearm or
Untraceable Firearm (RCW
9.41.325)

Mortgage Fraud (RCW
19.144.080)

Negligently Causing
Substantial Bodily Harm By Use

of a Signal Preemption Device
(RCW 46.37.674)

Organized Retail Theft 1
(RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary
Device (RCW 9.40.120)

Possession of Machine Gun,
Bump-Fire Stock, Undetectable
Firearm, or Short-Barreled
Shotgun or Rifle (RCW
9.41.190)

Promoting Prostitution 2
(RCW 9A.88.080)

Retail Theft with Special
Circumstances 1 (RCW
9A.56.360(2))

Securities Act violation
(RCW 21.20.400)

Tampering with a Witness
(RCW 9A.72.120)

Telephone Harassment
(subsequent conviction or threat
of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW
9A.56.083)

Theft with the Intent to Resell
1 (RCW 9A.56.340(2))

Trafficking in Stolen
Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big
Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment
(RCW 9A.40.040)

Unlawful Misbranding of
Fish or Shellfish 1 (RCW
77.140.060(3))

Unlawful possession of
firearm in the second degree
(RCW 9.41.040(2))

Unlawful Taking of
Endangered Fish or Wildlife 1
(RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish,
Shellfish, or Wildlife 1 (RCW
77.15.260(3)(b))

Unlawful Use of a
Nondesignated Vessel (RCW
77.15.530(4))

Vehicular Assault, by the
operation or driving of a vehicle
with disregard for the safety of
others (RCW 46.61.522)

Willful Failure to Return
from Work Release (RCW
72.65.070)

II Commercial Fishing Without
a License 1 (RCW
77.15.500(3)(b))

Computer Trespass 1 (RCW
9A.90.040)

Counterfeiting (RCW
9.16.035(3))

Electronic Data Service
Interference (RCW 9A.90.060)

Electronic Data Tampering 1
(RCW 9A.90.080)

Electronic Data Theft (RCW
9A.90.100)

Engaging in Fish Dealing
Activity Unlicensed 1 (RCW
77.15.620(3))

Escape from Community
Custody (RCW 72.09.310)

Failure to Register as a Sex
Offender (second or subsequent
offense) (RCW 9A.44.130 prior
to June 10, 2010, and RCW
9A.44.132)

Health Care False Claims
(RCW 48.80.030)

Identity Theft 2 (RCW
9.35.020(3))

Improperly Obtaining
Financial Information (RCW
9.35.010)

Malicious Mischief 1 (RCW
9A.48.070)

Organized Retail Theft 2
(RCW 9A.56.350(3))

Possession of Stolen Property
1 (RCW 9A.56.150)

Possession of a Stolen
Vehicle (RCW 9A.56.068)

Retail Theft with Special
Circumstances 2 (RCW
9A.56.360(3))

Scrap Processing, Recycling,
or Supplying Without a License
(second or subsequent offense)
(RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle
(RCW 9A.56.065)

Theft of Rental, Leased,
Lease-purchased, or Loaned
Property (valued at (~~five
thousand dollars~~) \$5,000 or
more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell
2 (RCW 9A.56.340(3))

Trafficking in Insurance
Claims (RCW 48.30A.015)

Unlawful factoring of a credit
card or payment card transaction
(RCW 9A.56.290(4)(a))

Unlawful Participation of
Non-Indians in Indian Fishery
(RCW 77.15.570(2))

Unlawful Practice of Law
(RCW 2.48.180)

<p>Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))</p>	<p>Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at (seven hundred fifty dollars) <u>\$750</u> or more but less than (five thousand dollars) <u>\$5,000</u>) (RCW 9A.56.096(5)(b))</p>
<p>Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))</p>	<p>Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)</p>
<p>Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))</p>	<p>Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))</p>
<p>Voyeurism 1 (RCW 9A.44.115)</p>	<p>Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)</p>
<p>I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)</p>	<p>Unlawful Possession of Fictitious Identification (RCW 9A.56.320)</p>
<p>False Verification for Welfare (RCW 74.08.055)</p>	<p>Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)</p>
<p>Forgery (RCW 9A.60.020)</p>	<p>Unlawful Possession of Payment Instruments (RCW 9A.56.320)</p>
<p>Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)</p>	<p>Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)</p>
<p>Malicious Mischief 2 (RCW 9A.48.080)</p>	<p>Unlawful Production of Payment Instruments (RCW 9A.56.320)</p>
<p>Mineral Trespass (RCW 78.44.330)</p>	<p>Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))</p>
<p>Possession of Stolen Property 2 (RCW 9A.56.160)</p>	<p>Unlawful Trafficking in Food Stamps (RCW 9.91.142)</p>
<p>Reckless Burning 1 (RCW 9A.48.040)</p>	<p>Unlawful Use of Food Stamps (RCW 9.91.144)</p>
<p>Spotlighting Big Game 1 (RCW 77.15.450(3)(b))</p>	<p>Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))</p>
<p>Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))</p>	<p>Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))</p>
<p>Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)</p>	
<p>Theft 2 (RCW 9A.56.040)</p>	
<p>Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))</p>	

Vehicle Prowl 1 (RCW
9A.52.095)

Violating Commercial
Fishing Area or Time 1 (RCW
77.15.550(3)(b))

Sec. 14. RCW 9A.46.060 and 2019 c 271 s 8 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) (~~Cyberstalking~~) Cyber harassment (RCW 9.61.260 (as recodified by this act));

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 15. RCW 9A.46.060 and 2021 c 215 s 109 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Hate crime (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);

(5) Assault of a child in the first degree (RCW 9A.36.120);

(6) Assault in the second degree (RCW 9A.36.021);

(7) Assault of a child in the second degree (RCW 9A.36.130);

(8) Assault in the fourth degree (RCW 9A.36.041);

(9) Reckless endangerment (RCW 9A.36.050);

(10) Extortion in the first degree (RCW 9A.56.120);

(11) Extortion in the second degree (RCW 9A.56.130);

(12) Coercion (RCW 9A.36.070);

(13) Burglary in the first degree (RCW 9A.52.020);

(14) Burglary in the second degree (RCW 9A.52.030);

(15) Criminal trespass in the first degree (RCW 9A.52.070);

(16) Criminal trespass in the second degree (RCW 9A.52.080);

(17) Malicious mischief in the first degree (RCW 9A.48.070);

(18) Malicious mischief in the second degree (RCW 9A.48.080);

(19) Malicious mischief in the third degree (RCW 9A.48.090);

(20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) ((~~Cyberstalking~~)) Cyber harassment (RCW 9.61.260 (as recodified by this act));

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation of a domestic violence protection order, sexual assault protection order, or antiharassment protection order issued under chapter 7.105 RCW;

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 16. RCW 26.50.060 and 2020 c 311 s 9 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the

petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, (~~cyberstalking~~) cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(k) Consider the provisions of RCW 9.41.800;

(l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased,

kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(m) Order use of a vehicle; and

(n) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than (~~fourteen~~) 14 days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than (~~twenty-four~~) 24 days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW

26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 17. RCW 26.50.070 and 2019 c 245 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic

violence or the victim's children or members of the victim's household; and

(f) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, (~~(cyberstalking))~~ cyber harassment as defined in RCW 9.61.260 (as recodified by this act), and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(3) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(4) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(5) An ex parte temporary order for protection shall be effective for a fixed period not to exceed (~~(fourteen))~~ 14 days or (~~(twenty-four))~~ 24 days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than (~~(fourteen))~~ 14 days from the issuance of the ex parte temporary order or not later than (~~(twenty-four))~~ 24 days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

(6) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide

judicial information system by the clerk of the court within one judicial day after issuance.

(7) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order for protection shall be filed with the court.

NEW SECTION. Sec. 18. Sections 7, 10, 12, 14, 16, and 17 of this act expire July 1, 2022.

NEW SECTION. Sec. 19. Sections 8, 9, 11, 13, and 15 of this act take effect July 1, 2022."

Correct the title.

Signed by Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Griffey; Hackney; Orwall; Ramos; Simmons and Thai.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5657 Prime Sponsor, Senator Wellman:
Concerning computer science instruction in state long-term juvenile institutions.
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the benefit of computer science and computational thinking in education, not only with respect to educational development, but also in cultivating the skills needed to compete and excel in our state's career landscape. The legislature also recognizes the heightened importance of providing access to computer science education to youth in secure facilities, where access to innovative and engaging learning experiences can: (1) Build in-demand skills to prepare students for future employment; (2) help students transition back to their communities following incarceration; and (3) prevent recidivism. However, the legislature understands that state long-term

juvenile institutions have unique environmental and facility limitations that affect the ability to deliver some components of computer science instruction in a secure manner. Therefore, the legislature intends to require school districts that operate institutional education programs in state long-term juvenile institutions to provide access to computer science courses, while allowing the flexibility to adjust curriculum and instructional activities when necessary.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.190 RCW to read as follows:

(1) Subject to the availability and sufficiency of amounts appropriated for this specific purpose in addition to the amounts appropriated through the institutional education funding formulas specified in the omnibus appropriations act, and subject to staffing availability, each school district operating an institutional education program for youth in state long-term juvenile institutions must provide an opportunity to access an elective computer science course in accordance with RCW 28A.230.300(1).

(2) If, due to facility or technology security limitations, a school district cannot provide a computer science course that is fully aligned with all state computer science learning standards, the school district must adapt the course curriculum and instructional activities to align with as many state computer science learning standards as possible.

(3) Each school district operating an institutional education program for youth in state long-term juvenile institutions must annually report the following information to the office of the superintendent of public instruction:

(a) Data indicating the number of students who enrolled in a computer science course in the prior school year, disaggregated by gender, race, ethnicity, and age;

(b) A brief description of each computer science course and whether the course is fully aligned to state computer science learning standards; and

(c) A brief description of any facility or technology security limitations that prevent the school district from offering a course fully

aligned with state computer science learning standards, and the actions the district is taking to address those limitations.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg; Bergquist; Callan; McEntire; Ortiz-Self; Rude; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Appropriations.

February 24, 2022

E2SSB 5662 Prime Sponsor, Committee on Ways & Means: Concerning intergovernmental coordination to address transitioning persons encamped on state public rights-of-way to permanent housing solutions. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Persons experiencing homelessness shall be treated with dignity, care, and compassion.

(2) Local jurisdictions and providers must engage persons experiencing homelessness with teams of multidisciplinary experts focused on trauma-informed care and provision of services with the goal of transitioning persons experiencing homelessness into permanent housing solutions. Nothing in this section allows state or local governments to impose penalties for sitting, sleeping, or lying outside on public property for homeless individuals who are unable to obtain shelter. Every effort must be made to avoid furthering existing trauma to persons experiencing homelessness by causing displacement that does not result in a transition to permanent housing.

(3) All memoranda of agreement between state agencies and local government must be consistent with this section.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) The office of intergovernmental coordination on public right-of-way homeless encampments is created within the department. For purposes of this section, "public rights-of-way" means any right-of-way under the authority and control of the state department of transportation.

(2) Activities of the office must be carried out by a director and supervised by the secretary of the department or his or her designee.

(3) The office must lead efforts under this section to coordinate the spectrum of ongoing and future funding, policy, and practice efforts related to persons encamped on the rights-of-way to identify more permanent housing solutions and appropriate services in a manner that treats persons with respect, compassion, and dignity, through coordinated state, local, and community partnerships. Recognizing and accommodating partners, families, and pets is a critical component of shelter and housing solutions. Shelter or housing plans should be complete before engaging persons encamped on the public rights-of-way.

NEW SECTION. Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The office of intergovernmental coordination on public right-of-way homeless encampments is terminated July 1, 2027, as provided in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2028:

- (1) Section 1 of this act; and
- (2) Section 2 of this act."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp and Donaghy.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Assistant Ranking Minority Member; Jacobsen and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representative Gilday, Ranking Minority Member.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5678 Prime Sponsor, Committee on Environment, Energy & Technology: Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 24, 2022

2SSB 5703 Prime Sponsor, Committee on Ways & Means: Concerning the use of toxic chemicals in cosmetic products. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that certain chemicals used in cosmetic products are linked to harmful impacts on health, such as cancer, birth defects, damage to the reproductive system, organ system toxicity, and endocrine disruption. Many of these chemicals have been identified by the state of Washington as high priority chemicals of concern.

(2) In order to ensure the safety of cosmetic products and protect Washington citizens from toxic exposures, the legislature intends to prohibit use of toxic chemicals found in cosmetic and personal care products and join other jurisdictions in creating a safer global standard for cosmetic products and bringing more sustainable, safer ingredients to the marketplace.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cosmetic product" has the same meaning as the term "cosmetic" as defined in RCW 69.04.011.

(2) "Department" means the department of ecology.

(3) "Manufacturer" has the same meaning as defined in RCW 70A.350.010.

(4) "Ortho-phthalates" means esters of ortho-phthalic acid.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as defined in RCW 70A.350.010.

(6) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

NEW SECTION. Sec. 3. (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates;

(b) Perfluoroalkyl and polyfluoroalkyl substances;

(c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;

(d) Methylene glycol (CAS 463-57-0);

(e) Mercury and mercury compounds (CAS 7439-97-6);

(f) Triclosan (CAS 3380-34-5);

(g) m-phenylenediamine and its salts (CAS 108-45-2); and

(h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains lead or lead compounds (CAS 7439-92-1) at ten parts per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4)(a) By December 1, 2022, the department in consultation with the department of health must create and adopt by rule a community engagement plan to:

(i)(A) Test cosmetic products marketed, including through internet retailers, to women of color; and

(B) Identify potentially harmful chemicals or chemical classes contained in or added to the products identified in (a)(i)(A) of this subsection;

(ii) Seek information through outreach regarding the use of cosmetic products, prioritizing engagement with vulnerable populations;

(iii) Provide culturally appropriate education concerning identified chemicals or chemical classes contained in or added to cultural and other cosmetic products, prioritizing engagement with vulnerable populations; and

(iv) Support efforts to:

(A) Identify priority chemicals and priority products for the department to evaluate in accordance with chapter 70A.350 RCW; and

(B) Determine whether additional regulation is needed to address chemicals or chemical classes contained in or added to cosmetic products.

(b) The plan must include methods for outreach and communication with those who face barriers to participation, such as language or otherwise.

(5) For the purposes of this section, cosmetic products do not include prescription drugs approved by the United States food and drug administration.

(6) Hydrofluoroolefins used as aerosol propellants are not subject to the restrictions established in this section.

NEW SECTION. Sec. 4. (1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) A manufacturer violating a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

Sec. 5. RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, section 3 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste

disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 6. RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, section 3 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the

authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW

18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 3 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

NEW SECTION. **Sec. 7.** This chapter may be known and cited as the toxic-free cosmetics act.

NEW SECTION. **Sec. 8.** Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70A RCW."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Abbarno; Berry; Boehnke; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member and Goehner.

Referred to Committee on Appropriations.

February 24, 2022

2SSB 5720 Prime Sponsor, Committee on Ways & Means: Providing student financial literacy education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the financial education public-private partnership shall establish a grant program to provide assistance to school districts for the purpose of

integrating financial literacy education into professional development for certificated staff.

(2) Grants provided under this section shall be made available for the 2023-24, 2024-25, and 2025-26 school years, and shall be funded at the amount of \$7.50 per enrolled student in the school district, as determined by the annual average full-time equivalent student enrollment reported to the office of the superintendent of public instruction. A school district that receives a grant under this section may only receive a grant for one school year and is prohibited from receiving a grant in subsequent grant cycles.

(3) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee integrate financial literacy education into at least seven hours of its current in-person professional development schedule over the course of the entire school year for which the school district receives the grant.

(4) Additional activities permitted for the use of these grants include, but are not limited to:

(a) Coordinating teachers from across a school district to develop new instructional strategies and to share successful strategies;

(b) Sharing successful practices across a group of school districts; and

(c) Facilitating coordination between educational service districts and school districts to provide training.

(5) The office of the superintendent of public instruction, in coordination with the financial education public-private partnership, may adopt rules for the effective implementation of this section.

(6) This section expires August 1, 2026.

Sec. 2. RCW 28A.300.460 and 2015 c 211 s 2 are each amended to read as follows:

(1) The task of the financial education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components

of personal financial education shall include the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under RCW 28A.300.462, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs, online instructional materials and resources, and school-wide programs that include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Work with the office of the superintendent of public instruction to integrate financial education skills and content knowledge into the state learning standards;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; ~~((and))~~

(h) Provide an annual report beginning December 1, 2009, as provided in RCW 28A.300.464, to the governor, the superintendent of public instruction, and the committees of the legislature

with oversight over K-12 education and higher education; and

(i) Administer grant programs including, but not limited to, the program established in section 1 of this act or related programs established in the omnibus operating appropriations act.

(3) In addition to the duties in subsection (2) of this section and subject to the availability of amounts appropriated for this specific purpose, the partnership may perform other tasks in support of financial literacy, including, but not limited to:

(a) Hiring support staff;

(b) Contracting with educational service districts;

(c) Facilitating the creation and implementation of professional development for certificated educational staff relating to financial literacy and education, in particular the professional development utilized as part of the grant program created in section 1 of this act;

(d) Working to facilitate, and confirm receipt of, specific outreach for financial literacy training to foster students and homeless youth, students receiving special education services, and tribal communities; and

(e) Coordinating with providers in the early childhood education and assistance program established under chapter 43.216 RCW for the purpose of providing a curriculum on financial literacy that can be shared with the parents or legal guardians of participants in the early childhood education and assistance program.

(4) The partnership may seek federal and private funds to support the school districts in providing access to the materials listed pursuant to RCW 28A.300.468(1), as well as related professional development opportunities for certificated staff.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Each school district, by March 1, 2023, shall adopt one or more goals for expanding financial education instruction to students in their district. Examples of goals that school districts may adopt include:

(a) Increasing the number of financial education courses available to students in grades nine through 12;

(b) Increasing the number of grades, schools, or both that provide students with instruction in, or access to instruction in, financial education; and

(c) Expanding the amount financial education professional development training available to certificated staff.

(2) The financial education public-private partnership, by September 1, 2022, shall develop a nonexhaustive menu of model goals that school districts may consider when complying with this section. The model goals must be published on the website of the office of the superintendent of public instruction by September 10, 2022.

(3) Subsection (1) of this section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5729 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08.080 and 1998 c 79 s 15 are each amended to read as follows:

(1)(a) A public assistance applicant or recipient who is aggrieved by a

decision of the department or an authorized agency of the department has the right to an adjudicative proceeding. A current or former recipient who is aggrieved by a department claim that he or she owes a debt for an overpayment of assistance or food stamps or food stamp benefits transferred electronically, or both, has the right to an adjudicative proceeding.

(b) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the department's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

(2) The adjudicative proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, and this subsection.

(a) The applicant or recipient must file the application for an adjudicative proceeding with the secretary within ~~((ninety))~~ 90 days after receiving notice of the aggrieving decision unless good cause is shown, to the extent allowable under federal law.

(i) For the purpose of this subsection, good cause is defined as a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to: Military deployment, medical reasons, housing instability, language barriers, or domestic violence.

(ii) The department shall not grant a request for a hearing for good cause if the request is filed more than one year after the aggrieving decision.

(b) The hearing shall be conducted at the local community services office or other location in Washington convenient to the appellant.

(c) The appellant or his or her representative has the right to inspect his or her department file and, upon request, to receive copies of department documents relevant to the proceedings free of charge.

(d) The appellant has the right to a copy of the tape recording of the hearing free of charge.

(e) The department is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the ~~((sixtieth))~~ 60th

day after the secretary's receipt of the application for an adjudicative proceeding.

(f) If the final adjudicative order is made in favor of the appellant, assistance shall be paid from the date of denial of the application for assistance or (~~(thirty)~~) 30 days following the date of application for temporary assistance for needy families or (~~(forty-five)~~) 45 days after date of application for all other programs, whichever is sooner; or in the case of a recipient, from the effective date of the local community services office decision.

(g) This subsection applies only to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical assistance or the limited casualty program for the medically needy and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the department to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical assistance or the limited casualty program for the medically needy. If the prevailing party in the adjudicative proceeding is the applicant or recipient, he or she is entitled to reasonable attorney's fees.

(3) When a person files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered in a public assistance program, no filing fee shall be collected from the person and no bond shall be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application for assistance or (~~(thirty)~~) 30 days after the application for temporary assistance for needy families or (~~(forty-five)~~) 45 days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the local community services office decision.

Sec. 2. RCW 74.09.741 and 2011 1st sp.s. c 15 s 53 are each amended to read as follows:

(1) The following persons have the right to an adjudicative proceeding:

(a) Any applicant or recipient who is aggrieved by a decision of the authority or an authorized agency of the authority; or

(b) A current or former recipient who is aggrieved by the authority's claim that he or she owes a debt for overpayment of assistance.

(2) For purposes of this section:

(a) "Applicant" means any person who has made a request, or on behalf of whom a request has been made to the authority for any medical services program established under this chapter (~~(74.09 RCW)~~).

(b) "Recipient" means a person who is receiving benefits from the authority for any medical services program established in this chapter.

(3) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the authority's decision is a federal or state law requiring an assistance adjustment for a class of applicants or recipients.

(4) An applicant or recipient may file an application for an adjudicative proceeding with either the authority or the department and must do so within (~~(ninety)~~) 90 calendar days after receiving notice of the aggrieving decision unless good cause is shown, to the extent allowable under federal law. The authority shall determine which agency is responsible for representing the state of Washington in the hearing, in accordance with agreements entered pursuant to RCW 41.05.021.

(a) For the purpose of this subsection, good cause is defined as a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to: Military deployment, medical reasons, housing instability, language barriers, or domestic violence.

(b) The authority or the department shall not grant a request for a hearing for good cause if the request is filed more than one year after the aggrieving decision.

(5)(a) The adjudicative proceeding is governed by the administrative procedure act, chapter 34.05 RCW, and this

subsection. The following requirements shall apply to adjudicative proceedings in which an appellant seeks review of decisions made by more than one agency. When an appellant files a single application for an adjudicative proceeding seeking review of decisions by more than one agency, this review shall be conducted initially in one adjudicative proceeding. The presiding officer may sever the proceeding into multiple proceedings on the motion of any of the parties, when:

(i) All parties consent to the severance; or

(ii) Either party requests severance without another party's consent, and the presiding officer finds there is good cause for severing the matter and that the proposed severance is not likely to prejudice the rights of an appellant who is a party to any of the severed proceedings.

(b) If there are multiple adjudicative proceedings involving common issues or parties where there is one appellant and both the authority and the department are parties, upon motion of any party or upon his or her own motion, the presiding officer may consolidate the proceedings if he or she finds that the consolidation is not likely to prejudice the rights of the appellant who is a party to any of the consolidated proceedings.

(c) The adjudicative proceeding shall be conducted at the local community services office or other location in Washington convenient to the applicant or recipient and, upon agreement by the applicant or recipient, may be conducted telephonically.

(d) The applicant or recipient, or his or her representative, has the right to inspect his or her file from the authority and, upon request, to receive copies of authority documents relevant to the proceedings free of charge.

(e) The applicant or recipient has the right to a copy of the audio recording of the adjudicative proceeding free of charge.

(f) If a final adjudicative order is issued in favor of an applicant, medical services benefits must be provided from the date of earliest eligibility, the date of denial of the application for assistance, or ~~((forty five))~~ 45 days following the date of application, whichever is soonest. If a final

adjudicative order is issued in favor of a recipient, medical services benefits must be provided from the effective date of the authority's decision.

(g) The authority is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the ~~((sixtieth))~~ 60th day after the director's receipt of the application for an adjudicative proceeding.

(6) If the director requires that a party seek administrative review of an initial order to an adjudicative proceeding governed by this section, in order for the party to exhaust administrative remedies pursuant to RCW 34.05.534, the director shall adopt and implement rules in accordance with this subsection.

(a) The director, in consultation with the secretary, shall adopt rules to create a process for parties to seek administrative review of initial orders issued pursuant to RCW 34.05.461 in adjudicative proceedings governed by this subsection when multiple agencies are parties.

(b) This process shall seek to minimize any procedural complexities imposed on appellants that result from multiple agencies being parties to the matter, without prejudicing the rights of parties who are public assistance applicants or recipients.

(c) Nothing in this subsection shall impose or modify any legal requirement that a party seek administrative review of initial orders in order to exhaust administrative remedies pursuant to RCW 34.05.534.

(7) This subsection only applies to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical services programs established under this chapter and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the authority or its authorized agency to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical services programs established under this chapter. If the prevailing party in the adjudicative proceeding is

the applicant or recipient, he or she is entitled to reasonable attorneys' fees.

(8) When an applicant or recipient files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered with respect to the medical services program, no filing fee may be collected from the person and no bond may be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the applicant or recipient, the person is entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of an applicant, assistance shall be paid from the date of earliest eligibility, the date of the denial of the application for assistance, or ((~~forty five~~) 45 days following the date of application, whichever is soonest. If a decision of the court is made in favor of a recipient, assistance shall be paid from the effective date of the authority's decision.

(9) The provisions of RCW 74.08.080 do not apply to adjudicative proceedings requested or conducted with respect to the medical services program pursuant to this section.

(10) The authority shall adopt any rules it deems necessary to implement this section.

NEW SECTION. Sec. 3. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 24, 2022

ESSB 5758 Prime Sponsor, Committee on Housing & Local Government: Concerning condominium conversions. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5762 Prime Sponsor, Committee on Early Learning & K-12 Education: Creating the purple star award. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg; Bergquist; Callan; McCaslin; McEntire; Ortiz-Self; Rude; Steele and Stonier.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5785 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning transitional food assistance. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5790 Prime Sponsor, Committee on Ways & Means: Strengthening critical community support services for individuals with intellectual and developmental disabilities. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman; Chopp; Donaghy; Jacobsen and Leavitt.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5818 Prime Sponsor, Committee on Housing & Local Government: Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5823 Prime Sponsor, Senator Das: Addressing local infrastructure project areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.108.120 and 2011 c 318 s 601 are each amended to read as follows:

(1) Before adopting an ordinance or resolution creating one or more local infrastructure project areas, a sponsoring city must:

(a) Provide notice to the county assessor, county treasurer, and county within the proposed local infrastructure project area of the sponsoring city's intent to create one or more local infrastructure project areas. This notice must be provided at least one hundred eighty days in advance of the public hearing as required by (b) of this subsection;

(b) Hold a public hearing on the proposed formation of the local infrastructure project area.

(2) A sponsoring city may create one or more local infrastructure project areas by ordinance or resolution that:

(a) Describes the proposed public improvements, identified in the plan under RCW 39.108.080, to be financed in each local infrastructure project area;

(b) Describes the boundaries of each local infrastructure project area, subject to the limitations in RCW 39.108.130; and

(c) Provides the date when the use of local property tax allocation revenues will commence and a list of the participating taxing districts.

(3) The sponsoring city must deliver a certified copy of the adopted ordinance or resolution to the county assessor, county treasurer, and each other participating taxing district within which the local infrastructure project area is located.

(4) The sponsoring city must adopt the department of commerce transfer of development rights interlocal terms and conditions in WAC 365-198-040 and 365-198-060, or its successors, and, if required by an eligible county, enter into a superseding interlocal agreement prior to the date when the use of local property tax allocation revenues will commence for any local infrastructure project area formed after the effective date of this section. An interlocal agreement under this subsection shall define the roles and responsibilities of the parties with respect to the transfer of development rights as determined by the parties.

Sec. 2. RCW 84.55.010 and 2021 c 207 s 10 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district, excluding any increase due to (e) and (f) of this subsection, unless the highest levy was the statutory maximum rate amount, plus an additional dollar amount calculated by multiplying the regular property tax levy rate of that district for the preceding year by the increase in assessed value in that district resulting from:

(a) New construction;

(b) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere

under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(c) Improvements to property;

(d) Any increase in the assessed value of state-assessed property; ~~((and))~~

(e) Any increase in the assessed value of real property, as that term is defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 provided that such increase is not included elsewhere under this section. This subsection (1)(e) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness; and

(f) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under (a) through (e) of this subsection.

(2) The requirements of this section do not apply to:

(a) State property taxes levied under RCW 84.52.065(1) for collection in calendar years 2019 through 2021; and

(b) State property taxes levied under RCW 84.52.065(2) for collection in calendar years 2018 through 2021.

Sec. 3. RCW 84.55.015 and 2014 c 4 s 2 are each amended to read as follows:

If a taxing district has not levied since 1985 and elects to restore a regular property tax levy subject to applicable statutory limitations then such first restored levy must be set so that the regular property tax payable does not exceed the amount which was last levied, plus an additional dollar amount calculated by multiplying the property tax rate which is proposed to be restored, or the maximum amount which could be lawfully levied in the year such a restored levy is proposed, by the increase in assessed value in the district since the last levy resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under subsections (1) through (4) of this section.

Sec. 4. RCW 84.55.020 and 2014 c 4 s 3 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the regular property tax rate of each component district for the preceding year by the increase in assessed value in each component district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) For taxing districts defined in RCW 39.108.010(23) in any year in which

distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under subsections (1) through (4) of this section.

Sec. 5. RCW 84.55.030 and 2014 c 4 s 4 are each amended to read as follows:

For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 must be increased by an amount equal to the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by the dollar rate that would have been used by the annexing unit in the absence of such annexation, plus the additional dollar amount calculated by multiplying the regular property tax levy rate of that annexing taxing district for the preceding year by the increase in assessed value in the annexing district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under subsections (1) through (4) of this section.

Sec. 6. RCW 84.55.120 and 2021 c 207 s 11 are each amended to read as follows:

(1) A taxing district, other than the state, that collects regular levies must hold a public hearing on revenue sources for the district's following year's

current expense budget. The hearing must include consideration of possible increases in property tax revenues and must be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, must hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

(2) If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

(3)(a) Except as provided in (b) of this subsection (3), no increase in property tax revenue may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance must specifically state for each year the dollar increase and percentage change in the levy from the previous year.

(b) Exempt from the requirements of (a) of this subsection are increases in revenue resulting from the addition of:

(i) New construction;

(ii) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(iii) Improvements to property;

(iv) Any increase in the value of state-assessed property; ~~((and))~~

(v) Any increase in the assessed value of real property, as that term is defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 provided

that such increase is not included elsewhere under this section. This subsection (3)(b)(v) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness; and

(vi) For taxing districts defined in RCW 39.108.010(23) in any year in which distributions may be made under RCW 39.108.150, any increase in the assessed value within any local infrastructure project area, as defined in RCW 39.108.010(5), to the extent that such increase in assessed value is not included under (b)(i) through (v) of this subsection.

Sec. 7. RCW 39.108.010 and 2011 c 318 s 201 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(2) "Eligible county" means any county that borders Puget Sound, that has a population of six hundred thousand or more, and that has an established program for transfer of development rights.

(3) "Employment" means total employment in a county or city, as applicable, estimated by the office of financial management.

(4) "Exchange rate" means an increment of development beyond what base zoning allows that is assigned to a development right by a sponsoring city for use in a receiving area.

(5) "Local infrastructure project area" means the geographic area identified by a sponsoring city under RCW 39.108.120.

(6) "Local infrastructure project financing" means the use of local property tax allocation revenue distributed to the sponsoring city to pay or finance public improvement costs within the local infrastructure project area in accordance with RCW 39.108.150.

(7) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax

allocation revenue value and used for local infrastructure project financing.

(8) "Participating taxing district" means a taxing district that:

(a) Has a local infrastructure project area wholly or partially within the taxing district's geographic boundaries; and

(b) Levies, or has levied on behalf of the taxing district, regular property taxes as defined in this section.

(9) "Population" means the population of a city or county, as applicable, estimated by the office of financial management.

(10) "Property tax allocation revenue base value" means the assessed value of real property located within a local infrastructure project area, less the property tax allocation revenue value.

(11)(a)(i) "Property tax allocation revenue value" means an amount equal to the sponsoring city ratio multiplied by seventy-five percent of any increase in the assessed value of real property in a local infrastructure project area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the local infrastructure project area is created by the sponsoring city;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the local infrastructure project area is created by the sponsoring city;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the local infrastructure project area is created by the sponsoring city.

(ii) Increases in the assessed value of real property resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation

revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes an amount equal to the sponsoring city ratio multiplied by seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a local infrastructure project area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(12)(a) "Public improvements" means:

(i) Infrastructure improvements within the local infrastructure project area that include:

(A) Street, road, bridge, and rail construction and maintenance;

(B) Water and sewer system construction and improvements;

(C) Sidewalks, streetlights, landscaping, and streetscaping;

(D) Parking, terminal, and dock facilities;

(E) Park and ride facilities of a transit authority and other facilities that support transportation efficient development;

(F) Park facilities, recreational areas, bicycle paths, and environmental remediation;

(G) Stormwater and drainage management systems;

(H) Electric, gas, fiber, and other utility infrastructures; ~~((and))~~

(I) Affordable housing as defined in RCW 36.70A.030(2), either provided directly by the sponsoring city, or funded in part or in full by the sponsoring city through municipal governments or nonprofit organizations that fund or provide housing;

(ii) Expenditures for facilities and improvements that support affordable housing;

(iii) Providing maintenance and security for common or public areas in the local infrastructure project area; or

(iv) Historic preservation activities authorized under RCW 35.21.395.

(b) Public improvements do not include the acquisition by a sponsoring city of transferable development rights.

(13) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(14)(a) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (i) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (ii) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; ~~((and))~~ (iii) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose; and (iv) any regular property tax levy made for any specific statutory purpose other than use in the county current expense fund.

(b) "Regular property taxes" do not include:

(i) Excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043; and

(ii) Property taxes that are specifically excluded through an interlocal agreement between the sponsoring local government and a participating taxing district as set forth in RCW 39.104.060(3).

(15) "Receiving areas," for purposes of this chapter, are those designated lands within local infrastructure project areas in which transferable development rights from sending areas may be used.

(16) "Receiving city" means any incorporated city with population plus employment equal to twenty-two thousand five hundred or greater within an eligible county.

(17) "Receiving city allocated share" means the total number of transferable development rights from agricultural and forestland of long-term commercial significance and rural zoned lands designated under RCW 39.108.050 within the eligible counties allocated to a receiving city under RCW 39.108.070 (1) and (2).

(18) "Sending areas" means those lands within an eligible county that meet conservation criteria as described in RCW 39.108.030 and 39.108.050.

(19) "Sponsoring city" means a receiving city that accepts all or a portion of its receiving city allocated share, adopts a plan for development of infrastructure within one or more proposed local infrastructure project areas in accordance with RCW 39.108.080, and creates one or more local infrastructure project areas, as specified in RCW 39.108.070(4).

(20) "Sponsoring city allocated share" means the total number of transferable development rights a sponsoring city agrees to accept, under RCW 39.108.070(4), from agricultural and forestland of long-term commercial significance and rural zoned lands designated under RCW 39.108.050 within the eligible counties, plus the total number of transferable development rights transferred to the sponsoring city

from another receiving city under RCW 39.108.070(5).

(21) "Sponsoring city ratio" means the ratio of the sponsoring city specified portion to the sponsoring city allocated share.

(22) "Sponsoring city specified portion" means the portion of a sponsoring city allocated share which may be used within one or more local infrastructure project areas, as set forth in the sponsoring city's plan for development of infrastructure under RCW 39.108.080.

(23) "Taxing district" means a city or county that levies or has levied on behalf of the taxing district, regular property taxes upon real property located within a local infrastructure project area.

(24) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the development rights from a sending area and transferring them to one or more receiving areas for the purpose of increasing development density or intensity.

(25) "Transferable development rights" means a right to develop one or more residential units in a sending area that can be sold and transferred."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5825

Prime Sponsor, Senator Kuderer: Establishing a rental and vacant property registration program work group. Reported by Committee on Housing, Human Services & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the lack of sufficient affordable housing inventory, specifically rental housing, is deeply felt statewide. The legislature also finds that despite the administration of numerous local rental property registration and landlord licensing programs, it is difficult to accurately track housing inventory and understand the extent of affordable housing need and housing supply shortages on a statewide scale. To accurately track and maintain the level of rental and vacant housing in this state, the legislature intends with this act to convene a work group to evaluate the feasibility of creating a statewide rental and vacant property registration program and database.

NEW SECTION. **Sec. 2.** (1) The department of commerce must convene a work group to make recommendations on the creation of a statewide rental and vacant property registration program for the purpose of inventorying both tenant-occupied and potentially available rental housing.

(2) The work group must include relevant stakeholders including, but not limited to, tenant representatives, landlord and property management representatives, multifamily housing representatives, housing developer representatives, and representatives from cities and counties.

(3) The work group must meet at least three times and evaluate the following:

(a) Current local rental property registration and landlord licensing programs and strategies to synthesize and collect registration information from such programs into a statewide database, while addressing any information technology challenges;

(b) Which property and landlord information should be collected and made disclosable in such a database;

(c) The need to implement a rental and vacant property registration requirement over time and across specific state regions, and challenges in both identifying housing units and providing adequate notice to rental and vacant property owners subject to a registration requirement;

(d) The imposition of registration or licensing fees and fee amounts, use of fee revenue, and appropriate penalties;

(e) Which types of housing units should be exempted from a statewide registration requirement;

(f) The use of a statewide registration program database to provide rental assistance program information to both tenants and landlords;

(g) The feasibility of requiring landlords to report rent rate data as part of such a registration program; and

(h) Any other relevant factors or considerations discussed by the work group.

(4) The department of commerce must issue a final report, including any work group findings and recommendations, to the appropriate committees of the legislature by June 1, 2023.

(5) This section expires June 1, 2024."

Correct the title.

Signed by Representatives Peterson, Chair; Taylor, Vice Chair; Bateman; Chopp; Donaghy and Leavitt.

MINORITY recommendation: Do not pass. Signed by Representatives Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

February 24, 2022

E2SSB 5842 Prime Sponsor, Committee on Ways & Means: Concerning state laws that address climate change. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70A.65.070 and 2021 c 316 s 9 are each amended to read as follows:

(1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as

required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt annual allowance budgets for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during ~~((2023))~~ 2015 through ~~((2025))~~ 2019. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt annual allowance budgets for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual allowance budgets for calendar years 2031 through 2040.

(2) The annual allowance budgets must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or provided as required by this chapter. Annual allowance budgets must be set such that the use of offsets as compliance instruments, consistent with RCW 70A.65.170, does not prevent the achievement of the emissions limits established in RCW 70A.45.020. In so setting annual allowance budgets, the department must reduce the annual allowance budget relative to the limits in an amount equivalent to offset use, or in accordance with a similar methodology adopted by the department. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance distributed under the program, either directly by the department under RCW 70A.65.110 through 70A.65.130 or ~~((though [through]))~~ through auctions under RCW 70A.65.100, does not expire and

may be held or banked consistent with RCW 70A.65.100(6) and 70A.65.150(1).

(3) The department must complete ~~((an))~~ evaluations by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the evaluation shows that adjustments to the annual allowance budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual allowance budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional allowance budget adjustments to ensure successful achievement of the proportionate emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

(5) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other jurisdictions. Therefore, the legislature finds that implementation of this section is

contingent upon the enactment of RCW 70A.65.110.

NEW SECTION. Sec. 2. A new section is added to chapter 70A.65 RCW to read as follows:

(1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023. The department shall by rule require that covered or opt-in entities annually transfer a percentage of compliance instruments, but must fully satisfy their compliance obligation, for each compliance period.

(2) Compliance occurs through the transfer of the required compliance instruments or price ceiling units, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in RCW 70A.65.080.

(3)(a) A covered entity may substitute the submission of compliance instruments with price ceiling units.

(b) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in RCW 70A.65.200.

(4) Older vintage allowances must be retired before newer vintage allowances.

(5) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet its compliance obligation, the department shall retire the allowances or offset credits.

Sec. 3. RCW 70A.65.100 and 2021 c 316 s 12 are each amended to read as follows:

(1) Except as provided in RCW 70A.65.110, 70A.65.120, and 70A.65.130, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed. The department

must transmit to the environmental justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$127,341,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$356,697,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds

to the state treasurer for deposit as follows: (i) \$366,558,000 must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$359,117,000 per year must first be deposited into the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed \$5,200,000,000 over the first 16 fiscal years and any remaining auction proceeds must be deposited into the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in RCW 70A.65.240; and (ii) the remaining auction proceeds to the climate investment account created in RCW 70A.65.250 and the air quality and health disparities improvement account created in RCW 70A.65.280.

(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the

financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

(a) Provided false or misleading facts;

(b) Withheld material information that could influence a decision by the department;

(c) Violated any part of the auction rules;

(d) Violated registration requirements; or

(e) Violated any of the rules regarding the conduct of the auction.

(9) Records containing the following information are confidential and are exempt from public disclosure in their entirety:

(a) Bidding information as identified in subsection (8) of this section;

(b) Information contained in the secure, online electronic tracking system established by the department pursuant to RCW 70A.65.090(6);

(c) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the department pursuant to this chapter;

(d) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to the independent contractor or the financial services administrator engaged by the department pursuant to subsection (3) of this section; and

(e) Financial, proprietary, and other market sensitive information as determined by the department that is submitted to a jurisdiction with which the department has entered into a linkage agreement pursuant to RCW 70A.65.210, and which is shared with the department, the independent contractor, or the financial services administrator pursuant to a linkage agreement.

(10) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may

be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

~~((10))~~ (11) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with linked jurisdictions.

~~((11))~~ (12) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under RCW 70A.65.110, 70A.65.120, and 70A.65.130 in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

Sec. 4. RCW 70A.65.200 and 2021 c 316 s 23 are each amended to read as follows:

(1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation, the entity shall immediately notify the department. Upon receiving notification, the department shall issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to \$10,000 per day per violation, or both, for

failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to \$50,000 per day per violation for violations of RCW 70A.65.100(8) (a) through (e).

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to \$10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in RCW 70A.65.250.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8) An electric utility or natural gas utility must notify its retail customers and the environmental justice council in published form within three months of paying a monetary penalty under this section.

(9)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a ~~((program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter))~~ greenhouse gas pricing or market-based emissions cap and reduce program for stationary sources, or adopt or enforce emission limitations on greenhouse gas emissions from stationary sources except as:

(i) Provided in this chapter;

(ii) Authorized or directed by state statute; or

(iii) Required to implement a federal statute, rule, or program.

(c) This chapter preempts the provisions of chapter 173-442 WAC, and the department shall repeal chapter 173-442 WAC.

Sec. 5. RCW 70A.65.020 and 2021 c 316 s 3 are each amended to read as follows:

(1) To ensure that the program created in RCW 70A.65.060 through 70A.65.210 achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, which may be accomplished through the department's process to identify overburdened communities under chapter ~~((314, Laws of 2021))~~ 70A.02 RCW;

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c)(i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with

local air pollution control authorities, must:

(i) Establish air quality targets to achieve air quality consistent with whichever is more protective for human health:

(A) National ambient air quality standards established by the United States environmental protection agency; or

(B) The air quality experienced in neighboring communities that are not identified as overburdened;

(ii) Identify the stationary and mobile sources that are the greatest contributors of those emissions that are either increasing or not decreasing;

(iii) Achieve the reduction targets through adoption of emission control strategies or other methods;

(iv) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts; and

(v) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants under (b)(iv) of this subsection, issue an enforceable order or the local air authority must issue an enforceable order, as authorized under RCW 70A.15.1100, as necessary to comply with the stricter standards or limitations and the requirements of this section. The department or local air authority must initiate the process, including provision of notice to all relevant affected permittees or registered sources and to the public, to adopt and implement an enforceable order required under this subsection within six months of the adoption of standards or limitations under (b)(iv) of this subsection.

(c) Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of

criteria pollutants in the overburdened community.

(3) An eligible facility sited after July 25, 2021, that receives allowances under RCW 70A.65.110 must mitigate increases in ~~((its emissions of))~~ particulate matter in overburdened communities due to its emissions.

(4)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter ~~((314, Laws of 2021))~~ 70A.02 RCW. The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

(i) Identifying emitters in overburdened communities; and

(ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

Sec. 6. RCW 70A.65.150 and 2021 c 316 s 17 are each amended to read as follows:

(1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish ~~((an auction ceiling))~~ a reserve auction floor price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction ~~((approach))~~ exceed the adopted ~~((auction ceiling))~~ reserve auction floor price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under RCW 70A.65.140(5) are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in RCW 70A.65.100 and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

Sec. 7. RCW 70A.65.160 and 2021 c 316 s 18 are each amended to read as follows:

(1) The department shall establish a price ceiling to provide cost protection for ~~((facilities))~~ covered entities obligated to comply with this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the ~~((price floor))~~ reserve auction floor price established in RCW 70A.65.150(1).

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the

number of price ceiling units for sale sufficient to provide cost protection for ~~((facilities))~~ covered entities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the ~~((next))~~ current compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) ~~((Funds raised in connection with the sale of price ceiling units))~~ The price ceiling unit emission reduction investment account is created in the state treasury. All receipts from the sale of price ceiling units must be deposited in the account. Moneys in the account may only be spent after appropriation. Moneys in the account must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

Sec. 8. RCW 70A.65.230 and 2021 c 316 s 26 are each amended to read as follows:

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, and the air quality and health disparities improvement account created in RCW 70A.65.280, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter ~~((314, Laws of 2021))~~ 70A.02 RCW; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities,

or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of ~~((highly impacted))~~ overburdened communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the overburdened community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW 70A.65.040.

(5) No expenditures may be made from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280 if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under RCW 70A.65.060 that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

Sec. 9. RCW 70A.15.2200 and 2021 c 316 s 33 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by

sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than (~~ten million~~) 10,000,000 bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed

facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed (~~ten thousand~~) 10,000 metric tons of carbon dioxide equivalent annually. The rules adopted by the department must support implementation of the program created in RCW 70A.65.060. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by March 31st of the year in which the report is due, except for an electric power entity, which must submit its report by June 1st of the year in which the report is due.

(b)(i) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress, by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to RCW 70A.65.210. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature.

(ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than (~~ten thousand~~)

10,000 metric tons carbon dioxide equivalent annually.

(iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c)(i) The department shall review and if necessary update its rules whenever:

(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or

(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement.

(ii) The department shall not amend its rules in a manner that conflicts with this section.

(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements. When a person that holds a compliance obligation under RCW 70A.65.080 fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g)(ii) of this subsection, the department may assign an emissions level for that person.

(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from

facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(g)(i) The department must establish by rule the methods of verifying the accuracy of emissions reports.

(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under RCW 70A.65.080 in any year of the current compliance period. The department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to RCW 70A.65.180 in cases where the department deems that the methods or procedures are substantively similar.

(h)(i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases in Washington equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator of a facility; (B) a supplier; or (C) an electric power entity.

(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at

least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in RCW 70A.65.010, not otherwise included here.

Sec. 10. RCW 70A.65.010 and 2021 c 316 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from an asset controlling supplier is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Best available technology" means a technology or technologies that will achieve the greatest reduction in greenhouse gas emissions, taking into account the fuels, processes, and equipment used by facilities to produce goods of comparable type, quantity, and quality. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the good being manufactured.

(11) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of municipal wastewater and industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(12) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when

compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(13) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(14) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization and direct air capture and storage.

(15) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(16) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(17) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop production and will no longer be an emissions source.

(18) "Compliance instrument" means an allowance or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(19) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments equivalent to a covered or opt-in

entity's covered emissions during the compliance period.

(20) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(21) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(22) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under RCW 70A.65.080.

(23) "Covered entity" means a person that is designated by the department as subject to RCW 70A.65.060 through 70A.65.210.

(24) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.02.010.

(25) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

(26) "Department" means the department of ecology.

(27) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under RCW 70A.65.080(1)(c);

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is the public body or cooperative customer or direct service industrial customer; or

(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(28) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(29) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(30) "Emissions threshold" means the greenhouse gas emission level at or above which a person has a compliance obligation.

(31) "Environmental benefits" has the same meaning as defined in RCW 70A.02.010.

(32) "Environmental harm" has the same meaning as defined in RCW 70A.02.010.

(33) "Environmental impacts" has the same meaning as defined in RCW 70A.02.010.

(34) "Environmental justice" has the same meaning as defined in RCW 70A.02.010.

(35) "Environmental justice assessment" has the same meaning as identified in RCW 70A.02.060.

(36) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(37) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(38) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(39) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(40) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(41) "Holding limit" means the maximum number of allowances that may be held for

use or trade by a registered entity at any one time.

(42) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(43) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(44) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(45) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate activities to facilitate operation of a joint market.

(46) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(47) "Linked jurisdiction" means a jurisdiction with which Washington has entered into a linkage agreement.

(48) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(49) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(50) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(51) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(52) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(53) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(54) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts or risks due to exposure to environmental pollutants or contaminants through

multiple pathways, which may result in significant disparate adverse health outcomes or effects.

(a) "Overburdened community" includes, but is not limited to:

(i) Highly impacted communities as defined in RCW 19.405.020;

(ii) Communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151; and

(iii) Populations, including Native Americans or immigrant populations, who may be exposed to environmental contaminants and pollutants outside of the geographic area in which they reside based on the populations' use of traditional or cultural foods and practices, such as the use of resources, access to which is protected under treaty rights in ceded areas, when those exposures in conjunction with other exposures may result in disproportionately greater risks, including risks of certain cancers or other adverse health effects and outcomes.

(b) Overburdened communities identified by the department may include the same communities as those identified by the department through its process for identifying overburdened communities under RCW 70A.02.010.

(55) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(56) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(57) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(58) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(59) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(60) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the process for registration in the program registry.

(61) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(62) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(63) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(64) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(65) "Tribal lands" has the same meaning as defined in RCW 70A.02.010.

(66) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(67) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(68) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

Sec. 11. RCW 70A.65.140 and 2021 c 316 s 16 are each amended to read as follows:

(1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. ~~((In the event that))~~ If a jurisdiction with which the department ~~((has entered))~~ might enter into a linkage agreement has no emissions containment trigger price, the department ~~((shall))~~ may suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under RCW 70A.65.100;

(c) When facilities curtail or close consistent with RCW 70A.65.110(6); or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program

budget must be proportionate to the amount of emissions such a facility was previously using.

(5)(a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be subject to the regulatory cap and related requirements under this chapter.

Sec. 12. RCW 70A.65.170 and 2021 c 316 s 19 are each amended to read as follows:

(1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under this chapter ~~((316, Laws of 2021))~~. The protocols adopted by the department under this section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry ~~((after July 25, 2021, or within two years prior to July 25, 2021))~~.

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance

obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department, in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection.

(i) No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period.

(ii) No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in RCW 70A.65.200; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used (~~may~~ not) must:

(a) Not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under RCW 70A.65.070;

(b) Have been issued for reporting periods wholly after July 25, 2021, or

within two years prior to July 25, 2021; and

(c) Be consistent with offset protocols adopted by the department.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3)(b) and (e)(ii) of this section apply unless modified by rule as adopted by the department after a public consultation process.

Sec. 13. RCW 70A.65.030 and 2021 c 316 s 4 are each amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities

that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter (~~314, Laws of 2021~~) 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

Sec. 14. RCW 70A.65.040 and 2021 c 316 s 5 are each amended to read as follows:

(1) The environmental justice council created in RCW 70A.02.110 must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in RCW 70A.65.060

through 70A.65.210, and the programs funded from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, and ((from)) the climate investment account created in RCW 70A.65.250.

(2) In addition to the duties and authorities granted in chapter 70A.02 RCW to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in RCW 70A.65.060 through 70A.65.210 including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under RCW 70A.65.110, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in RCW 70A.65.250 for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under RCW 70A.65.020 and 70A.65.030; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

Sec. 15. RCW 70A.02.110 and 2021 c 314 s 20 are each amended to read as follows:

(1) The environmental justice council is established to advise covered agencies on incorporating environmental justice into agency activities.

(2) The council consists of 14 members, except as provided in RCW 70A.65.040(3), appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state. The members of the council shall elect two members to serve as cochairs for two-year terms. The council must include:

(a) Seven community representatives, including one youth representative, the nominations of which are based upon applied and demonstrated work and focus on environmental justice or a related field, such as racial or economic justice, and accountability to vulnerable populations and overburdened communities;

(i) The youth representative must be between the ages of 18 and 25 at the time of appointment;

(ii) The youth representative serves a two-year term. All other community representatives serve four-year terms, with six representatives initially being appointed to four-year terms and five being initially appointed to two-year terms, after which they will be appointed to four-year terms;

(b) Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor, plus two

tribal members as specified in RCW 70A.65.040. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives. The tribal representatives serve four-year terms. One representative must be initially appointed for a four-year term. The other representative must be initially appointed for a two-year term, after which, that representative must be appointed for a four-year term;

(c) Two representatives who are environmental justice practitioners or academics to serve as environmental justice experts, the nominations of which are based upon applied and demonstrated work and focus on environmental justice;

(d)(i) One representative of a business that is regulated by a covered agency and whose ordinary business conditions are significantly affected by the actions of at least one other covered agency; and

(ii) One representative who is a member or officer of a union representing workers in the building and construction trades; and

(e) One representative at large, the nomination of which is based upon applied and demonstrated work and focus on environmental justice.

(3) Covered agencies shall serve as nonvoting, ex officio liaisons to the council. Each covered agency must identify an executive team level staff person to participate on behalf of the agency.

(4) Nongovernmental members of the council must be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(5) The department of health must:

(a) Hire a manager who is responsible for overseeing all staffing and administrative duties in support of the council; and

(b) Provide all administrative and staff support for the council.

(6) In collaboration with the office of equity, the office of financial management, the council, and covered agencies, the department of health must:

(a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;

(b) Create statewide and agency-specific process and outcome measures to show performance:

(i) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing environmental disparities; and

(ii) Taking into consideration community feedback from the council on whether the performance measures established accurately measure the effectiveness of covered agency programs and services in the communities served; and

(c) Create an online performance dashboard to publish performance measures and outcomes as referenced in RCW 70A.02.090 for the state and each covered agency.

(7) The department of health must coordinate with the consolidated technology services agency to address cybersecurity and data protection for all data collected by the department.

(8)(a) With input and assistance from the council, the department of health must establish an interagency work group to assist covered agencies in incorporating environmental justice into agency decision making. The work group must include staff from each covered agency directed to implement environmental justice provisions under this chapter and may include members from the council. The department of health shall provide assistance to the interagency work group by:

(i) Facilitating information sharing among covered agencies on environmental justice issues and between agencies and the council;

(ii) Developing and providing assessment tools for covered agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iii) Providing technical assistance and compiling and creating resources for covered agencies to use; and

(iv) Training covered agency staff on effectively using data and tools for environmental justice assessments.

(b) The duties of the interagency work group include:

(i) Providing technical assistance to support agency compliance with the implementation of environmental justice into their strategic plans, environmental justice obligations for budgeting and funding criteria and decisions, environmental justice assessments, and community engagement plans;

(ii) Assisting the council in developing a suggested schedule and timeline for sequencing the types of: (A) Funding and expenditure decisions subject to rules; and (B) criteria incorporating environmental justice principles;

(iii) Identifying other policies, priorities, and projects for the council's review and guidance development;

(iv) Identifying goals and metrics that the council may use to assess agency performance in meeting the requirements of chapter 314, Laws of 2021 for purposes of communicating progress to the public, the governor, and the legislature; and

(v) Developing the guidance under subsection (9)(c) of this section in coordination with the council.

(9) The council has the following powers and duties:

(a) To provide a forum for the public to:

(i) Provide written or oral testimony on their environmental justice concerns;

(ii) Assist the council in understanding environmental justice priorities across the state in order to develop council recommendations to agencies for issues to prioritize; and

(iii) Identify which agencies to contact with their specific environmental justice concerns and questions;

(b)(i) The council shall work in an iterative fashion with the interagency work group to develop guidance for environmental justice implementation into covered agency strategic plans pursuant to RCW 70A.02.040, environmental justice assessments pursuant to RCW 70A.02.060, budgeting and funding criteria for making budgeting and funding decisions pursuant to RCW

70A.02.080, and community engagement plans pursuant to RCW 70A.02.050;

(ii) The council and interagency work group shall regularly update its guidance;

(c) In consultation with the interagency work group, the council:

(i) Shall provide guidance to covered agencies on developing environmental justice assessments pursuant to RCW 70A.02.060 for significant agency actions;

(ii) Shall make recommendations to covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and therefore should be considered significant agency actions that require an environmental justice assessment under RCW 70A.02.060;

(iii) Shall make recommendations to covered agencies:

(A) On the identification and prioritization of overburdened communities under this chapter; and

(B) Related to the use by covered agencies of the environmental and health disparities map in agency efforts to identify and prioritize overburdened communities;

(iv) May make recommendations to a covered agency on the timing and sequencing of a covered agencies' efforts to implement RCW 70A.02.040 through 70A.02.080; and

(v) May make recommendations to the governor and the legislature regarding ways to improve agency compliance with the requirements of this chapter;

(d) By December 1, 2023, and biennially thereafter, and with consideration of the information shared on September 1st each year in covered agencies' annual updates to the council required under RCW 70A.02.090, the council must:

(i) Evaluate the progress of each agency in applying council guidance, and update guidance as needed; and

(ii) Communicate each covered agency's progress to the public, the governor, and the legislature. This communication is not required to be a report and may take the form of a presentation or other

format that communicates the progress of the state and its agencies in meeting the state's environmental justice goals in compliance with chapter 314, Laws of 2021, and summarizing the work of the council pursuant to (a) through (d) of this subsection, and subsection (11) of this section; and

(e) To fulfill the responsibilities established for the council in RCW 70A.65.040.

(10) By November 30, 2023, and in compliance with RCW 43.01.036, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to covered agencies on the identification of significant agency actions requiring an environmental justice assessment under subsection (9)(c)(ii) of this section;

(b) The summary of covered agency progress reports provided to the council under RCW 70A.02.090(1), including the status of agency plans for performing environmental justice assessments required by RCW 70A.02.060; and

(c) Guidance for environmental justice implementation into covered agency strategic plans, environmental justice assessments, budgeting and funding criteria, and community engagement plans under subsection (9)(c)(i) of this section.

(11) The council may:

(a) Review incorporation of environmental justice implementation plans into covered agency strategic plans pursuant to RCW 70A.02.040, environmental justice assessments pursuant to RCW 70A.02.060, budgeting and funding criteria for making budgeting and funding decisions pursuant to RCW 70A.02.080, and community engagement plans pursuant to RCW 70A.02.050;

(b) Make recommendations for amendments to this chapter or other legislation to promote and achieve the environmental justice goals of the state;

(c) Review existing laws and make recommendations for amendments that will further environmental justice;

(d) Recommend to specific agencies that they create environmental justice-focused, agency-requested legislation;

(e) Provide requested assistance to state agencies other than covered agencies that wish to incorporate environmental justice principles into agency activities; and

(f) Recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental justice.

(12) The role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization.

(13) The department of health must convene the first meeting of the council by January 1, 2022.

(14) All council meetings are subject to the open public meetings requirements of chapter 42.30 RCW and a public comment period must be provided at every meeting of the council."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5868

Prime Sponsor, Senator Hawkins: Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2012 c 225 s 4 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate

of tax may not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between ~~((sixty))~~ 60 and ~~((one hundred))~~ 100 persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue must perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section may only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040, or provide affordable workforce housing infrastructure or facilities. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county, or provide affordable workforce housing infrastructure or facilities.

(b) In implementing this section, the county must consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section must report, as follows, to the office of the state auditor, within ~~((one hundred fifty))~~ 150 days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this

subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged may not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroads, electrical facilities, natural gas facilities, research, testing, training, and incubation facilities in innovation partnership zones designated under RCW 43.330.270, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, ~~((and))~~ port facilities in the state of Washington, or affordable workforce housing infrastructure or facilities.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county, including affordable workforce housing infrastructure or facilities.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(iv) "Affordable workforce housing infrastructure or facilities" means housing infrastructure or facilities that a qualifying provider uses for housing for a single person, family, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located.

(v) "Qualifying provider" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or

35.21.730, or a county or municipal corporation.

(4) No tax may be collected under this section before July 1, 1998.

(a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than (~~twenty five~~) 25 years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is (~~twenty five~~) 25 years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than (~~one hundred~~) 100 persons per square mile or a county smaller than (~~two hundred twenty five~~) 225 square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member; Stokesbary and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member and Chase.

Referred to Committee on Rules for second reading.

February 24, 2022

E2SSB 5885 Prime Sponsor, Committee on Ways & Means: Concerning marine shoreline habitat. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must conduct a baseline survey of Puget Sound marine shorelines that renews oblique shoreline aerial imagery and incorporates the use of new technology to create a 360 degree on-the-water comprehensive view of the shoreline. The initial marine oblique aerial and on-the-water imagery must be completed by June 30, 2023, and updated on a regular five-year cycle thereafter. The initial marine shoreline survey must be completed by June 30, 2024, and updated on a regular five-year cycle thereafter. The survey must document and map existing shoreline conditions, structures, and structure conditions, including structures in disrepair and structures and vessels that potentially are derelict, and must be available to the public and incorporated into state geographic information system mapping.

(2) The imaging acquired as part of the survey may be used to evaluate whether, on an aggregate basis, state programs and regulations are succeeding in meeting their objectives with regard to the health of Puget Sound. The imaging acquired as part of the survey may not be used in any civil or criminal enforcement proceeding by any state or local agency.

(3) For the purposes of this section, "Puget Sound" means the marine waters of Washington east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area including, but not limited to, the San Juan Islands and connected waterways, and the marine waters south of Admiralty Inlet, including Hood Canal, to the extent that these waters are within the territorial boundaries of Washington."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Fey; Harris-Talley; Ramel; Shewmake and Slatter.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke and Goehner.

Referred to Committee on Appropriations.

February 24, 2022

SSB 5910 Prime Sponsor, Committee on Environment, Energy & Technology: Accelerating the availability and use of renewable hydrogen in Washington state.

Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT AND FINDINGS. (1) The legislature finds that while hydrogen fuel has been used in a variety of applications in the state, the source of hydrogen has been derived from fossil fuel feedstocks, such as natural gas. Hydrogen is an essential building block and energy carrier molecule that is necessary in the production of conventional and renewable fuels and a valuable decarbonization tool when used in sectors such as marine, aviation, steel, aluminum, and cement, as well as surface transportation including light to heavy-duty vehicles, such as transit, trucking, and drayage equipment. Hydrogen can be a carbon-free fuel with an energy per unit mass that is three to four times greater than jet fuel, whose energy can be extracted either through thermochemical (combustion) or electrochemical (fuel cell) processes. In both cases, the only by-product is water, instead of the greenhouse gases and other conventional and toxic pollutants that are emitted from using fossil fuels.

(2) The legislature further finds that the use of renewable hydrogen and hydrogen produced from carbon-free feedstocks through electrolysis is an essential tool to a clean energy ecosystem and emissions reduction for challenging infrastructure needs. Clean hydrogen fuel can be produced or "charged" closer to the generation of the electricity when the electrical supply grid has surplus energy, at times of low electricity use, such as evenings, then made available at times of higher need and convenient locations, such as fueling stations, avoiding the need to build or upgrade larger electrical infrastructure, including distribution systems, to meet higher peak demand for electricity.

(3) Therefore, the legislature intends by this act to establish policies and a framework for the state to become a national and global leader in the production and use of these hydrogen fuels. This act will create an office of renewable fuels to: Promote partnerships among industrial, transportation,

agriculture, and commercial interests as well as fuel producers, the technology research sector, and public sector agencies; identify barriers to and opportunities for market development; provide greater clarity and certainty in regulatory and siting standards; provide incentives and financial assistance in the deployment of hydrogen fuel infrastructure; support a clean and just energy transition; help create good quality, clean energy jobs; and improve air quality in degraded areas, particularly in communities that have borne disproportionate levels of air pollution from the combustion of fossil fuels.

Part 1

OFFICE OF RENEWABLE FUELS

NEW SECTION. Sec. 101. A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 102, 103, and 104 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Green electrolytic hydrogen" means hydrogen produced through electrolysis and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(3) "Office" means the statewide office of renewable fuels established in section 102 of this act.

(4) "Overburdened communities" has the same meaning as defined in RCW 70A.02.010.

(5) "Renewable fuel" means fuel produced using renewable resources and includes renewable hydrogen.

(6) "Renewable hydrogen" has the same meaning as defined in RCW 54.04.190.

(7) "Renewable resource" has the same meaning as defined in RCW 19.405.020.

NEW SECTION. Sec. 102. A new section is added to chapter 43.330 RCW to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The

office may employ staff as necessary to carry out the office's duties as prescribed by this act, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Enhance resiliency by using renewable fuels and green electrolytic hydrogen to support climate change mitigation and adaptations; and

(e) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

NEW SECTION. Sec. 103. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels and green electrolytic hydrogen initiatives, policies, and public and private investments;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in section 104 of this act.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

NEW SECTION. Sec. 104. A new section is added to chapter 43.330 RCW to read as follows:

The renewable fuels accelerator account is created in the state treasury. Revenues to the account consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes designated in sections 102, 103, and 201 of this act. Only the director or the director's designee may authorize expenditures from the account.

Part 2

FEDERAL FUNDING

NEW SECTION. **Sec. 201.** (1)(a) The legislature finds that the federal infrastructure investment and jobs act, P.L. 117-58, provides \$8,000,000,000 over five years to support the development of regional clean hydrogen hubs. The federal infrastructure investment and jobs act requires the United States secretary of energy to establish a program to fund at least four regional hubs to aid in achieving a hydrogen fuel production carbon intensity standard provided in that legislation; to demonstrate the production, processing, delivery, storage, and end use of hydrogen; and that can be developed into a national network to facilitate a clean hydrogen economy. The federal infrastructure investment and jobs act requires the secretary of energy to select regional hubs that demonstrate a diversity of feedstocks, a diversity of end uses, and a diversity of geographic regions of the country. The federal infrastructure investment and jobs act requires the secretary of energy to solicit proposals for regional hubs by May 15, 2022, and to make selections of the hubs within one year after the deadline for submission of proposals.

(b) The legislature further finds that Washington state is strongly positioned to develop a regional clean energy hub meeting the criteria of the federal infrastructure investment and jobs act because the state:

(i) Has adopted a state energy strategy that recognizes hydrogen as an integral part of the state's decarbonization pathway;

(ii) Has an abundance of low cost, low carbon, reliable electricity as the

primary energy resource for production of clean hydrogen;

(iii) Already has under construction the nation's first renewable hydrogen electrolyzer and has several hydrogen fueling facilities as well as production facilities in planning and design phases;

(iv) Has multiple manufacturers designing, engineering, and manufacturing fuel cell electric engines and zero-emission vehicles, vessels, and airplanes;

(v) Has numerous industrial, maritime, and freight shipping concerns that are moving toward cleaner fuels and that would help provide demand for hydrogen, as well as state and local governments currently considering hydrogen uses;

(vi) Has a demonstrated track record of building partnerships across the public and private sector to advance clean energy technologies;

(vii) Has policies in place supporting and engaging overburdened communities, including the healthy environment for all act, which will facilitate alignment with the justice40 initiative; and

(viii) Has policies, including tax incentives, that support high labor standards in clean energy production.

(c) The legislature further finds that the state may help to promote and strengthen applications for regional hydrogen hub federal funding through state funding assistance to support a timely and competitive application to the United States department of energy by a public-private partnership entity that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state.

(2) Subject to amounts appropriated for this specific purpose, the director of the department of commerce must provide support to a public-private partnership entity as described in subsection (1)(c) of this section, which may include department staff support and direct funding. The entity should:

(a) Agree to prepare a timely and responsive application for federal funding to develop a regional clean hydrogen hub in Washington state, consistent with the requirements of the

federal application process and the policies and strategy of the state of Washington;

(b) Demonstrate meaningful engagement with a range of entities across the state, including federally recognized tribes, labor unions, and communities around the state including overburdened communities, in the development of a hydrogen hub;

(c) Include entities that provide training and expand employment opportunities for the hydrogen workforce, including labor organizations, institutions of higher education, community and technical colleges, and vocational institutions; and

(d) Include specific commitments, as required by the federal application, from industries, transportation agencies, utilities, and other public and private sector entities to assist in funding the application and to develop plans to either construct infrastructure for or to incorporate, or both, the production, distribution, and end use of renewable hydrogen and green electrolytic hydrogen fuels into their transition to cleaner energy.

(3) In addition to the assistance in applying for federal funding provided through subsection (2) of this section, the legislature intends that the state fully support a regional clean energy hub in the state, including further direct financial assistance in developing the hub and the acquisition of hydrogen fuels for state agency and local government uses.

Part 3

UTILITIES AND TRANSPORTATION COMMISSION REPORT

NEW SECTION. **Sec. 301.** (1) By December 1, 2024, the utilities and transportation commission must submit to the appropriate committees of the senate and house of representatives a report addressing the following regarding advancing the production and use of hydrogen by private companies as an energy storage resource or fuel in the state:

(a) Whether the rates and services of hydrogen fuels distributed through natural gas distribution infrastructure is within the regulation of the utilities and transportation commission, or

whether such jurisdiction should be assigned by the legislature as such regulation is provided for other public service companies, such as natural gas companies;

(b) Whether electric utilities regulated by the commission should analyze the costs and benefits of adopting special tariffs for the production of green electrolytic hydrogen and renewable hydrogen fuels;

(c) Recommended standards, including safety standards, for blending of nonfossil feedstock hydrogen into natural gas distribution infrastructure; and

(d) The role that nonfossil feedstock hydrogen may serve as the state reduces greenhouse gas emissions from fossil natural gas, including findings and recommendations included in the commission's decarbonization inquiry required under section 143, chapter 334, Laws of 2021.

(2) This section expires June 30, 2025.

Part 4

MISCELLANEOUS

NEW SECTION. **Sec. 401.** Sections 104 and 201 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 402.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno; Berry; Boehnke; Fey; Goehner; Harris-Talley; Ramel; Shewmake and Slatter.

Referred to Committee on Appropriations.

February 24, 2022

ESB 5919

Prime Sponsor, Senator Van De Wege:
Concerning the standard for law enforcement authority to detain or pursue

persons. (REVISED FOR ENGROSSED: Concerning the definition of "physical force," "necessary," and "totality of the circumstances," and the standard for law enforcement authority to use physical force and providing the authority for a peace officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards.) Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not engage in a vehicular pursuit, unless:

(a) ~~((+))~~ There is ~~((probable cause to believe))~~ reasonable suspicion that a person in the vehicle has committed or is committing a violent offense ~~((or sex offense))~~ as defined in RCW 9.94A.030, ~~((or))~~ an escape under chapter 9A.76 RCW ~~((+))~~, or

~~((+))~~ ~~((ii))~~ ~~There is reasonable suspicion a person in the vehicle has committed or is committing))~~ a driving under the influence offense under RCW 46.61.502;

(b) ~~((The pursuit is necessary for the purpose of identifying or apprehending the person;))~~

~~((+))~~ The person poses ~~((an imminent threat to the safety of others))~~ a threat of serious injury or death to another person, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; ~~((and~~

~~((d))~~ ~~((i))~~ ~~Except as provided in (d)(ii) of this subsection, the officer has received authorization to engage in the pursuit from))~~

(c) The pursuing officer notifies a supervising officer ((and there)) immediately upon initiating the vehicular pursuit;

(d) There is supervisory ((control)) oversight of the pursuit((. The officer in consultation with the)) by a supervising officer ((must consider alternatives to the vehicular pursuit. The supervisor must consider)), and the

supervising officer evaluates the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle((, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

~~((ii)) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider)), and considers alternatives to the vehicular pursuit~~((. The justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.~~~~

~~((2)) A pursuing officer shall comply);~~

(e) The pursuing officer and supervising officer comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit ((and comply));

(f) The supervising officer, the pursuing officer, or dispatcher notifies other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit, and the pursuing officer and supervising officer comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

(g) The pursuing officer is able to directly communicate with other officers engaging in the pursuit, the supervising officer, and the dispatch agency, such as being on a common radio channel or having other direct means of communication;

(h) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, or responsible agency develops a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of

spike strips or other tire deflation devices, or other department-authorized pursuit intervention tactics; and

(i) The pursuing officer has completed an emergency vehicle operator's course, has completed updated emergency vehicle operator training in the previous two years, and is certified in at least one pursuit intervention option.

(2) A vehicular pursuit not meeting the requirements under subsection (1) of this section must be terminated.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by

increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Davis; Griffey; Hackney; Orwall and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Johnson, J., Vice Chair; Klippert, Assistant Ranking Minority Member; Graham; Simmons and Thai.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's supplemental and 2nd supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 25, 2022, the 47th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 25, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4660, by Representatives Chambers, Boehnke, Fitzgibbon, Volz, J. Johnson, Cody, Walsh, Gilday, Klicker, Senn, Slatter, MacEwen, Orwall, Graham, Sells, Shewmake, Young, Chase, Eslick, Macri, Jacobsen, Thai, Wicks, Dufault, Duerr, Walen, Sutherland, Rude, Goehner, Caldier, Santos, Dye, Ybarra, Abbarno, Dent, Schmick, Mosbrucker, Kraft, Orcutt, Callan, Stokesbary, Bateman, Ramel, Ramos, Chandler, Hoff, Goodman, Riccelli, Corry, Barkis, Stonier, Rule, Ortiz-Self, Griffey, Hackney, Paul, Leavitt, McCaslin, Robertson, Klippert, and Springer

WHEREAS, Ukraine is a diverse nation, home to Ukrainians, Crimean Tatars, Jews, Poles, and other ethnic groups; and

WHEREAS, Washington State is now home to over 70,000 Ukrainian Americans and is one of six states with the highest number of Ukrainian immigrants; and

WHEREAS, Many Ukrainians immigrated to Washington State fleeing Soviet persecution for their beliefs, seeking personal and religious freedoms in the United States; and

WHEREAS, Ukrainian immigrants in Washington State have formed groups and associations, such as the Pacific Ukrainian Society, the Ukrainian Association of Washington State, Ukrainian SeaTac Youth, Ukrainian Dance Ensemble, Ukrainian Community Center of Washington, and numerous Ukrainian churches, which preserve and celebrate Ukrainian culture, heritage, and religion, and support new immigrants; and

WHEREAS, Ukrainian Americans in Washington State have enriched our state through their leadership and contributions in agriculture, business academia, government, and the arts; and

WHEREAS, The Ukrainian American community shares its rich history, culture, traditions, and gastronomy with numerous events, such as the Northwest Ukrainian International Festival organized by the Pacific Ukrainian Society, and celebrations of International Dance, the birthday of poet Taras Shevchenko, and Ukrainian Independence Day organized by the Ukrainian Association of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the important role Ukrainian Americans play in the civil, cultural, and economic life of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorary Consult of Ukraine in Seattle and to the Embassy of Ukraine in the United States of America for appropriate distribution.

There being no objection, HOUSE RESOLUTION NO. 4660 was adopted.

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

INTRODUCTION & FIRST READING

HB 2127 by Representative Young

AN ACT Relating to the Tacoma Narrows bridge toll debt; and amending RCW 47.46.190, 47.46.200, and 47.46.110.

Referred to Committee on Transportation.

HB 2128 by Representatives Santos and Fitzgibbon

AN ACT Relating to imposing an impact assessment fee on the admission to events at certain facilities to fund the related community preservation and development authority; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.167 RCW; and providing an effective date.

Referred to Committee on Finance.

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

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

MOTIONS

There being no objection, the Committee on Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 5252 and SUBSTITUTE SENATE BILL NO. 5785, and the bills were referred to the Committee on Rules.

There being no objection, the Committee on Transportation was relieved of ENGROSSED

SUBSTITUTE SENATE BILL NO. 5974, and the bill was referred to the Committee on Rules.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4658, by Representative Bateman

WHEREAS, The Women's Army Corps (WAC) was the women's branch of the United States Army, created as an auxiliary unit in May of 1942 and converted to full status as the WAC in 1943; and

WHEREAS, These women faced opposition by both the conservative leadership of the Army and general public opinion; and

WHEREAS, Approximately 150,000 American women served in World War II, the first women, other than nurses, to serve in the Army; and

WHEREAS, These groundbreaking women were highly valued by generals such as General Douglas MacArthur and General Dwight Eisenhower who said, "their contributions in efficiency, skill, spirit and determination are immeasurable"; and

WHEREAS, Other branches of the United States military had women's units including the Navy (WAVES), the Coast Guard (SPARS), the (civilian) Women Airforce Service Pilots (WASP), and Women in Air Force (WAF); and

WHEREAS, The WAC disbanded in 1978, allowing women to serve in the same units alongside the men; and

WHEREAS, Women have only been allowed in or near combat situations since 1994, when United States Defense Secretary Les Aspin ordered the removal of "substantial risk of capture" from the list of grounds for excluding women from certain military units; and

WHEREAS, Women who served our country through these long years deserve our respect and gratitude both for their contributions to our military and for the furtherance of women's rights and equality in the United States; and

WHEREAS, June 12, 2022, will mark the 74th anniversary of the groundbreaking Women's Armed Services Integration Act, signed into law by President Harry S. Truman on June 12, 1948;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join in acknowledging the anniversary of this day in recognition of the courageous service of women in the military.

There being no objection, HOUSE RESOLUTION NO. 4658 was adopted.

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1792

HOUSE BILL NO. 2024

HOUSE BILL NO. 2099

HOUSE BILL NO. 1814

HOUSE BILL NO. 1530

SUBSTITUTE SENATE BILL NO. 5252

SUBSTITUTE SENATE BILL NO. 5376

ENGROSSED SUBSTITUTE SENATE BILL NO.

5245

SUBSTITUTE SENATE BILL NO. 5546

ENGROSSED SUBSTITUTE SENATE BILL NO.

5082

SUBSTITUTE SENATE BILL NO. 5564

There being no objection, the Committee on Appropriations was relieved of SENATE BILL NO. 5657, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:00 a.m., February 26, 2022, the 48th Legislative Day of the Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

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

2022 Regular Session
Convened January 10, 2022
Adjourned Sine Die March 10, 2022

VOLUME 2



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

Compiled and edited by Gary Holt, House Journal Clerk

VOLUME 1

2022 Regular Session January 10, 2022: Day 1 - 471

VOLUME 2

2022 Regular Session January 10, 2022: Day 48 - 53841

VOLUME 3

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY EIGHTH DAY

House Chamber, Olympia, Saturday, February 26, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Dave Wright, Chaplain, University of Puget Sound.

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

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

MESSAGES FROM THE SENATE

February 25, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1286,
HOUSE BILL NO. 1719,
SUBSTITUTE HOUSE BILL NO. 1735,
HOUSE BILL NO. 1798,
SUBSTITUTE HOUSE BILL NO. 1878,
HOUSE BILL NO. 1899,

and the same are herewith transmitted.

Sarah Bannister, Secretary

February 25, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5085,
SUBSTITUTE SENATE BILL NO. 5488,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5689,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5693,
SUBSTITUTE SENATE BILL NO. 5975,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2129 by Representatives Young, Graham and Chase

AN ACT Relating to the valuation of property for purposes of state property tax levies; amending RCW 84.40.030; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 2024, by Representatives Fey, Valdez, Macri and Pollet

Concerning a sales and use tax deferral for projects to improve the state route number 520 corridor.

The bill was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Peterson was excused.

On motion of Representative Griffey, Representatives Robertson and Klippert were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2024.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2024, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault and Kraft.

Excused: Representatives Klippert, Peterson and Robertson.

HOUSE BILL NO. 2024, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2099, by Representatives Berg, Frame and Sutherland

Improving tax administration by waiving penalties and imposing interest in certain situations involving delayed tax payments, and by extending a statute of limitations period for certain egregious tax crimes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2099 was substituted for House Bill No. 2099 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2099 was read the second time.

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

Representatives Berg and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2099.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2099, and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Corry, Dufault, Kraft, MacEwen, McCaslin, McEntire, Vick, Walsh and Young.

Excused: Representatives Klippert, Peterson and Robertson.

SUBSTITUTE HOUSE BILL NO. 2099, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1814, by Representatives Shewmake, Berry, Bateman, Duerr, Macri, Ramel, Paul, Bergquist, Fitzgibbon, Pollet, Harris-Talley and Kloba

Expanding equitable access to the benefits of renewable energy through community solar projects.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1814 was substituted for House Bill No. 1814 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1814 was read the second time.

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

Representatives Shewmake and Fey spoke in favor of the passage of the bill.

Representatives Dye, Orcutt and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1814.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1814, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 3.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J.

Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representatives Klippert, Peterson and Robertson.

SECOND SUBSTITUTE HOUSE BILL NO. 1814, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5252, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C.)

Concerning school district consultation with local tribes.

The bill was read the second time.

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

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5252.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5252, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Klippert, Peterson and Robertson.

SUBSTITUTE SENATE BILL NO. 5252, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5376, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña)

Promoting awareness of the governor's office of the education ombuds.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5376, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5376, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Klippert, Peterson and Robertson.

SUBSTITUTE SENATE BILL NO. 5376, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5546, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Van De Wege, Cleveland, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford and Wilson, C.)

Concerning insulin affordability.

The bill was read the second time.

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

Representatives Cody and Maycumber spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5546.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5546, and the bill passed the House by the following vote: Yeas, 85; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Harris, Kraft, MacEwen, McEntire, Stokesbary, Vick, Walsh and Wilcox.

Excused: Representatives Klippert, Peterson and Robertson.

SUBSTITUTE SENATE BILL NO. 5546, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5564, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford and Wilson, C.)

Protecting the confidentiality of employees using employee assistance programs.

The bill was read the second time.

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

Representatives Sells and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5564.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5564, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Klippert, Peterson and Robertson.

SUBSTITUTE SENATE BILL NO. 5564, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1530, by Representatives Chambers, Springer, Klicker, Jacobsen, Sutherland and Eslick

Creating Washington wine special license plates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1530 was substituted for House Bill No. 1530 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1530 was read the second time.

Representative Chambers moved the adoption of amendment (1149):

On page 14, beginning on line 26, after "to the" strike "Washington tourism alliance" and insert "State of Washington Tourism"

Representatives Chambers and Fey spoke in favor of the adoption of the amendment.

Amendment (1149) was adopted.

The bill was ordered engrossed.

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

Representatives Chambers, McCaslin and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1530.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1530, and the bill passed the House by the following vote: Yeas, 84; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Riccelli, Rude, Rule, Santos, Schmick, Sells, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Callan, Davis, Entenman, Goodman, Leavitt, McEntire, Ormsby, Ramos, Ryu, Senn and Simmons.

Excused: Representatives Klippert, Peterson and Robertson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530, having received the necessary constitutional majority, was declared passed.

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

SUPPLEMENTAL INTRODUCTION & FIRST READING

SSB 5085 by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

AN ACT Relating to modifying the alternative fuel vehicle fee for electric motorcycles; amending RCW 46.17.323; and providing an effective date.

Referred to Committee on Transportation.

SSB 5488 by Senate Committee on Transportation (originally sponsored by Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.)

AN ACT Relating to state contributions in support of the Tacoma Narrows toll bridge; and amending RCW 47.56.165, 47.46.190, and 47.46.200.

Referred to Committee on Transportation.

SSB 5651 by Senate Committee on Ways & Means (originally sponsored by Frockt)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.83B.430; amending 2021 c 332 ss 1008, 1014, 1015, 1018, 1021, 1023, 1025, 1036, 1055, 1063, 1064, 1066, 1068, 1071, 1075, 1048, 1052, 1084, 1085, 1086, 1087, 1092, 1094, 1089, 1024, 1082, 1095, 1096, 1097, 1104, 1114, 1120, 1121, 1123, 2002, 2006, 2012, 2014, 2016, 2046, 2047, 2048, 2050, 2062, 2063, 2065, 2066, 2068, 2069, 2071, 2072, 2075, 2076, 2080, 2082, 2084, 2085, 2086, 2095, 2104, 2106, 2107, 2102, 3071, 3084, 3086, 3112, 3129, 3130, 3133, 3134, 3136, 3138, 3143, 3147, 3149, 3151, 3154, 3164, 3165, 3168, 3171, 3173, 3178, 3183, 3184, 3185, 3187, 3188, 3189, 3190, 3195, 3197, 3201, 3221, 3229, 3230, 3232, 3218, 3253, 3254, 3255, 3273, 3274, 3281, 3292, 3298, 3305, 3306, 3308, 3313, 3317, 3319, 3326, 3328, 5002, 5005, 5010, 5015, 5018, 5019, 5023, 5038, 5039, 5044, 5051, 5054, 5070, 5083, 5093, 5094, 5096, 5101, 5104, 5107, 5111, 5112, 5115, 5153, 5170, 7001, 7002, 7012, 7020, and 7041 (uncodified); reenacting and amending RCW 43.155.050; adding new sections to 2021 c 332 (uncodified); creating new sections; repealing 2021 c 332 ss 2093 and 5024 (uncodified); and declaring an emergency.

ESSB 5689 by Senate Committee on Transportation (originally sponsored by Lias, Saldaña, Nguyen, Nobles and Wilson, C.)

AN ACT Relating to transportation funding and appropriations; amending RCW 47.01.071, 46.01.385, 47.01.505, 70A.205.415, 81.104.160, and 82.44.200; amending 2021 c 333 ss 101, 103, 105, 106, 107, 109, 110, 111, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 313, 401, 402, 403, 404, 405, 406, 407, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 601, and 606 (uncodified); adding new sections to 2021 c 333 (uncodified); creating a new section; repealing 2021 c 333 ss 526, 527, 528, 529, 530, 531, 532, and

537 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

February 24, 2022

ESSB 5693 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Wilson, L. and Nguyen)

AN ACT Relating to fiscal matters; amending RCW 28C.04.525, 41.60.050, 43.31.605, 43.41.450, 43.43.837, 43.79.505, 43.83B.430, 43.101.435, 43.216.1368, 43.216.270, 43.348.080, 50A.10.030, 70A.200.140, 74.46.561, 76.04.516, and 79A.80.020; amending 2021 c 334 ss 1, 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 704, 705, 715, 718, 753, 706, 723, 724, 748, 801, 802, 803, 805, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 928, 929, 930, 932, 933, 934, 935, 936, 940, 941, 942, 943, 945, 946, 947, 948, and 939 (uncodified); adding new sections to chapter 43.79 RCW; adding new sections to 2021 c 334 (uncodified); repealing 2021 c 334 ss 730, 731, 732, 733, 734, 735, 736, 737, 749, and 752 (uncodified); making appropriations; and declaring an emergency.

SSB 5975 by Senate Committee on Transportation (originally sponsored by Liias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 and ENGROSSED SUBSTITUTE SENATE BILL NO. 5693 which were read the first time, and under suspension of the rules, were placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

HB 1786

Prime Sponsor, Representative Fey: Making supplemental transportation appropriations for the 2021-2023 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Griffey; Hackney; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner; Klicker and Sutherland.

Referred to Committee on Rules for second reading.

February 25, 2022

HB 1918

Prime Sponsor, Representative Macri: Reducing emissions from outdoor power equipment. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 25, 2022

ESSB 5531

Prime Sponsor, Committee on Ways & Means: Concerning the revised uniform unclaimed property act. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART 1

GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** SHORT TITLE.
This chapter may be cited as the revised uniform unclaimed property act.

NEW SECTION. **Sec. 102.** DEFINITIONS.
The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the department of revenue established under RCW 82.01.050.

(2) "Administrator's agent" means a person with which the administrator contracts to conduct an examination under sections 1001 through 1013 of this act on behalf of the administrator. The term includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.

(3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

(4) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the investment company act of 1940, as amended, 15 U.S.C. Secs. 80a-1 through 80a-64, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.

(5) "Confidential information" means records, reports, and information that are confidential under section 1402 of this act.

(6) "Domicile" means:

(a) For a corporation, the state of its incorporation;

(b) For a business association whose formation requires a filing with a state, other than a corporation, the state of the principal place of business of such a business association, if formed under the laws of a state other than the state in which its principal place of business is located, unless determined to be otherwise by a court of competent jurisdiction;

(c) For a federally chartered entity or an investment company registered under

the investment company act of 1940, as amended, 15 U.S.C. Secs. 80a-1 through 80a-64, the state of its home office; and

(d) For any other holder, the state of its principal place of business.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(8) "Email" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(9) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(10) "Game-related digital content" means digital content that exists only in an electronic game or electronic game platform. The term:

(a) Includes:

(i) Game-play currency such as a virtual wallet, even if denominated in United States currency; and

(ii) The following if for use or redemption only within the game or platform or another electronic game or electronic game platform:

(A) Points sometimes referred to as gems, tokens, gold, and similar names; and

(B) Digital codes; and

(b) Does not include an item that the issuer:

(i) Permits to be redeemed for use outside a game or platform for:

(A) Money; or

(B) Goods or services that have more than minimal value; or

(ii) Otherwise monetizes for use outside a game or platform.

(11) "Gift certificate" means a record described in RCW 19.240.010, and includes both gift cards and gift certificates, including both tangible instruments and electronic records.

(12) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter.

(13) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and worker compensation insurance.

(14) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

(15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this state other than this chapter.

(16) "Mineral proceeds" means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(a) For the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(b) For the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(c) Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farm-out agreement.

(17) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

(18) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

(19) "Net card value" means the original purchase price or original issued value of a stored value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law.

(20) "Nonfreely transferable security" means a security that cannot be delivered to the administrator by the depository trust clearing corporation or similar custodian of securities providing posttrade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(21) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner. The term includes:

(a) A depositor, for a deposit;

(b) A beneficiary, for a trust other than a deposit in trust;

(c) A creditor, claimant, or payee, for other property; and

(d) The lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

(22) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E, 12 C.F.R. Part 1005, as it existed on the effective date of this section.

(23) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(24) "Property" means tangible property described in section 205 of this act or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government, governmental subdivision, agency, or instrumentality. The term:

(a) Includes all income from or increments to the property;

(b) Includes property referred to as or evidenced by:

(i) Money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;

(ii) A credit balance, customer's overpayment, stored value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;

(iii) A security except for:

(A) A worthless security; or

(B) A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;

(iv) A bond, debenture, note, or other evidence of indebtedness;

(v) Money deposited to redeem a security, make a distribution, or pay a dividend;

(vi) An amount due and payable under an annuity contract or insurance policy; and

(vii) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee savings, supplemental unemployment insurance, or a similar benefit; and

(c) Does not include:

(i) Property held in a plan described in section 529A of the internal revenue code, as it existed on the effective date of this section, 26 U.S.C. Sec. 529A;

(ii) Game-related digital content;

(iii) A loyalty card;

(iv) A gift certificate complying with chapter 19.240 RCW;

(v) Store credit for returned merchandise; and

(vi) A premium paid by an agricultural fair by check. For the purposes of this subsection, the following definitions apply:

(A) "Agricultural fair" means a fair or exhibition that is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related manufactured products and arts, including products of the farm home and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farmers and rural living; and

(B) "Premium" means an amount paid for exhibits and educational contests, displays, and demonstrations of an educational nature. A "premium" does not include judges' fees and expenses; livestock sale revenues; or prizes or amounts paid for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

(25) "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this chapter or the administrator or a court makes a final determination that the person is or is not a holder.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Security" means:

(a) A security as defined in RCW 62A.8-102;

(b) A security entitlement as defined in RCW 62A.8-102, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) Registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) Payable to the order of the person; or

(iii) Specifically indorsed to the person; or

(c) An equity interest in a business association not included in (a) or (b) of this subsection.

(28) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Stored value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record. The term:

(a) Includes:

(i) A record that contains or consists of a microprocessor chip, magnetic strip, or other means for the storage of information, which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; and

(ii) A payroll card; and

(b) Does not include a loyalty card, gift certificate, or game-related digital content.

(31) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(a) Transmission of communications or information;

(b) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or

(c) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

(32) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(a) The software or protocols governing the transfer of the digital representation of value;

(b) Game-related digital content; or

(c) A loyalty card or gift certificate.

(33) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this chapter.

NEW SECTION. **Sec. 103.** INAPPLICABILITY TO FOREIGN TRANSACTION. This chapter does not apply to property held, due, and owing in a foreign country if the transaction out of which the property arose was a foreign transaction.

NEW SECTION. **Sec. 104.** RULE MAKING. The administrator may adopt rules under chapter 34.05 RCW to implement and administer this chapter.

PART 2

PRESUMPTION OF ABANDONMENT

NEW SECTION. **Sec. 201.** WHEN PROPERTY PRESUMED ABANDONED. Subject to section 209 of this act, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) A traveler's check, 15 years after issuance;

(2) A money order, five years after issuance;

(3) A state or municipal bond, bearer bond, or original issue discount bond, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(4) A debt of a business association, three years after the obligation to pay arises;

(5) A demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the later of maturity, if applicable, of the deposit or the owner's last indication of interest in the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

(6) Money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;

(7) An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after

the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(a) With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:

(i) The insurance company has knowledge of the death of the insured; or

(ii) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

(b) With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant;

(8) Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;

(9) Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

(10) Property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

(11) Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;

(12) A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable; and

(13) Payroll card, one year after the amount becomes payable; and

(14) Property not specified in this section or section 202 through 207 of this act, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

NEW SECTION. Sec. 202. WHEN TAX DEFERRED RETIREMENT ACCOUNT PRESUMED

ABANDONED. (1) Subject to section 209 of this act, property held in a pension account or retirement account that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the later of:

(a) The following dates:

(i) Except as in (a)(ii) of this subsection, the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service; or

(ii) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States postal service; or

(b) The earlier of the following dates:

(i) The date the apparent owner becomes 72 years of age, if determinable by the holder; or

(ii) If the internal revenue code, as it existed on the effective date of this section, 26 U.S.C. Sec. 1 et seq., requires distribution to avoid a tax penalty, two years after the date the holder:

(A) Receives confirmation of the death of the apparent owner in the ordinary course of its business; or

(B) Confirms the death of the apparent owner under subsection (2) of this section.

(2) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subsection (1)(b) of this section applies, the holder shall attempt not later than 90 days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

(3) If the holder does not send communications to the apparent owner of an account described in subsection (1) of this section by first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in the property by sending the apparent owner an email communication not later than two years after the apparent owner's last indication of interest in the property.

However, the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:

(a) The holder does not have information needed to send the apparent owner an email communication or the holder believes that the apparent owner's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The apparent owner does not respond to the email communication not later than 30 days after the communication was sent.

(4) If first-class United States mail sent under subsection (3) of this section is returned to the holder undelivered by the United States postal service, the property is presumed abandoned three years after the later of:

(a) Except as in (b) of this subsection, the date a second consecutive communication to contact the apparent owner sent by first-class United States mail is returned to the holder undelivered;

(b) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(c) The date established by subsection (1)(b) of this section.

(5) This section does not apply to property held in a pension account or retirement account established by the state of Washington or any local governmental entity under chapter 41.28 RCW.

NEW SECTION. Sec. 203. WHEN OTHER TAX DEFERRED ACCOUNT PRESUMED ABANDONED. Subject to section 209 of this act and except for property described in section 202 of this act and property held in a plan described in section 529A of the internal revenue code, as it existed on the effective date of this section, 26 U.S.C. Sec. 529A, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the earlier of:

(1) The date, if determinable by the holder, specified in the income tax laws and regulations of the United States by which distribution of the property must begin to avoid a tax penalty, with no distribution having been made; or

(2) Thirty years after the date the account was opened.

NEW SECTION. Sec. 204. WHEN CUSTODIAL ACCOUNT FOR MINOR PRESUMED ABANDONED.

(1) Subject to section 209 of this act, property held in an account established under a state's uniform gifts to minors act or uniform transfers to minors act is presumed abandoned if it is unclaimed by or on behalf of the minor on whose behalf the account was opened three years after the later of:

(a) Except as in (b) of this subsection, the date a second consecutive communication sent by the holder by first-class United States mail to the custodian of the minor on whose behalf the account was opened is returned undelivered to the holder by the United States postal service;

(b) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(c) The date on which the custodian is required to transfer the property to the minor or the minor's estate in accordance with the uniform gifts to minors act or uniform transfers to minors act of the state in which the account was opened.

(2) If the holder does not send communications to the custodian of the minor on whose behalf an account described in subsection (1) of this section was opened by first-class United States mail, the holder shall attempt to confirm the custodian's interest in the property by sending the custodian an email communication not later than two years after the custodian's last indication of interest in the property. However, the holder promptly shall attempt to contact the custodian by first-class United States mail if:

(a) The holder does not have information needed to send the custodian an email communication or the holder believes that the custodian's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The custodian does not respond to the email communication not later than 30 days after the communication was sent.

(3) If first-class United States mail sent under subsection (2) of this section is returned undelivered to the holder by the United States postal service, the property is presumed abandoned three years after the later of:

(a) The date a second consecutive communication to contact the custodian by first-class United States mail is returned to the holder undelivered by the United States postal service; or

(b) The date established by subsection (1)(c) of this section.

(4) When the property in the account described in subsection (1) of this section is transferred to the minor on whose behalf an account was opened or to the minor's estate, the property in the account is no longer subject to this section.

NEW SECTION. Sec. 205. WHEN CONTENTS OF SAFE DEPOSIT BOX PRESUMED ABANDONED. Tangible property held in a safe deposit box and proceeds from a sale of the property by the holder permitted by law of this state other than this chapter are presumed abandoned if the property remains unclaimed by the apparent owner five years after the earlier of the:

(1) Expiration of the lease or rental period for the box; or

(2) Earliest date when the lessor of the box is authorized by law of this state other than this chapter to enter the box and remove or dispose of the contents without consent or authorization of the lessee.

NEW SECTION. Sec. 206. WHEN STORED VALUE CARD PRESUMED ABANDONED. (1) Subject to section 209 of this act, the net card value of a stored value card, other than a payroll card, is presumed abandoned on the latest of three years after:

(a) December 31st of the year in which the card is issued or additional funds are deposited into it;

(b) The most recent indication of interest in the card by the apparent owner; or

(c) A verification or review of the balance by or on behalf of the apparent owner.

(2) The amount presumed abandoned in a stored value card is the net card value at the time it is presumed abandoned.

NEW SECTION. Sec. 207. WHEN SECURITY PRESUMED ABANDONED. (1) Subject to section 209 of this act, a security is presumed abandoned three years after:

(a) The date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service; or

(b) If the second communication is made later than 30 days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States postal service.

(2) If the holder does not send communications to the apparent owner of a security by first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in the security by sending the apparent owner an email communication not later than two years after the apparent owner's last indication of interest in the security. However the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:

(a) The holder does not have information needed to send the apparent owner an email communication or the holder believes that the apparent owner's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The apparent owner does not respond to the email communication not later than 30 days after the communication was sent.

(3) If first-class United States mail sent under subsection (2) of this section is returned to the holder undelivered by the United States postal service, the security is presumed abandoned three years after the date the mail is returned.

NEW SECTION. Sec. 208. WHEN RELATED PROPERTY PRESUMED ABANDONED. At and after the time property is presumed

abandoned under this chapter, any other property right or interest accrued or accruing from the property and not previously presumed abandoned is also presumed abandoned.

NEW SECTION. Sec. 209. INDICATION OF APPARENT OWNER INTEREST IN PROPERTY. (1) The period after which property is presumed abandoned is measured from the later of:

(a) The date the property is presumed abandoned under this section and sections 201 through 208, 210, and 211 of this act; or

(b) The latest indication of interest by the apparent owner in the property.

(2) Under this chapter, an indication of an apparent owner's interest in property includes:

(a) A record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(b) An oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

(c) Presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;

(d) Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(e) A deposit into or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;

(f) Subject to subsection (5) of this section, payment of a premium on an insurance policy; and

(g) Any other action by the apparent owner which reasonably demonstrates to

the holder that the apparent owner knows that the property exists.

(3) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

(4) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.

(5) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic premium loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating.

NEW SECTION. Sec. 210. KNOWLEDGE OF DEATH OF INSURED OR ANNUITANT. (1) In this section, "death master file" means the United States social security administration death master file or other database or service that is at least as comprehensive as the United States social security administration death master file for determining that an individual reportedly has died.

(2) With respect to a life or endowment insurance policy or annuity contract for which an amount is owed on proof of death, but which has not matured by proof of death of the insured or annuitant, the company has knowledge of the death of an insured or annuitant when:

(a) The company receives a death certificate or court order determining that the insured or annuitant has died;

(b) Due diligence, performed as required under chapter 48.23 RCW and rules promulgated thereunder to maintain contact with the insured or annuitant or determine whether the insured or annuitant has died, validates the death of the insured or annuitant;

(c) The company conducts a comparison for any purpose between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the

insured or annuitant has died, and validates the death;

(d)(i) The administrator or the administrator's agent conducts a comparison for the purpose of finding matches during an examination conducted under sections 1001 through 1013 of this act between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death.

(ii) The administrator or the administrator's agent may not exercise the authority provided in (d)(i) of this subsection (2) when the company has conducted a death master file comparison, relevant to the period under examination, in accordance with (c) of this subsection (2) and subsection (3) of this section; or

(e) The company:

(i) Receives notice of the death of the insured or annuitant from an administrator, beneficiary, policy owner, relative of the insured, or trustee or from a personal representative or other legal representative of the insured's or annuitant's estate; and

(ii) Validates the death of the insured or annuitant.

(3) The following rules apply under this section:

(a) A death master file match under subsection (2)(c) and (d) of this section occurs if the criteria for an exact or partial match are satisfied as provided by:

(i) Law of this state other than this chapter;

(ii) A rule or policy adopted by the office of the insurance commissioner; or

(iii) Absent a law, rule, or policy under (a)(i) or (ii) of this subsection standards in the national conference of insurance legislators' "model unclaimed life insurance benefits act" as published in 2014.

(b) The death master file match does not constitute proof of death for the purpose of submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the policy or contract for an amount due under an insurance policy or annuity contract.

(c) The death master file match or validation of the insured's or annuitant's death does not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a claim to receive proceeds under the terms of the policy or contract.

(d) If no provision in Title 48 RCW or rules promulgated thereunder establishes a time for validation of a death of an insured or annuitant, the insurance company shall make a good faith effort using other available records and information to validate the death and document the effort taken not later than 90 days after the insurance company has notice of the death.

(4) This chapter does not affect the determination of the extent to which an insurance company before the effective date of this section had knowledge of the death of an insured or annuitant or was required to conduct a death master file comparison to determine whether amounts owed by the company on a life or endowment insurance policy or annuity contract were presumed abandoned or unclaimed.

NEW SECTION. Sec. 211. DEPOSIT ACCOUNT FOR PROCEEDS OF INSURANCE POLICY OR ANNUITY CONTRACT. If proceeds payable under a life or endowment insurance policy or annuity contract are deposited into an account with check or draft writing privileges for the beneficiary of the policy or contract and, under a supplementary contract not involving annuity benefits other than death benefits, the proceeds are retained by the insurance company or the financial organization where the account is held, the policy or contract includes the assets in the account.

PART 3

RULES FOR TAKING CUSTODY OF PROPERTY PRESUMED ABANDONED

NEW SECTION. Sec. 301. ADDRESS OF APPARENT OWNER TO ESTABLISH PRIORITY. In this section and sections 302 through 307 of this act, the following rules apply:

(1) The last known address of an apparent owner is any description, code, or other indication of the location of the apparent owner which identifies the state, even if the description, code, or indication of location is not sufficient to direct the delivery of first-class United States mail to the apparent owner.

(2) If the United States postal zip code associated with the apparent owner is for a post office located in this state, this state is deemed to be the state of the last known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner to be in another state.

(3) If the address under subsection (2) of this section is in another state, the other state is deemed to be the state of the last known address of the apparent owner.

(4) The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under section 302 of this act.

NEW SECTION. Sec. 302. ADDRESS OF APPARENT OWNER IN THIS STATE. The administrator may take custody of property that is presumed abandoned, whether located in this state, another state, or a foreign country if:

(1) The last known address of the apparent owner in the records of the holder is in this state; or

(2) The records of the holder do not reflect the identity or last known address of the apparent owner, but the administrator has determined that the last known address of the apparent owner is in this state.

NEW SECTION. Sec. 303. IF RECORDS SHOW MULTIPLE ADDRESSES OF APPARENT OWNER. (1) Except as in subsection (2) of this section, if records of a holder reflect multiple addresses for an apparent owner and this state is the state of the most recently recorded address, this state may take custody of property presumed abandoned, whether located in this state or another state.

(2) If it appears from records of the holder that the most recently recorded address of the apparent owner under subsection (1) of this section is a temporary address and this state is the state of the next most recently recorded address that is not a temporary address,

this state may take custody of the property presumed abandoned.

NEW SECTION. Sec. 304. HOLDER DOMICILED IN THIS STATE. (1) Except as in subsection (2) of this section or section 302 or 303 of this act, the administrator may take custody of property presumed abandoned, whether located in this state, another state, or a foreign country, if the holder is domiciled in this state or is this state or a governmental subdivision, agency, or instrumentality of this state, and:

(a) Another state or foreign country is not entitled to the property because there is no last known address of the apparent owner or other person entitled to the property in the records of the holder; or

(b) The state or foreign country of the last known address of the apparent owner or other person entitled to the property does not provide for custodial taking of the property.

(2) Property is not subject to custody of the administrator under subsection (1) of this section if the property is specifically exempt from custodial taking under the law of this state or the state or foreign country of the last known address of the apparent owner.

(3) If a holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this section is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.

NEW SECTION. Sec. 305. CUSTODY IF TRANSACTION TOOK PLACE IN THIS STATE. Except as in section 302, 303, or 304 of this act, the administrator may take custody of property presumed abandoned whether located in this state or another state if:

(1) The transaction out of which the property arose took place in this state;

(2) The holder is domiciled in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the holder's domicile, the property is not subject to the custody of the administrator; and

(3) The last known address of the apparent owner or other person entitled to the property is unknown or in a state

that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the last known address, the property is not subject to the custody of the administrator.

NEW SECTION. Sec. 306. TRAVELER'S CHECK, MONEY ORDER, OR SIMILAR INSTRUMENT. The administrator may take custody of sums payable on a traveler's check, money order, or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. Secs. 2501 through 2503, as it existed on the effective date of this section.

NEW SECTION. Sec. 307. BURDEN OF PROOF TO ESTABLISH ADMINISTRATOR'S RIGHT TO CUSTODY. If the administrator asserts a right to custody of unclaimed property, the administrator has the burden to prove:

- (1) The existence and amount of the property;
- (2) The property is presumed abandoned; and
- (3) The property is subject to the custody of the administrator.

PART 4

REPORT BY HOLDER

NEW SECTION. Sec. 401. REPORT REQUIRED BY HOLDER. (1) A holder of property presumed abandoned and subject to the custody of the administrator shall report in a record to the administrator concerning the property.

(2) A holder may contract with a third party to make the report required under subsection (1) of this section.

(3) Whether or not a holder contracts with a third party under subsection (2) of this section, the holder is responsible:

(a) To the administrator for the complete, accurate, and timely reporting of property presumed abandoned; and

(b) For paying or delivering to the administrator property described in the report.

(4)(a) Reports due under this section must be filed electronically in a form or manner provided or authorized by the administrator. However, the administrator, upon request or its own initiative, may relieve any holder or

class of holders from the electronic filing requirement under this subsection for good cause as determined by the administrator.

(b) For purposes of this subsection, "good cause" means:

(i) A circumstance or condition exists that, in the administrator's judgment, prevents the holder from electronically filing the report due under this section; or

(ii) The administrator determines that relief from the electronic filing requirement under this subsection supports the efficient or effective administration of this chapter.

NEW SECTION. Sec. 402. CONTENT OF REPORT. (1) The report required under section 401 of this act must:

(a) Be signed by or on behalf of the holder and verified as to its completeness and accuracy;

(b) If filed electronically, be in a secure format approved by the administrator which protects confidential information of the apparent owner in the same manner as required of the administrator and the administrator's agent under sections 1401 through 1408 of this act;

(c) Describe the property;

(d) Except for a traveler's check, money order, or similar instrument, contain the name, if known, last known address, if known, and social security number or taxpayer identification number, if known or readily ascertainable, of the apparent owner of property with a value of \$50 or more;

(e) For an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last known address of the insured, annuitant, or other apparent owner of the policy or contract and of the beneficiary;

(f) For property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by the administrator, and any amounts owed to the holder under section 606 of this act;

(g) Contain the commencement date for determining abandonment under sections 201 through 211 of this act;

(h) State that the holder has complied with the notice requirements of section 501 of this act;

(i) Identify property that is a nonfreely transferable security and explain why it is a nonfreely transferable security; and

(j) Contain other information the administrator prescribes by rules.

(2) A report under section 401 of this act may include in the aggregate items valued under \$50 each. If the report includes items in the aggregate valued under \$50 each, the administrator may not require the holder to provide the name and address of an apparent owner of an item unless the information is necessary to verify or process a claim in progress by the apparent owner.

(3) A report under section 401 of this act may include personal information as defined in section 1401(1) of this act about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(4) If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report under section 401 of this act its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property.

NEW SECTION. Sec. 403. WHEN REPORT TO BE FILED. (1) Except as otherwise provided in subsection (2) of this section and subject to subsection (3) of this section, the report under section 401 of this act must be filed before November 1st of each year and cover the 12 months preceding July 1st of that year.

(2) Subject to subsection (3) of this section, the report under section 401 of this act to be filed by an insurance company must be filed before May 1st of each year for the immediately preceding calendar year.

(3) Before the date for filing the report under section 401 of this act, the holder of property presumed abandoned may request the administrator to extend the time for filing. The administrator may grant an extension. If the extension is granted, the holder may pay or make a partial payment of the amount the holder

estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid.

NEW SECTION. Sec. 404. RETENTION OF RECORDS BY HOLDER. A holder required to file a report under section 401 of this act must retain records for six years after the later of the date the report was filed or the last date a timely report was due to be filed, unless a shorter period is provided by rule of the administrator. The holder may satisfy the requirement to retain records under this section through an agent. The records must contain:

(1) The information required to be included in the report;

(2) The date, place, and nature of the circumstances that gave rise to the property right;

(3) The amount or value of the property;

(4) The last address of the apparent owner, if known to the holder; and

(5) If the holder sells, issues, or provides to others for sale or issue in this state traveler's checks, money orders, or similar instruments, other than third-party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue.

NEW SECTION. Sec. 405. PROPERTY REPORTABLE AND PAYABLE OR DELIVERABLE ABSENT OWNER DEMAND. Property is reportable and payable or deliverable under this chapter even if the owner fails to make demand or present an instrument or document otherwise required to obtain payment.

NEW SECTION. Sec. 406. ABANDONED INTANGIBLE PROPERTY HELD BY A LOCAL GOVERNMENT. (1) A local government holding abandoned intangible property that is not forwarded to the department of revenue in subsection (2) of this section is not required to maintain current records of this property for longer than five years after the property is presumed abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government remains liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

(2) Counties, cities, towns, and other municipal and quasi-municipal corporations that hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, and property tax overpayments or refunds may retain the funds until the owner notifies them and establishes ownership as provided in this chapter. Counties, cities, towns, or other municipal and quasi-municipal corporations must provide to the administrator a report of property it is holding pursuant to this section. The report must identify the property and owner in the manner provided in this part 4 and the administrator must publish the information as provided in section 503 of this act.

PART 5

NOTICE TO APPARENT OWNER OF PROPERTY PRESUMED ABANDONED

NEW SECTION. **Sec. 501.** NOTICE TO APPARENT OWNER BY HOLDER. (1) Subject to subsection (2) of this section, the holder of property presumed abandoned shall send to the apparent owner notice by first-class United States mail that complies with section 502 of this act in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under section 401 of this act if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is \$75 or more.

(2) If an apparent owner has consented to receive email delivery from the holder, the holder shall send the notice described in subsection (1) of this section both by first-class United States mail to the apparent owner's last known mailing address and by email, unless the holder believes that the apparent owner's email address is invalid.

NEW SECTION. **Sec. 502.** CONTENTS OF NOTICE BY HOLDER. (1) Notice under section 501 of this act must contain a heading that reads substantially as follows:

"Notice

The state of Washington requires us to notify you that your property may be

transferred to the custody of the department of revenue if you do not contact us before (insert date that is 30 days after the date of this notice)."

(2) The notice under section 501 of this act must:

(a) Identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;

(b) State that the property will be turned over to the administrator;

(c) State that after the property is turned over to the administrator an apparent owner that seeks return of the property must file a claim with the administrator;

(d) State that property that is not legal tender of the United States may be sold by the administrator; and

(e) Provide instructions that the apparent owner must follow to prevent the holder from reporting and paying or delivering the property to the administrator.

NEW SECTION. **Sec. 503.** NOTICE BY ADMINISTRATOR. (1) The administrator shall give notice to an apparent owner that property presumed abandoned and appears to be owned by the apparent owner is held by the administrator under this chapter.

(2) In providing notice under subsection (1) of this section, the administrator shall:

(a) Except as otherwise provided in (b) of this subsection, send written notice by first-class United States mail to each apparent owner of property valued at \$75 or more held by the administrator, unless the administrator determines that a mailing by first-class United States mail would not be received by the apparent owner, and, in the case of a security held in an account for which the apparent owner had consented to receiving email from the holder, send notice by email if the email address of the apparent owner is known to the administrator instead of by first-class United States mail; or

(b) Send the notice to the apparent owner's email address if the administrator does not have a valid United States mail address for an apparent owner, but has an email address

that the administrator does not know to be invalid.

(3) In addition to the notice under subsection (2) of this section, the administrator shall:

(a) Publish every 12 months in the printed or online version of a newspaper of general circulation within this state, which the administrator determines is most likely to give notice to the apparent owner of the property, notice of property held by the administrator which must include:

(i) The total value of property received by the administrator during the preceding 12-month period, taken from the reports under section 401 of this act;

(ii) The total value of claims paid by the administrator during the preceding 12-month period;

(iii) The internet web address of the unclaimed property website maintained by the administrator;

(iv) A telephone number and email address to contact the administrator to inquire about or claim property; and

(v) A statement that a person may access the internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library; and

(b) Maintain a website or database accessible by the public and electronically searchable which contains the names reported to the administrator of all apparent owners for whom property is being held by the administrator.

(4) The website or database maintained under subsection (3)(b) of this section must include instructions for filing with the administrator a claim to property and a printable claim form with instructions for its use.

(5) In addition to giving notice under subsection (2) of this section, publishing the information under subsection (3)(a) of this section and maintaining the website or database under subsection (3)(b) of this section, the administrator may use other printed publication, telecommunications, the internet, or other media to inform the public of the existence of unclaimed property held by the administrator.

NEW SECTION. Sec. 504. COOPERATION AMONG STATE OFFICERS AND AGENCIES TO LOCATE APPARENT OWNER. Unless prohibited

by law of this state other than this chapter, on request of the administrator, each officer, agency, board, commission, division, and department of this state, any body politic and corporate created by this state for a public purpose, and each political subdivision of this state shall make its books and records available to the administrator and cooperate with the administrator to determine the current address of an apparent owner of property held by the administrator under this chapter.

PART 6

TAKING CUSTODY OF PROPERTY BY ADMINISTRATOR

NEW SECTION. Sec. 601. DEFINITION OF GOOD FAITH. In this section and sections 602 through 610 of this act, payment or delivery of property is made in good faith if a holder:

(1) Had a reasonable basis for believing, based on the facts then known, that the property was required or permitted to be paid or delivered to the administrator under this chapter; or

(2) Made payment or delivery:

(a) In response to a demand by the administrator or administrator's agent; or

(b) Under a guidance or ruling issued by the administrator which the holder reasonably believed required or permitted the property to be paid or delivered.

NEW SECTION. Sec. 602. DORMANCY CHARGE. (1) A holder may deduct a dormancy charge from property required to be paid or delivered to the administrator if:

(a) A valid contract between the holder and the apparent owner authorizes imposition of the charge for the apparent owner's failure to claim the property within a specified time; and

(b) The holder regularly imposes the charge and regularly does not reverse or otherwise cancel the charge.

(2) The amount of the deduction under subsection (1) of this section is limited to an amount that is not unconscionable considering all relevant factors, including the marginal transactional costs incurred by the holder in maintaining the apparent owner's property and any services received by the apparent owner.

NEW SECTION. Sec. 603. PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRATOR.

(1)(a) Except as otherwise provided in this section, on filing a report under section 401 of this act, the holder shall pay or deliver to the administrator the property described in the report. Holders who are required to file a report electronically under this chapter must remit payments under this section by electronic funds transfer or other form of electronic payment acceptable to the administrator. However, the administrator, upon request or its own initiative, may relieve any holder or class of holders from the electronic payment requirement under this subsection for good cause as determined by the administrator.

(b) For purposes of this subsection, "good cause" means:

(i) A circumstance or condition exists that, in the administrator's judgment, prevents the holder from remitting payments due under this section electronically; or

(ii) The administrator determines that relief from the electronic payment requirement under this subsection supports the efficient or effective administration of this chapter.

(2) If property in a report under section 401 of this act is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for payment of the property to the administrator is extended until a penalty or forfeiture no longer would result from payment, if the holder informs the administrator of the extended date.

(3) Tangible property in a safe deposit box may not be delivered to the administrator until 180 days after filing the report under section 401 of this act.

(4) If property reported to the administrator under section 401 of this act is a security, the administrator may:

(a) Make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or

(b) Dispose of the security under section 702 of this act.

(5) If the holder of that property reported to the administrator under section 401 of this act is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under RCW 62A.8-405. An indemnity bond is not required.

(6) The administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.

(7) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the state against, a claim arising with respect to property after the property has been delivered to the administrator.

(8) A holder is not required to deliver to the administrator a security identified by the holder as a nonfreely transferable security. If the administrator or holder determines that a security is no longer a nonfreely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 401 of this act as a nonfreely transferable security is no longer a nonfreely transferable security.

NEW SECTION. Sec. 604. EFFECT OF PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRATOR.

(1) On payment or delivery of property to the administrator under this chapter, the administrator as agent for the state assumes custody and responsibility for safekeeping the property. A holder that pays or delivers property to the administrator in good faith and substantially complies with sections 501 and 502 of this act is relieved of liability arising thereafter with respect to payment or delivery of the property to the administrator.

(2) This state shall defend and indemnify a holder against liability on a claim against the holder resulting from the payment or delivery of property to the administrator made in good faith and after the holder substantially complied with sections 501 and 502 of this act.

NEW SECTION. **Sec. 605.** RECOVERY OF PROPERTY BY HOLDER FROM ADMINISTRATOR. (1) A holder that under this chapter pays money to the administrator may file a claim for reimbursement from the administrator of the amount paid if the holder:

(a) Paid the money in error; or

(b) After paying the money to the administrator, paid money to a person the holder reasonably believed was entitled to the money.

(2) If a claim for reimbursement under subsection (1) of this section is made for a payment made on a negotiable instrument, including a traveler's check, money order, or similar instrument, the holder must submit proof that the instrument was presented and payment was made to a person the holder reasonably believed was entitled to payment. The holder may claim reimbursement even if the payment was made to a person whose claim was made after expiration of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order.

(3) If a holder is reimbursed by the administrator under subsection (1)(b) of this section, the holder may also recover from the administrator income or gain under section 607 of this act that would have been paid to the owner if the money had been claimed from the administrator by the owner to the extent the income or gain was paid by the holder to the owner.

(4) A holder that under this chapter delivers property other than money to the administrator may file a claim for return of the property from the administrator if:

(a) The holder delivered the property in error; or

(b) The apparent owner has claimed the property from the holder.

(5) If a claim for return of property under subsection (4) of this section is made, the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the administrator in error.

(6) The administrator may determine that an affidavit submitted by a holder is evidence sufficient to establish that

the holder is entitled to reimbursement or to recover property under this section.

(7) A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

(8) Not later than 90 days after a claim is filed under subsection (1) or (4) of this section, the administrator shall allow or deny the claim and give the claimant notice of the decision in a record. If the administrator does not take action on a claim during the 90-day period, the claim is deemed denied.

(9) Decisions under this section are subject to review under sections 1103 and 1104 of this act.

NEW SECTION. **Sec. 606.** PROPERTY REMOVED FROM SAFE DEPOSIT BOX. Property removed from a safe deposit box and delivered to the administrator under this chapter is subject to the holder's right to reimbursement for the cost of opening the box and a lien or contract providing reimbursement to the holder for unpaid rent charges for the box. The administrator shall reimburse the holder from the proceeds remaining after deducting the expense incurred by the administrator in selling the property.

NEW SECTION. **Sec. 607.** CREDITING INCOME OR GAIN TO OWNER'S ACCOUNT. If property other than money is delivered to the administrator, the owner is entitled to receive from the administrator income or gain realized or accrued on the property before the property is sold. If the property was an interest-bearing demand, savings, or time deposit, the administrator shall pay interest at the rate the property earned while in possession of the holder. Interest begins to accrue when the property is delivered to the administrator and ends on the earlier of the expiration of 10 years after its delivery or the date on which payment is made to the owner.

NEW SECTION. **Sec. 608.** ADMINISTRATOR'S OPTIONS AS TO CUSTODY. (1) The administrator may decline to take custody of property reported under section 401 of this act if the administrator determines that:

(a) The property has a value less than the estimated expenses of notice and sale of the property; or

(b) Taking custody of the property would be unlawful.

(2) A holder may pay or deliver property to the administrator before the property is presumed abandoned under this chapter if the holder:

(a) Sends the apparent owner of the property notice required by section 501 of this act and provides the administrator evidence of the holder's compliance with this subsection (2)(a);

(b) Includes with the payment or delivery a report regarding the property conforming to section 402 of this act; and

(c) First obtains the administrator's consent in a record to accept payment or delivery.

(3) A holder's request for the administrator's consent under subsection (2)(c) of this section must be in a record. If the administrator fails to respond to the request not later than 30 days after receipt of the request, the administrator is deemed to consent to the payment or delivery of the property and the payment or delivery is considered to have been made in good faith.

(4) On payment or delivery of property under subsection (2) of this section, the property is presumed abandoned.

NEW SECTION. Sec. 609. DISPOSITION OF PROPERTY HAVING NO SUBSTANTIAL VALUE—IMMUNITY FROM LIABILITY. (1) If the administrator takes custody of property delivered under this chapter and later determines that the property has no substantial commercial value or that the cost of disposing of the property will exceed the value of the property, the administrator may return the property to the holder or destroy or otherwise dispose of the property.

(2) An action or proceeding may not be commenced against the state, an agency of the state, the administrator, another officer, employee, or agent of the state, or a holder for or because of an act of the administrator under this section, except for intentional misconduct or malfeasance.

NEW SECTION. Sec. 610. PERIODS OF LIMITATION AND REPOSE. (1) Expiration, before, on, or after the effective date of this section, of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of

a holder under this chapter to file a report or pay or deliver property to the administrator.

(2) The administrator may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property more than six years after the holder filed a nonfraudulent report under section 401 of this act with the administrator. The parties may agree in a record to extend the limitation in this subsection.

(3) The administrator may not commence an action, proceeding, or examination with respect to a duty of a holder under this chapter more than 10 years after the duty arose.

PART 7

SALE OF PROPERTY BY ADMINISTRATOR

NEW SECTION. Sec. 701. PUBLIC SALE OF PROPERTY. (1) Except as otherwise provided in section 702 of this act, the administrator may sell the property (a) not earlier than two years after receipt of property stored in a safe deposit box and presumed abandoned; and (b) not earlier than three years after receipt of all other property presumed abandoned.

(2) Before selling property under subsection (1) of this section, the administrator shall give notice to the public of:

(a) The date of the sale; and

(b) A reasonable description of the property.

(3) A sale under subsection (1) of this section must be to the highest bidder:

(a) At public sale at a location in this state which the administrator determines to be the most favorable market for the property;

(b) On the internet; or

(c) On another forum the administrator determines is likely to yield the highest net proceeds of sale.

(4) The administrator may decline the highest bid at a sale under this section and reoffer the property for sale if the administrator determines the highest bid is insufficient.

(5) The administrator must publish at least one notice of the sale, at least three weeks but not more than five weeks before the sale, in a newspaper of

general circulation in the county in which the property is sold.

NEW SECTION. Sec. 702. DISPOSAL OF SECURITIES. (1) Except as otherwise provided in this subsection, the administrator must sell all securities delivered to the administrator as required by this chapter as soon as practicable after taking custody, in the judgment of the administrator, after receipt by the administrator. However, this subsection does not apply with respect to any securities that, in the judgment of the administrator, cannot be sold, are worthless, or are not cost-effective to sell.

(2) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the administrator considers advisable. All securities may be sold over the counter at prices prevailing at the time of the sale, or by any other method the administrator deems advisable.

NEW SECTION. Sec. 703. RECOVERY OF SECURITIES OR VALUE BY OWNER. (1) Except as otherwise provided in this section, a person making a claim under this chapter with respect to securities is only entitled to receive the proceeds received from sale, even if the sale of the securities has not been completed at the time the administrator receives the claim. However, if the administrator receives a claim for securities and the administrator has not ordered those securities to be sold as of the time the claim is received by the administrator, the claimant is entitled to receive either the securities delivered to the administrator by the holder, or the proceeds received from the sale, less any amounts deducted pursuant to section 803 of this act.

(2) With respect to securities that, in the judgment of the administrator, cannot be sold or are not cost-effective to sell and that remain in the possession of the administrator, a person making a claim under this chapter is only entitled to receive the securities delivered to the administrator by the holder.

NEW SECTION. Sec. 704. PURCHASER OWNS PROPERTY AFTER SALE. A purchaser of property at a sale conducted by the administrator under this chapter takes

the property free of all claims of the owner, a previous holder, or a person claiming through the owner or holder. The administrator shall execute documents necessary to complete the transfer of ownership to the purchaser.

NEW SECTION. Sec. 705. MILITARY MEDAL OR DECORATION. (1) The administrator may not sell a medal or decoration awarded for military service in the armed forces of the United States.

(2) The administrator, with the consent of the respective organization under (a) of this subsection, agency under (b) of this subsection, or entity under (c) of this subsection, may deliver a medal or decoration described in subsection (1) of this section to be held in custody for the owner, to:

(a) A military veterans organization qualified under the internal revenue code, as it existed on the effective date of this section, 26 U.S.C. Sec. 501(c)(19);

(b) The agency that awarded the medal or decoration; or

(c) A governmental entity.

(3) On delivery under subsection (2) of this section, the administrator is not responsible for safekeeping the medal or decoration.

PART 8

ADMINISTRATION OF PROPERTY

NEW SECTION. Sec. 801. DEPOSIT OF FUNDS BY ADMINISTRATOR. (1) Except as otherwise provided by this section, the administrator shall promptly deposit in the general fund of this state all funds received under this chapter, including the proceeds from the sale of property under sections 701 through 705 of this act. The administrator shall retain in a separate trust fund, the nonappropriated unclaimed personal property account, an amount not less than \$750,000 from which prompt payment of claims duly allowed must be made by the administrator.

(2) The administrator may pay from the trust fund provided in subsection (1) of this section any costs of administering this chapter including those costs set forth in section 803 of this act. Such amounts may be expended without appropriation.

(3) The department may periodically transfer from the general fund of this state to the unclaimed personal property

account amounts necessary to accommodate the requirements of this section.

NEW SECTION. Sec. 802. ADMINISTRATOR TO RETAIN RECORDS OF PROPERTY. The administrator shall:

(1) Record and retain the name and last known address of each person shown on a report filed under section 401 of this act to be the apparent owner of property delivered to the administrator;

(2) Record and retain the name and last known address of each insured or annuitant and beneficiary shown on the report;

(3) For each policy of insurance or annuity contract listed in the report of an insurance company, record and retain the policy or account number, the name of the company, and the amount due or paid; and

(4) For each apparent owner listed in the report, record and retain the name of the holder that filed the report and the amount due or paid.

NEW SECTION. Sec. 803. EXPENSES AND SERVICE CHARGES OF ADMINISTRATOR. The administrator may expend from the unclaimed personal property account for the following purposes:

(1) Expenses of disposition of property delivered to the administrator under this chapter;

(2) Costs of mailing and publication in connection with property delivered to the administrator under this chapter;

(3) Reasonable service charges; and

(4) Expenses incurred in examining records of or collecting property from a putative holder or holder.

NEW SECTION. Sec. 804. ADMINISTRATOR HOLDS PROPERTY AS CUSTODIAN FOR OWNER. Property received by the administrator under this chapter is held in custody for the benefit of the owner and is not owned by the state.

PART 9

CLAIM TO RECOVER PROPERTY FROM ADMINISTRATOR

NEW SECTION. Sec. 901. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY. (1) If the administrator knows that property held by the administrator under this chapter is subject to a superior claim of another state, the administrator shall:

(a) Report and pay or deliver the property to the other state; or

(b) Return the property to the holder so that the holder may pay or deliver the property to the other state.

(2) The administrator is not required to enter into an agreement to transfer property to the other state under subsection (1) of this section.

NEW SECTION. Sec. 902. WHEN PROPERTY SUBJECT TO RECOVERY BY ANOTHER STATE.

(1) Property held under this chapter by the administrator is subject to the right of another state to take custody of the property if:

(a) The property was paid or delivered to the administrator because the records of the holder did not reflect a last known address in the other state of the apparent owner and:

(i) The other state establishes that the last known address of the apparent owner or other person entitled to the property was in the other state; or

(ii) Under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(b) The records of the holder did not accurately identify the owner of the property, the last known address of the owner was in another state, and, under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(c) The property was subject to the custody of the administrator of this state under section 305 of this act and, under the law of the state of domicile of the holder, the property has become subject to a claim by the state of domicile of the holder of abandonment; or

(d) The property:

(i) Is a sum payable on a traveler's check, money order, or similar instrument that was purchased in the other state and delivered to the administrator under section 306 of this act; and

(ii) Under the law of the other state, has become subject to a claim by the other state of abandonment.

(2) A claim by another state to recover property under this section must be presented in a form prescribed by the administrator, unless the administrator waives presentation of the form.

(3) The administrator shall decide a claim under this section not later than 90 days after it is presented. If the administrator determines that the other state is entitled under subsection (1) of this section to custody of the property, the administrator shall allow the claim and pay or deliver the property to the other state.

(4) The administrator may require another state, before recovering property under this section, to agree to indemnify this state and its agents, officers, and employees against any liability on a claim to the property.

NEW SECTION. Sec. 903. CLAIM FOR PROPERTY BY PERSON CLAIMING TO BE OWNER. (1) A person claiming to be the owner of property held under this chapter by the administrator may file a claim for the property on a form prescribed by the administrator. The claimant must verify the claim as to its completeness and accuracy.

(2) The administrator may waive the requirement in subsection (1) of this section and may pay or deliver property directly to a person if:

(a) The person receiving the property or payment is shown to be the apparent owner included on a report filed under section 401 of this act; and

(b) The administrator reasonably believes the person is entitled to receive the property or payment.

NEW SECTION. Sec. 904. WHEN ADMINISTRATOR MUST HONOR CLAIM FOR PROPERTY. (1) The administrator shall pay or deliver property to a claimant under section 903(1) of this act if the administrator receives evidence sufficient to establish to the satisfaction of the administrator that the claimant is the owner of the property.

(2) Not later than 90 days after a claim is filed under section 903(1) of this act, the administrator shall allow or deny the claim and give the claimant notice in a record of the decision.

(3) If the claim is denied under subsection (2) of this section:

(a) The administrator shall inform the claimant of the reason for the denial and specify what additional evidence, if any, is required for the claim to be allowed;

(b) The claimant may file an amended claim with the administrator or commence an action under section 906 of this act; and

(c) The administrator shall consider an amended claim filed under (b) of this subsection as an initial claim.

(4) If the administrator does not take action on a claim during the 90-day period following the filing of a claim under section 903(1) of this act, the claim is deemed denied.

NEW SECTION. Sec. 905. ALLOWANCE OF CLAIM FOR PROPERTY. (1) Not later than 30 days after a claim is allowed under section 904(2) of this act, the administrator shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under section 607 of this act. On request of the owner, the administrator may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the administrator for less than three years or the administrator has not complied with the notice requirements under section 702 of this act.

(2) Property held under this chapter by the administrator is subject to a claim for the payment of an enforceable debt the owner owes in this state for:

(a) Child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;

(b) A civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; or

(c) State or local taxes, penalties, and interest that have been determined to be delinquent.

(3) Before delivery or payment to an owner under subsection (1) of this section of property or payment to the owner of net proceeds of a sale of the property, the administrator first shall apply the property or net proceeds to a debt under subsection (2) of this section the administrator determines is owed by the owner. The administrator shall pay the amount to the appropriate state or local agency and notify the owner of the payment.

(4) The administrator may make periodic inquiries of state and local agencies in the absence of a claim filed under section 903 of this act to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection (2) of this section. The administrator first shall apply the property or net proceeds of a sale of property held by the administrator to a debt under subsection (2) of this section of an apparent owner which appears in the records of the administrator and deliver the amount to the appropriate state or local agency. The administrator shall notify the apparent owner of the payment.

NEW SECTION. Sec. 906. ACTION BY PERSON WHOSE CLAIM IS DENIED. Not later than one year after filing a claim under section 904(1) of this act, the claimant may commence an action against the administrator in Thurston county superior court to establish a claim that has been denied or deemed denied under section 904 of this act.

PART 10

VERIFIED REPORT OF PROPERTY— EXAMINATION OF RECORDS

NEW SECTION. Sec. 1001. VERIFIED REPORT OF PROPERTY. If a person does not file a report required by section 401 of this act or the administrator believes that a person may have filed an inaccurate, incomplete, or false report, the administrator may require the person to file a verified report in a form prescribed by the administrator. The verified report must:

(1) State whether the person is holding property reportable under this chapter;

(2) Describe property not previously reported or about which the administrator has inquired;

(3) Specifically identify property described under subsection (2) of this section about which there is a dispute whether it is reportable under this section; and

(4) State the amount or value of the property.

NEW SECTION. Sec. 1002. EXAMINATION OF RECORDS TO DETERMINE COMPLIANCE. The administrator, at reasonable times and on reasonable notice, may:

(1) Examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this chapter;

(2) Issue an administrative subpoena requiring the person or agent of the person to make records available for examination; and

(3) Bring an action seeking judicial enforcement of the subpoena.

NEW SECTION. Sec. 1003. RULES FOR CONDUCTING EXAMINATION. (1) The administrator shall adopt rules governing procedures and standards for an examination under section 1002 of this act, including rules for use of an estimation, extrapolation, and statistical sampling in conducting an examination.

(2) An examination under section 1002 of this act must be performed under rules adopted under subsection (1) of this section and with generally accepted examination practices and standards applicable to an unclaimed property examination.

(3) If a person subject to examination under section 1002 of this act has filed the reports required under sections 401 and 1001 of this act and has retained the records required by section 404 of this act, the following rules apply:

(a) The examination must include a review of the person's records.

(b) The examination may not be based on an estimate unless the person expressly consents in a record to the use of an estimate or the person has failed to make its records available to the administrator for examination.

(c) The person conducting the examination shall consider the evidence presented in good faith by the person in preparing the findings of the examination under section 1007 of this act.

NEW SECTION. Sec. 1004. RECORDS OBTAINED IN EXAMINATION. Records obtained and records, including work papers, compiled by the administrator in the course of conducting an examination under section 1002 of this act:

(1) Are subject to the confidentiality and security provisions of sections 1401

through 1408 of this act and are not public records;

(2) May be used by the administrator in an action to collect property or otherwise enforce this chapter;

(3) May be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to sections 1401 through 1408 of this act;

(4) Must be disclosed, on request, to the person that administers the unclaimed property law of another state for that state's use in circumstances equivalent to circumstances described in this section and sections 1001 through 1003 and 1005 through 1013 of this act, if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to sections 1401 through 1408 of this act;

(5) Must be produced by the administrator under an administrative or judicial subpoena or administrative or court order; and

(6) Must be produced by the administrator on request of the person subject to the examination in an administrative or judicial proceeding relating to the property.

NEW SECTION. Sec. 1005. EVIDENCE OF UNPAID DEBT OR UNDISCHARGED OBLIGATION. (1) A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

(2) A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection (1) of this section or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

(3) A putative holder may overcome prima facie evidence under subsection (1) of this section by establishing by a preponderance of the evidence that a check, draft, or similar instrument was:

(a) Issued as an unaccepted offer in settlement of an unliquidated amount;

(b) Issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected;

(c) Issued to a party affiliated with the issuer;

(d) Paid, satisfied, or discharged;

(e) Issued in error;

(f) Issued without consideration;

(g) Issued but there was a failure of consideration;

(h) Voided within a reasonable time after issuance for a valid business reason set forth in a contemporaneous record; or

(i) Issued but not delivered to the third-party payee for a sufficient reason recorded within a reasonable time after issuance.

(4) In asserting a defense under this section, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner or of custom and practice.

NEW SECTION. Sec. 1006. FAILURE OF PERSON EXAMINED TO RETAIN RECORDS. If a person subject to examination under section 1002 of this act does not retain the records required by section 404 of this act, the administrator may determine the value of property due using a reasonable method of estimation based on all information available to the administrator, including extrapolation and use of statistical sampling when appropriate and necessary, consistent with examination procedures and standards adopted under section 1003(1) of this act and in accordance with section 1003(2) of this act.

NEW SECTION. Sec. 1007. REPORT TO PERSON WHOSE RECORDS WERE EXAMINED. At the conclusion of an examination under section 1002 of this act, the administrator shall provide to the person whose records were examined a complete and unredacted examination report that specifies:

(1) The work performed;

(2) The property types reviewed;

(3) The methodology of any estimation technique, extrapolation, or statistical

sampling used in conducting the examination;

(4) Each calculation showing the value of property determined to be due; and

(5) The findings of the person conducting the examination.

NEW SECTION. Sec. 1008. COMPLAINT TO ADMINISTRATOR ABOUT CONDUCT OF PERSON CONDUCTING EXAMINATION. (1) If a person subject to examination under section 1002 of this act believes the person conducting the examination has made an unreasonable or unauthorized request or is not proceeding expeditiously to complete the examination, the person in a record may ask the administrator to intervene and take appropriate remedial action, including countermanding the request of the person conducting the examination, imposing a time limit for completion of the examination, or reassigning the examination to another person.

(2) If a person in a record requests a conference with the administrator to present matters that are the basis of a request under subsection (1) of this section, the administrator shall hold the conference not later than 30 days after receiving the request. The administrator may hold the conference in person, by telephone, or by electronic means.

(3) If a conference is held under subsection (2) of this section, not later than 30 days after the conference ends, the administrator shall provide a report in a record of the conference to the person that requested the conference.

NEW SECTION. Sec. 1009. ADMINISTRATOR'S CONTRACT WITH ANOTHER TO CONDUCT EXAMINATION. (1) In this section, "related to the administrator" refers to an individual who is:

(a) The administrator's spouse, partner in a civil union, domestic partner, or reciprocal beneficiary;

(b) The administrator's child, stepchild, grandchild, parent, stepparent, sibling, stepsibling, half-sibling, aunt, uncle, niece, or nephew;

(c) A spouse, partner in a civil union, domestic partner, or reciprocal beneficiary of an individual under (b) of this subsection; or

(d) Any individual residing in the administrator's household.

(2) The administrator may contract with a person to conduct an examination under this section and sections 1001 through 1008 and 1010 through 1013 of this act. The contract may be awarded only under chapter 39.26 RCW.

(3) If the person with which the administrator contracts under subsection (2) of this section is:

(a) An individual, the individual may not be related to the administrator; or

(b) A business entity, the entity may not be owned in whole or in part by the administrator or an individual related to the administrator.

(4) At least 60 days before assigning a person under contract with the administrator under subsection (2) of this section to conduct an examination, the administrator shall demand in a record that the person to be examined submit a report and deliver property that is previously unreported.

(5) If the administrator contracts with a person under subsection (2) of this section:

(a) The contract may provide for compensation of the person based on a fixed fee, hourly fee, or contingent fee;

(b) A contingent fee arrangement may not provide for a payment that exceeds 10 percent of the amount or value of property paid or delivered as a result of the examination; and

(c) On request by a person subject to examination by a contractor, the administrator shall deliver to the person a complete and unredacted copy of the contract.

(6) A contract under subsection (2) of this section is subject to public disclosure without redaction under chapter 42.56 RCW.

NEW SECTION. Sec. 1010. LIMIT ON FUTURE EMPLOYMENT. The administrator or an individual employed by the administrator who participates in, recommends, or approves the award of a contract under section 1009(2) of this act on or after the effective date of this section may not be employed by, contracted with, or compensated in any capacity by the contractor or an affiliate of the contractor for two years after the latest of participation in, recommendation of, or approval of the award or conclusion of the contract.

NEW SECTION. **Sec. 1011.** REPORT BY ADMINISTRATOR TO STATE OFFICIAL. (1) Not later than three months after the end of the state fiscal year, the administrator shall compile and submit a report to the governor and legislature. The report must contain the following information about property presumed abandoned for the preceding fiscal year for the state:

(a) The total amount and value of all property paid or delivered under this chapter to the administrator, separated into:

(i) The part voluntarily paid or delivered; and

(ii) The part paid or delivered as a result of an examination under section 1002 of this act, separated into the part recovered as a result of an examination conducted by:

(A) A state employee; and

(B) A contractor under section 1009 of this act;

(b) The name of and amount paid to each contractor under section 1009 of this act and the percentage the total compensation paid to all contractors under section 1009 of this act bears to the total amount paid or delivered to the administrator as a result of all examinations performed under section 1009 of this act;

(c) The total amount and value of all property paid or delivered by the administrator to persons that made claims for property held by the administrator under this chapter and the percentage the total payments made and value of property delivered to claimants bears to the total amounts paid and value delivered to the administrator; and

(d) The total amount of claims made by persons claiming to be owners which:

(i) Were denied;

(ii) Were allowed; and

(iii) Are pending.

(2) The report under subsection (1) of this section is a public record subject to public disclosure without redaction under chapter 42.56 RCW.

NEW SECTION. **Sec. 1012.** DETERMINATION OF LIABILITY FOR UNREPORTED REPORTABLE PROPERTY. If the administrator determines from an examination conducted under section 1002

of this act that a putative holder failed or refused to pay or deliver to the administrator property which is reportable under this chapter, the administrator shall issue a determination of the putative holder's liability to pay or deliver and give notice in a record to the putative holder of the determination.

NEW SECTION. **Sec. 1013.** INTEREST AND PENALTIES. (1) A person who fails to pay or deliver property when due is required to pay to the administrator interest at the rate as computed under RCW 82.32.050(1)(c) and set under RCW 82.32.050(2). However, the administrator must waive or cancel interest imposed under this subsection if:

(a) The administrator finds that the failure to pay or deliver the property within the time prescribed by this chapter was the result of circumstances beyond the person's control sufficient for waiver or cancellation of interest under RCW 82.32.105;

(b) The failure to timely pay or deliver the property within the time prescribed by this chapter was the direct result of written instructions given to the person by the administrator; or

(c) The extension of a due date for payment or delivery under an assessment issued by the administrator was not at the person's request and was for the sole convenience of the administrator.

(2) If a person fails to file any report or to pay or deliver any amounts or property when due under a report required under this chapter, there is assessed a penalty equal to 10 percent of the amount unpaid and the value of any property not delivered.

(3) If an examination results in an assessment for amounts unpaid or property not delivered, there is assessed a penalty equal to 10 percent of the amount unpaid and the value of any property not delivered.

(4) If a person fails to pay or deliver to the administrator by the due date any amounts or property due under an assessment issued by the administrator to the person, there is assessed an additional penalty of five percent of the amount unpaid and the value of any property not delivered.

(5) If a holder makes a fraudulent report under this chapter, the

administrator may require the holder to pay the administrator, in addition to interest under this section, a civil penalty of \$1,000 for each day from the date the report was made until corrected, up to a cumulative maximum amount of \$25,000, plus 25 percent of the amount or value of any property that should have been reported or was underreported.

(6) Penalties under subsections (2) through (4) of this section may be waived or canceled only if the administrator finds that the failure to pay or deliver within the time prescribed by this chapter was the result of circumstances beyond the person's control sufficient for waiver or cancellation of penalties under RCW 82.32.105.

(7) If a person willfully fails to file a report or to provide written notice to apparent owners as required under this chapter, the administrator may assess a civil penalty of \$100 for each day the report is withheld or the notice is not sent, but not more than \$5,000.

(8) If a holder, having filed a report, failed to file the report electronically as required by RCW 63.29.170, or failed to pay electronically any amounts due under the report as required by RCW 63.29.190, the administrator must assess a penalty equal to five percent of the amount payable or deliverable under the report, unless the administrator grants the taxpayer relief from the electronic filing and payment requirements. Total penalties assessed under this subsection may not exceed five percent of the amount payable and value of property deliverable under the report.

(9) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this chapter or otherwise willfully fails to perform a duty imposed on the holder under this chapter, the administrator may require the holder to pay the administrator, in addition to interest as provided in this section, a civil penalty of \$1,000 for each day the obligation is evaded or the duty not performed, up to a cumulative maximum amount of \$25,000, plus 25 percent of the amount or value of property that should have been but was not reported, paid, or delivered as a result of the evasion or failure to perform.

(10) The penalties imposed in this section are cumulative.

NEW SECTION. **Sec. 1014.** The administrator may waive, in whole and in part, interest under section 1013 of this act and penalties under section 1013 (5) and (9) of this act.

PART 11

DETERMINATION OF LIABILITY—PUTATIVE HOLDER REMEDIES

NEW SECTION. **Sec. 1101.** **INFORMAL CONFERENCE.** (1) Not later than 30 days after receipt of a notice under section 1012 of this act, the putative holder may request an informal conference with the administrator to review the determination. Except as otherwise provided in this section, the administrator may designate an employee to act on behalf of the administrator.

(2) If a putative holder makes a timely request under subsection (1) of this section for an informal conference:

(a) Not later than 20 days after the date of the request, the administrator shall set the time and place of the conference;

(b) The administrator shall give the putative holder notice in a record of the time and place of the conference;

(c) The conference may be held in person, by telephone, or by electronic means, as determined by the administrator;

(d) The request tolls the 90-day period under sections 1103 and 1104 of this act until notice of a decision under (g) of this subsection has been given to the putative holder or the putative holder withdraws the request for the conference;

(e) The conference may be postponed, adjourned, and reconvened as the administrator determines appropriate;

(f) The administrator or administrator's designee with the approval of the administrator may modify a determination made under section 1012 of this act or withdraw it; and

(g) The administrator shall issue a decision in a record and provide a copy of the record to the putative holder and examiner not later than 20 days after the conference ends.

(3) A conference under subsection (2) of this section is not an administrative remedy and is not a contested case subject to chapter 34.05 RCW. An oath is

not required and rules of evidence do not apply in the conference.

(4) At a conference under subsection (2) of this section, the putative holder must be given an opportunity to confer informally with the administrator and the person that examined the records of the putative holder to:

(a) Discuss the determination made under section 1012 of this act; and

(b) Present any issue concerning the validity of the determination.

(5) If the administrator fails to act within the period prescribed in subsection (2)(a) or (g) of this section, the failure does not affect a right of the administrator, except that interest does not accrue on the amount for which the putative holder was determined to be liable under section 1012 of this act during the period in which the administrator failed to act until the earlier of:

(a) The date under section 1103 of this act the putative holder initiates administrative review or files an action under section 1104 of this act; or

(b) Ninety days after the putative holder received notice of the administrator's determination under section 1012 of this act if no review was initiated under section 1103 of this act and no action was filed under section 1104 of this act.

(6) The administrator may hold an informal conference with a putative holder about a determination under section 1012 of this act without a request at any time before the putative holder initiates administrative review under section 1103 of this act or files an action under section 1104 of this act.

(7) Interest and penalties under section 1013 of this act continue to accrue on property not reported, paid, or delivered as required by this chapter after the initiation, and during the pendency, of an informal conference under this section.

NEW SECTION. Sec. 1102. REVIEW OF ADMINISTRATOR'S DETERMINATION. A putative holder may seek relief from a determination under section 1012 of this act by:

(1) Administrative review under section 1103 of this act; or

(2) Judicial review under section 1104 of this act.

NEW SECTION. Sec. 1103. ADMINISTRATIVE REVIEW. Any person having been issued a determination by the administrator, or a denial of an application for a refund or return of property, under the provisions of this chapter is entitled to a review by the administrator conducted in accordance with the provisions of RCW 34.05.410 through 34.05.494, subject to judicial review under RCW 34.05.510 through 34.05.598. A petition for review under this section is timely if received in writing by the administrator on or before 90 days after the holder receives the determination from the administrator pursuant to section 1012 of this act or from any extension of the due date granted by the administrator, or in the case of a refund or return application, 30 days after the administrator rejects the application in writing, regardless of any subsequent action by the administrator to reconsider its initial decision. The period for filing a petition for review under this section may be extended as provided in a rule adopted by the administrator under chapter 34.05 RCW or upon a written agreement signed by the holder and the administrator.

NEW SECTION. Sec. 1104. JUDICIAL REMEDY. (1) Any person who has paid or delivered property to the administrator under the provisions of this chapter, except one who has failed to keep and preserve records as required in this chapter, feeling aggrieved by such payment or delivery, may appeal to the Thurston county superior court. The person filing a notice of appeal under this section is deemed the plaintiff, and the administrator, the defendant.

(2) An appeal under this section must be made within 30 days after the administrator rejects in writing an application for refund or return of property, regardless of any subsequent action by the administrator to reconsider its initial decision.

(3)(a) In an appeal filed under this section, the plaintiff must set forth the amount or property, if any, payable or deliverable on the report or assessment that the plaintiff is contesting, which the holder concedes to be the correct amount payable or deliverable, and the reason why the amount payable or deliverable should be reduced or abated.

(b) The appeal is perfected only by serving a copy of the notice of appeal upon the administrator and filing the original with proof of service with the clerk of the superior court of Thurston county, within the time specified in subsection (2) of this section.

(4)(a) The trial in the superior court on appeal must be de novo and without the necessity of any pleadings other than the notice of appeal. At trial, the burden is on the plaintiff to (i) prove that the amount paid by that person is incorrect, either in whole or in part, or the property in question was delivered in error to the administrator, and (ii) establish the correct amount payable or the property required to be delivered to the administrator, if any.

(b) Both parties are entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount due, if any, that should be paid by the plaintiff.

(c) Either party may seek appellate review in the same manner as other civil actions are appealed to the appellate courts.

(5) An appeal may be maintained under this section without the need for the plaintiff to first:

(a) Protest against the payment of any amount due or reportable under this chapter or to make any demand to have such amount refunded or returned; or

(b) Petition the administrator for a refund, return of property, or a review of its action as authorized in section 1103 of this act.

(6) No court action or proceeding of any kind may be maintained by the plaintiff to recover any amount paid, delivered, or reported to the administrator under this chapter, except as provided in this section or as may be available to the plaintiff under RCW 34.05.510 through 34.05.598.

(7) No appeal may be maintained under this section with respect to matters reviewed by the administrator under the provisions of chapter 34.05 RCW.

PART 12

ENFORCEMENT BY ADMINISTRATOR

NEW SECTION. **Sec. 1201.** JUDICIAL ACTION TO ENFORCE LIABILITY. (1) If a

determination under section 1012 of this act becomes final and is not subject to administrative or judicial review, the administrator may commence an action in superior court or in an appropriate court of another state to enforce the determination and secure payment or delivery of past due, unpaid, or undelivered property. The action must be brought not later than one year after the determination becomes final.

(2) In an action under subsection (1) of this section, if no court in this state has jurisdiction over the defendant, the administrator may commence an action in any court having jurisdiction over the defendant.

NEW SECTION. **Sec. 1202.** INTERSTATE AND INTERNATIONAL AGREEMENT—COOPERATION. (1) Subject to subsection (2) of this section, the administrator may:

(a) Exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and

(b) Authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder as provided in sections 1001 through 1013 of this act.

(2) An exchange or examination under subsection (1) of this section may be done only if the state or foreign country has confidentiality and security requirements substantially equivalent to those in sections 1401 through 1408 of this act or agrees in a record to be bound by this state's confidentiality and security requirements.

NEW SECTION. **Sec. 1203.** ACTION INVOLVING ANOTHER STATE OR FOREIGN COUNTRY. (1) The administrator may join another state or foreign country to examine and seek enforcement of this chapter against a putative holder.

(2) On request of another state or foreign country, the attorney general may commence an action on behalf of the other state or country to enforce, in this state, the law of the other state or country against a putative holder subject to a claim by the other state or country, if the other state or country agrees to pay costs incurred by the attorney general in the action.

(3) The administrator may request the official authorized to enforce the unclaimed property law of another state or foreign country to commence an action to recover property in the other state or country on behalf of the administrator. This state shall pay the costs, including reasonable attorneys' fees and expenses, incurred by the other state or foreign country in an action under this subsection.

(4) The administrator may pursue an action on behalf of this state to recover property subject to this chapter but delivered to the custody of another state if the administrator believes the property is subject to the custody of the administrator.

(5) The administrator may retain an attorney in this state, another state, or a foreign country to commence an action to recover property on behalf of the administrator and may agree to pay attorneys' fees based in whole or in part on a fixed fee, hourly fee, or a percentage of the amount or value of property recovered in the action.

(6) Expenses incurred by this state in an action under this section may be paid from property received under this chapter or the net proceeds of the property. Expenses paid to recover property may not be deducted from the amount that is subject to a claim under this chapter by the owner.

PART 13

AGREEMENT TO LOCATE PROPERTY OF APPARENT OWNER HELD BY ADMINISTRATOR

NEW SECTION. **Sec. 1301.** WHEN AGREEMENT TO LOCATE PROPERTY ENFORCEABLE. An agreement by an apparent owner and another person, the primary purpose of which is to locate, deliver, recover, or assist in the location, delivery, or recovery of property held by the administrator, is enforceable only if the agreement:

(1) Is in a record that clearly states the nature of the property and the services to be provided;

(2) Is signed by or on behalf of the apparent owner; and

(3) States the amount or value of the property reasonably expected to be recovered, computed before and after a fee or other compensation to be paid to the person has been deducted.

NEW SECTION. **Sec. 1302.** WHEN AGREEMENT TO LOCATE PROPERTY VOID. (1) Subject to subsection (2) of this section, an agreement under section 1301 of this act is void if it is entered into during the period beginning on the date the property was paid or delivered by a holder to the administrator and ending 24 months after the payment or delivery.

(2) If a provision in an agreement described in subsection (1) of this section applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.

(3) An agreement under subsection (1) of this section which provides for compensation in an amount that is unconscionable is unenforceable except by the apparent owner. An apparent owner that believes the compensation the apparent owner has agreed to pay is unconscionable or the administrator, acting on behalf of an apparent owner, or both, may file an action in superior court to reduce the compensation to the maximum amount that is not unconscionable.

(4) An apparent owner or the administrator may assert that an agreement described in this section is void on a ground other than it provides for payment of unconscionable compensation.

(5) This section does not apply to an apparent owner's agreement with an attorney to pursue a claim for recovery of specifically identified property held by the administrator or to contest the administrator's denial of a claim for recovery of the property.

NEW SECTION. **Sec. 1303.** RIGHT OF AGENT OF APPARENT OWNER TO RECOVER PROPERTY HELD BY ADMINISTRATOR. (1) An apparent owner that contracts with another person to locate, deliver, recover, or assist in the location, delivery, or recovery of property of the apparent owner which is held by the administrator may designate the person as the agent of the apparent owner. The designation must be in a record signed by the apparent owner.

(2) The administrator shall give the agent of the apparent owner all information concerning the property

which the apparent owner is entitled to receive, including information that otherwise is confidential information under section 1402 of this act.

(3) If authorized by the apparent owner, the agent of the apparent owner may bring an action against the administrator on behalf of and in the name of the apparent owner.

PART 14

CONFIDENTIALITY AND SECURITY OF INFORMATION

NEW SECTION. **Sec. 1401.** DEFINITIONS—APPLICABILITY. (1) In this section and sections 1402 through 1408 of this act, "personal information" means:

(a) Information that identifies or reasonably can be used to identify an individual, such as first and last name in combination with the individual's:

(i) Social security number or other government-issued number or identifier;

(ii) Date of birth;

(iii) Home or physical address;

(iv) Email address or other online contact information or internet provider address;

(v) Financial account number or credit or debit card number;

(vi) Biometric data, health or medical data, or insurance information; or

(vii) Passwords or other credentials that permit access to an online or other account;

(b) Personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law; and

(c) Any combination of data that, if accessed, disclosed, modified, or destroyed without authorization of the owner of the data or if lost or misused, would require notice or reporting under chapter 19.255 RCW and federal privacy and data security law, whether or not the administrator or the administrator's agent is subject to the law.

(2) A provision of this section or sections 1402 through 1408 of this act that applies to the administrator or the administrator's records applies to an administrator's agent.

NEW SECTION. **Sec. 1402.** CONFIDENTIAL INFORMATION. (1) Except as otherwise

provided in this chapter, the following are confidential and exempt from public inspection or disclosure:

(a) Reports and records of a holder in the possession of the administrator or the administrator's agent; and

(b) Personal information and other information derived or otherwise obtained by or communicated to the administrator or the administrator's agent from an examination under this chapter of the records of a person.

(2) A record or other information that is confidential under law of this state other than this chapter, another state, or the United States continues to be confidential when disclosed or delivered under this chapter to the administrator or administrator's agent.

NEW SECTION. **Sec. 1403.** WHEN CONFIDENTIAL INFORMATION MAY BE DISCLOSED. (1) When reasonably necessary to enforce or implement this chapter, the administrator may disclose confidential information concerning property held by the administrator or the administrator's agent only to:

(a) An apparent owner or the apparent owner's personal representative, attorney, other legal representative, relative, or agent designated under section 1303 of this act to have the information;

(b) The personal representative, other legal representative, relative of a deceased apparent owner, agent designated under section 1303 of this act by the deceased apparent owner, or a person entitled to inherit from the deceased apparent owner;

(c) Another department or agency of this state or the United States;

(d) The person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the administrator of this state if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to this section and sections 1401, 1402, and 1404 through 1408 of this act; or

(e) A person subject to an examination as required by section 1004(6) of this act.

(2) Except as otherwise provided in section 1402(1) of this act, the administrator shall include on the website or in the database required by section 503(3)(b) of this act the name of each apparent owner of property held by the administrator. The administrator may include in published notices, printed publications, telecommunications, the internet, or other media and on the website or in the database additional information concerning the apparent owner's property if the administrator believes the information will assist in identifying and returning property to the owner and does not disclose personal information except the home or physical address of an apparent owner.

(3) The administrator and the administrator's agent may not use confidential information provided to them or in their possession except as expressly authorized by this chapter or required by law other than this chapter.

NEW SECTION. Sec. 1404. CONFIDENTIALITY AGREEMENT. A person to be examined under section 1002 of this act may require, as a condition of disclosure of the records of the person to be examined, that each person having access to the records disclosed in the examination execute and deliver to the person to be examined a confidentiality agreement that:

(1) Is in a form that is reasonably satisfactory to the administrator; and

(2) Requires the person having access to the records to comply with the provisions of this section and sections 1401 through 1403 and 1405 through 1408 of this act applicable to the person.

NEW SECTION. Sec. 1405. NO CONFIDENTIAL INFORMATION IN NOTICE. Except as otherwise provided in sections 501 and 502 of this act, a holder is not required under this chapter to include confidential information in a notice the holder is required to provide to an apparent owner under this chapter.

NEW SECTION. Sec. 1406. SECURITY OF INFORMATION. (1) If a holder is required to include confidential information in a report to the administrator, the information must be provided by a secure means.

(2) If confidential information in a record is provided to and maintained by the administrator or administrator's

agent as required by this chapter, the administrator or agent shall:

(a) Implement administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the information required by chapter 19.255 RCW and federal privacy and data security law whether or not the administrator or the administrator's agent is subject to the law;

(b) Protect against reasonably anticipated threats or hazards to the security, confidentiality, or integrity of the information; and

(c) Protect against unauthorized access to or use of the information which could result in substantial harm or inconvenience to a holder or the holder's customers, including insureds, annuitants, and policy or contract owners and their beneficiaries.

(3) The administrator:

(a) After notice and comment, shall adopt and implement a security plan that identifies and assesses reasonably foreseeable internal and external risks to confidential information in the administrator's possession and seeks to mitigate the risks; and

(b) Shall ensure that an administrator's agent adopts and implements a similar plan with respect to confidential information in the agent's possession.

(4) The administrator and the administrator's agent shall educate and train their employees regarding the plan adopted under subsection (3) of this section.

(5) The administrator and the administrator's agent shall in a secure manner return or destroy all confidential information no longer reasonably needed under this chapter.

NEW SECTION. Sec. 1407. SECURITY BREACH. (1) Except to the extent prohibited by law other than this chapter, the administrator or administrator's agent shall notify a holder as soon as practicable of:

(a) A suspected loss, misuse, or unauthorized access, disclosure, modification, or destruction of confidential information obtained from the holder in the possession of the administrator or an administrator's agent; and

(b) Any interference with operations in any system hosting or housing confidential information which:

(i) Compromises the security, confidentiality, or integrity of the information; or

(ii) Creates a substantial risk of identity fraud or theft.

(2) Except as necessary to inform an insurer, attorney, investigator, or others as required by law, the administrator and an administrator's agent may not disclose, without the express consent in a record of the holder, an event described in subsection (1) of this section to a person whose confidential information was supplied by the holder.

(3) If an event described in subsection (1) of this section occurs, the administrator and the administrator's agent shall:

(a) Take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and

(b) Cooperate with the holder with respect to:

(i) Any notification required by law concerning a data or other security breach; and

(ii) A regulatory inquiry, litigation, or similar action.

NEW SECTION. Sec. 1408. INDEMNIFICATION FOR BREACH. (1) If a claim is made or action commenced arising out of an event described in section 1407(1) of this act relating to confidential information possessed by the administrator, this state shall indemnify, defend, and hold harmless a holder and the holder's affiliates, officers, directors, employees, and agents as to:

(a) Any claim or action; and

(b) A liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorneys' fees and costs, established by the claim or action.

(2) If a claim is made or action commenced arising out of an event described in section 1407(1) of this act relating to confidential information possessed by an administrator's agent,

the administrator's agent shall indemnify, defend, and hold harmless a holder and the holder's affiliates, officers, directors, employees, and agents as to:

(a) Any claim or action; and

(b) A liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorneys' fees and costs, established by the claim or action.

(3) The administrator shall require an administrator's agent that will receive confidential information required under this chapter to maintain adequate insurance for indemnification obligations of the administrator's agent under subsection (2) of this section. The agent required to maintain the insurance shall provide evidence of the insurance to:

(a) The administrator not less frequently than annually; and

(b) The holder on commencement of an examination and annually thereafter until all confidential information is returned or destroyed under section 1406(5) of this act.

PART 15

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 1501. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform chapter and this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 1502. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 1503. TRANSITIONAL PROVISION. (1) An initial report filed under this chapter for property that was not required to be reported before the effective date of this section, but that is required to be reported under this

chapter, must include all items of property that would have been presumed abandoned during the six-year period preceding the effective date of this section as if this chapter had been in effect during that period.

(2) This chapter does not relieve a holder of a duty that arose before the effective date of this section to report, pay, or deliver property. Subject to section 610 (2) and (3) of this act, a holder that did not comply with the law governing unclaimed property before the effective date of this section is subject to applicable provisions for enforcement and penalties in effect before the effective date of this section.

NEW SECTION. Sec. 1504. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1505. REPEALS. The following acts or parts of acts are each repealed:

(1)RCW 63.29.010 (Definitions and use of terms) and 2012 c 117 s 177, 2005 c 285 s 1, 2004 c 168 s 13, & 1983 c 179 s 1;

(2)RCW 63.29.020 (Property presumed abandoned—General rule—Exceptions) and 2015 3rd sp.s. c 6 s 2101, 2011 c 116 s 1, & 2010 c 29 s 1;

(3)RCW 63.29.030 (General rules for taking custody of intangible unclaimed property) and 1983 c 179 s 3;

(4)RCW 63.29.040 (Travelers checks and money orders) and 1983 c 179 s 4;

(5)RCW 63.29.050 (Checks, drafts, and similar instruments issued or certified by banking and financial organizations) and 2003 1st sp.s. c 13 s 2 & 1983 c 179 s 5;

(6)RCW 63.29.060 (Bank deposits and funds in financial organizations) and 2003 1st sp.s. c 13 s 3 & 1983 c 179 s 6;

(7)RCW 63.29.070 (Funds owing under life insurance policies) and 2012 c 117 s 178, 2003 1st sp.s. c 13 s 4, & 1983 c 179 s 7;

(8)RCW 63.29.080 (Deposits held by utilities) and 1983 c 179 s 8;

(9)RCW 63.29.090 (Refunds held by business associations) and 1983 c 179 s 9;

(10)RCW 63.29.100 (Stock and other intangible interests in business associations) and 2003 1st sp.s. c 13 s 5, 1996 c 45 s 1, & 1983 c 179 s 10;

(11)RCW 63.29.110 (Property of business associations held in course of dissolution) and 1983 c 179 s 11;

(12)RCW 63.29.120 (Property held by agents and fiduciaries) and 2012 c 117 s 179, 2003 1st sp.s. c 13 s 6, & 1983 c 179 s 12;

(13)RCW 63.29.130 (Property held by courts and public agencies—When abandoned—Overpayments) and 2007 c 183 s 1, 1993 c 498 s 2, & 1983 c 179 s 13;

(14)RCW 63.29.133 (Property held by landlord) and 1992 c 38 s 9;

(15)RCW 63.29.135 (Abandoned intangible property held by local government) and 1990 2nd ex.s. c 1 s 301;

(16)RCW 63.29.140 (Gift certificates and credit memos) and 2015 3rd sp.s. c 6 s 2102, 2004 c 168 s 15, 2003 1st sp.s. c 13 s 7, & 1983 c 179 s 14;

(17)RCW 63.29.150 (Wages) and 1983 c 179 s 15;

(18)RCW 63.29.160 (Contents of safe deposit box or other safekeeping repository) and 1983 c 179 s 16;

(19)RCW 63.29.165 (Property in self-storage facility) and 1993 c 498 s 4 & 1988 c 240 s 21;

(20)RCW 63.29.170 (Report of abandoned property) and 2015 3rd sp.s. c 6 s 2103, 2004 c 168 s 16, 2003 c 237 s 1, 1996 c 45 s 2, 1993 c 498 s 7, & 1983 c 179 s 17;

(21)RCW 63.29.180 (Notice and publication of information about unclaimed property) and 2015 3rd sp.s. c 6 s 2104, 2005 c 367 s 2, 2003 c 237 s 2, 1993 c 498 s 9, 1986 c 84 s 1, & 1983 c 179 s 18;

(22)RCW 63.29.190 (Payment or delivery of abandoned property) and 2015 3rd sp.s. c 6 s 2105;

(23)RCW 63.29.192 (Penalty and interest paid in excess—Refunds—Returns) and 2015 3rd sp.s. c 6 s 2110;

(24)RCW 63.29.193 (Petition for review—Denied application for refund or return) and 2015 3rd sp.s. c 6 s 2111;

(25)RCW 63.29.194 (Appeal of payment or delivered property) and 2015 3rd sp.s. c 6 s 2112;

(26)RCW 63.29.195 (Agreement—Established between a holder and the department) and 2015 3rd sp.s. c 6 s 2113;

(27)RCW 63.29.200 (Custody by state—Holder relieved from liability—Reimbursement of holder paying claim—Reclaiming for owner—Defense of holder—Payment of safe deposit box or repository charges) and 2012 c 117 s 180 & 1983 c 179 s 20;

(28)RCW 63.29.210 (Crediting of dividends, interest, or increments to owner's account) and 1983 c 179 s 21;

(29)RCW 63.29.220 (Public sale of abandoned property) and 2011 2nd sp.s. c 8 s 1, 2005 c 367 s 4, 1996 c 45 s 3, 1993 c 498 s 10, & 1983 c 179 s 22;

(30)RCW 63.29.230 (Deposit of funds) and 1983 c 179 s 23;

(31)RCW 63.29.240 (Filing of claim with department) and 2011 2nd sp.s. c 8 s 2 & 1983 c 179 s 24;

(32)RCW 63.29.250 (Claim of another state to recover property—Procedure) and 1983 c 179 s 25;

(33)RCW 63.29.260 (Action to establish claim) and 1983 c 179 s 26;

(34)RCW 63.29.270 (Election to take payment or delivery) and 1983 c 179 s 27;

(35)RCW 63.29.280 (Destruction or disposition of property having insubstantial commercial value—Immunity from liability) and 2005 c 367 s 5 & 1983 c 179 s 28;

(36)RCW 63.29.290 (Periods of limitation) and 2015 3rd sp.s. c 6 s 2106 & 1983 c 179 s 29;

(37)RCW 63.29.300 (Requests for reports and examination of records) and 2015 3rd sp.s. c 6 s 2107 & 1983 c 179 s 30;

(38)RCW 63.29.310 (Retention of records) and 1983 c 179 s 31;

(39)RCW 63.29.320 (Enforcement) and 1983 c 179 s 32;

(40)RCW 63.29.330 (Interstate agreements and cooperation—Joint and reciprocal actions with other states) and 1983 c 179 s 33;

(41)RCW 63.29.340 (Interest and penalties) and 2015 3rd sp.s. c 6 s 2108 & 2011 c 96 s 45;

(42)RCW 63.29.350 (Penalty for excessive fee for locating abandoned property—Consumer protection act application) and 2012 c 117 s 181, 2010 c 29 s 2, & 1983 c 179 s 35;

(43)RCW 63.29.360 (Foreign transactions) and 1983 c 179 s 36;

(44)RCW 63.29.370 (Rules) and 1983 c 179 s 38;

(45)RCW 63.29.380 (Information and records confidential) and 1983 c 179 s 39;

(46)RCW 63.29.900 (Effect of new provisions—Clarification of application) and 1983 c 179 s 37;

(47)RCW 63.29.902 (Uniformity of application and construction) and 1983 c 179 s 41;

(48)RCW 63.29.903 (Short title) and 1983 c 179 s 42;

(49)RCW 63.29.905 (Effective date—1983 c 179) and 1983 c 179 s 47; and

(50)RCW 63.29.906 (Effective date—1996 c 45) and 1996 c 45 s 5.

NEW SECTION. **Sec. 1506.** CODIFICATION. Sections 101 through 1503 and 1507 of this act constitute a new chapter in Title 63 RCW.

NEW SECTION. **Sec. 1507.** EFFECTIVE DATE. This act takes effect January 1, 2023.

NEW SECTION. **Sec. 1508.** SEVERABILITY. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Dufault, Assistant Ranking Minority Member; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Stokesbary and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase and Young.

Referred to Committee on Rules for second reading.

February 25, 2022

SB 5713 Prime Sponsor, Senator Das: Providing a property tax exemption for limited equity cooperative housing. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2022 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to financially incentivize the formation and utilization of limited equity cooperatives, and to increase the availability of housing available to low-income households. It is the legislature's intent to exempt from taxation any real property owned by a limited equity cooperative when a majority of the property is used and occupied by low-income households.

(4)(a) To measure the effectiveness of the tax preference provided in section 2

of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two years prior to the expiration of the tax preference: (i) Growth in the formation and utilization of limited equity cooperatives; (ii) growth in available units of affordable housing within limited equity cooperatives; and (iii) any other metric the joint legislative audit and review committee determines is relevant to measuring success of this exemption.

(b) If the review by the joint legislative audit and review committee finds that growth in the formation and utilization of limited equity cooperatives or growth in available units of affordable housing within limited equity cooperatives has occurred, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements for a limited equity cooperative claiming this tax preference; and

(c) Any other data necessary for the evaluation under subsection (4) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 84.36 RCW to read as follows:

(1) The real property owned by a limited equity cooperative that provides owned housing for low-income households is exempt from property taxation if:

(a) The benefit of the exemption inures to the limited equity cooperative and its members;

(b) At least 85 percent of the occupied dwelling units in the limited equity cooperative is occupied by members of the limited equity cooperative determined as of January 1st of each assessment year for which the exemption is claimed;

(c) At least 95 percent of the property for which the exemption is sought is used for dwelling units or other noncommercial

uses available for use by the members of the limited equity cooperative; and

(d) The housing was insured, financed, or assisted, in whole or in part, through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal or state housing program administered by the federal department of housing and urban development;

(iii) A federal housing program administered by a city or county government;

(iv) An affordable housing levy authorized under RCW 84.52.105;

(v) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW; or

(vi) The Washington state housing finance commission.

(2) If less than 100 percent of the dwelling units within the limited equity cooperative is occupied by low-income households, the limited equity cooperative is eligible for a partial exemption on the real property. The amount of exemption must be calculated by multiplying the assessed value of the property owned by the limited equity cooperative by a fraction. The numerator of the fraction is the number of dwelling units occupied by low-income households as of January 1st of each assessment year for which the exemption is claimed, and the denominator of the fraction is the total number of dwelling units as of such date.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Cooperative" has the meaning provided in RCW 64.90.010.

(b)(i) "Limited equity cooperative" means a cooperative subject to the Washington uniform common interest ownership act under chapter 64.90 RCW that owns the real property for which an exemption is sought under this section and for which, following the completion of the development or redevelopment of such real property:

(A) Members are prevented from selling their ownership interests other than to a median-income household; and

(B) Members are prevented from selling their ownership interests for a sales price that exceeds the sum of:

(I) The sales price they paid for their ownership interest;

(II) The cost of permanent improvements they made to the dwelling unit during their ownership;

(III) Any special assessments they paid to the limited equity cooperative during their ownership to the extent utilized to make permanent improvements to the building or buildings in which the dwelling units are located; and

(IV) A three percent annual noncompounded return on the above amounts.

(ii) For the purposes of this subsection (3)(b), "sales price" is the total consideration paid or contracted to be paid to the seller or to another for the seller's benefit.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is at or below 80 percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the housing is located and in effect as of January 1st of the year in which the determination is to be made as to whether the single person, family, or unrelated persons living together qualify as a low-income household.

(d) "Median-income household" means a single person, family, or unrelated persons living together whose income is at or below 100 percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the housing is located and in effect as of January 1st of the year in which the determination is to be made as to whether the single person, family, or unrelated persons living together qualify as a median-income household.

(e) "Members" of a limited equity cooperative means individuals or entities that have an ownership interest in the limited equity cooperative that entitles them to occupy and sell a

dwelling unit in the limited equity cooperative.

Sec. 3. RCW 84.36.800 and 1998 c 311 s 24 are each amended to read as follows:

As used in this chapter:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergy or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4)(a) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(b) "Nonprofit" also means a limited equity cooperative as defined in section 2 of this act;

(5) "Parsonage" means a residence occupied by a member of the clergy who has been designated for a particular congregation and who holds regular services therefor.

Sec. 4. RCW 84.36.805 and 2016 c 217 s 3 are each amended to read as follows:

(1) In order to qualify for an exemption under this chapter, the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and

does not exceed an amount reasonably necessary for that purpose. Notwithstanding anything to the contrary in this section:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising events does not subject the property to tax if the fund-raising events are consistent with the purposes for which the exemption is granted or are conducted by a nonprofit organization. If the property is loaned or rented to conduct a fund-raising event, the requirements of (a) of this subsection (2) apply;

(c) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted does not subject the property to tax, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

(3) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller does not qualify for exempt status. This subsection does not apply to (~~property~~)
:

(a) Limited equity cooperatives as defined in section 2 of this act; or

(b) Property sold to a nonprofit entity, as defined in RCW 84.36.560(~~(+7)~~), by:

~~((a))~~ (i) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under 26 U.S.C. Sec. 501(c) of the federal internal revenue code;

~~((b))~~ (ii) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

~~((c))~~ (iii) A housing authority created under RCW 35.82.030;

~~((d))~~ (iv) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

~~((e))~~ (v) A housing authority established under RCW 35.82.300.

(6) The department must have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, 84.36.049, and 84.36.480(2).

(8)(a) The use of property exempt under this chapter, other than as specifically authorized by this chapter, nullifies the exemption otherwise available for the property for the assessment year. However, the exemption is not nullified by the use of the property by any individual, group, or entity, where such use is not otherwise authorized by this chapter, for not more than ~~((fifty))~~ 50 days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than ~~((fifteen))~~ 15 of the ~~((fifty))~~ 50 days in each calendar year. The ~~((fifty))~~ 50 and ~~((fifteen))~~ 15-day limitations provided in this subsection (8)(a) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (8)(a).

(b) If uses of the exempt property exceed the ~~((fifty))~~ 50 and ~~((fifteen))~~ 15-day limitations provided in (a) of this subsection (8) during an assessment year, the exemption is removed for the affected portion of the property for that assessment year.

Sec. 5. RCW 84.36.810 and 2006 c 305 s 4 are each amended to read as follows:

(1)(a) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.042, 84.36.043, 84.36.046, 84.36.050, 84.36.060, 84.36.550, 84.36.560, 84.36.570, section 2 of this act, and 84.36.650, except as provided in (b) of this subsection, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes. If the property has been granted an exemption for more than ~~((ten))~~ 10 consecutive years, taxes and interest shall not be assessed under this section.

(b) Upon cessation of use by an institution of higher education of property exempt under RCW 84.36.050(2) the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of the exemption, whichever is less.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when ~~((fifty-one))~~ 51 percent or more of the area of the property loses its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under this chapter;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for

undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on leased property that had been exempt under this chapter;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(3), as long as some portion of the home remains exempt; or

(h) Transfer to an agency of the state of Washington or the city or county within which the property is located.

(3) Subsection (2)(e) and (f) of this section (~~(do not)~~) does not apply to property leased to a state institution of higher education and exempt under RCW 84.36.050(2).

Sec. 6. RCW 84.36.815 and 2020 c 273 s 2 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in RCW 84.36.049 is July 1st for 2016 and March 31st for 2017 and thereafter. All applications must be filed on forms prescribed by the department and must be signed by an authorized agent of the applicant.

(2)(a) In order to requalify for exempt status, all applicants except nonprofit cemeteries and nonprofits receiving the exemption under RCW 84.36.049 and nonprofits receiving the exemptions under RCW 84.36.560 or section 2 of this act must file an annual renewal declaration on or before March 31st each year. The renewal declaration must be on forms prescribed by the department of revenue and must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the renewal declaration to assist the department in determining

whether the property tax exemption should continue.

(b) In order to requalify for exempt status, nonprofits receiving the exemptions under RCW 84.36.560 or section 2 of this act must file a renewal declaration on or before March 31st of every third year following initial qualification for the exemption. Except for the annual renewal requirement, all other requirements of (a) of this subsection apply.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the (~~sixty~~) 60-day period, a late filing penalty is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications for the tax preferences provided in RCW 84.36.049 and section 2 of this act with the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preferences provided in RCW 84.36.049 and section 2 of this act.

NEW SECTION. **Sec. 7.** This act applies to taxes levied for collection in 2023 through 2032.

NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act expire January 1, 2033."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase; Chopp; Springer and Stokesbary.

(9) \$ 40.00 \$ 30.00 RCW 46.68.420
Gonzaga University alumni association

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Vick and Young.

(10) \$ 40.00 \$ 30.00 RCW 46.68.420
Helping kids speak

Referred to Committee on Rules for second reading.

(11) \$ 35.00 N/A RCW 46.68.030
Horseless carriage

February 25, 2022

SSB 5741 Prime Sponsor, Committee on Transportation: Creating Patches pal special license plates. Reported by Committee on Transportation

(12) Keep kids safe \$ 45.00 \$ 30.00 RCW 46.68.425

(13) Law enforcement memorial \$ 40.00 \$ 30.00 RCW 46.68.420

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

(14) \$ 5.00 N/A RCW 46.68.070
Military affiliate radio system

"Sec. 1. RCW 46.17.220 and 2020 c 129 s 1 and 2020 c 93 s 2 are each reenacted and amended to read as follows:

(15) Music matters \$ 40.00 \$ 30.00 RCW 46.68.420

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

(16) \$ 40.00 \$ 30.00 RCW 46.68.420
Patches pal, or alternative name as designated by the department under section 4 of this act

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
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(17) \$ 40.00 \$ 30.00 RCW 46.68.420

(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
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Professional firefighters and paramedics

(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
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((~~47~~)) \$ 40.00 \$ 30.00 RCW 46.68.425

(18) Purple Heart

(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
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((~~48~~)) \$ 25.00 N/A RCW 46.68.030

(19) Ride share

(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
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((~~49~~)) \$ 40.00 \$ 30.00 RCW 46.68.420

(20) San Juan Islands

(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
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((~~20~~)) \$ 40.00 \$ 30.00 RCW 46.68.420

(21) Seattle Mariners

(6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
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((~~21~~)) \$ 40.00 \$ 30.00 RCW 46.68.420

(22) Seattle NHL hockey

(7) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
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((~~22~~)) \$ 40.00 \$ 30.00 RCW 46.68.420

(23) Seattle Seahawks

(8) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
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((23)) <u>(24)</u> Seattle Sounders FC	\$ 40.00	\$ 30.00	RCW 46.68.420
((24)) <u>(25)</u> Seattle Storm	\$ 40.00	\$ 30.00	RCW 46.68.420
((25)) <u>(26)</u> Seattle University	\$ 40.00	\$ 30.00	RCW 46.68.420
((26)) <u>(27)</u> Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
((27)) <u>(28)</u> Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
((28)) <u>(29)</u> Square dancer	\$ 40.00	N/A	RCW 46.68.070
((29)) <u>(30)</u> State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
((30)) <u>(31)</u> Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
((31)) <u>(32)</u> Washington apples	\$ 40.00	\$ 30.00	RCW 46.68.420
((32)) <u>(33)</u> Washington farmers and ranchers	\$ 40.00	\$ 30.00	RCW 46.68.420
((33)) <u>(34)</u> Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
((34)) <u>(35)</u> Washington state aviation	\$ 40.00	\$ 30.00	RCW 46.68.420
((35)) <u>(36)</u> Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
((36)) <u>(37)</u> Washington state wrestling	\$ 40.00	\$ 30.00	RCW 46.68.420
((37)) <u>(38)</u>	\$ 40.00	\$ 30.00	RCW 46.68.420

Washington tennis	((38))	\$ 40.00	\$ 30.00	RCW 46.68.425
Washington's fish collection	((39))	\$ 40.00	\$ 30.00	RCW 46.68.420
Washington's national parks	((40))	\$ 40.00	\$ 30.00	RCW 46.68.425
Washington's wildlife collection	((41))	\$ 40.00	\$ 30.00	RCW 46.68.420
We love our pets	((42))	\$ 40.00	\$ 30.00	RCW 46.68.425
Wild on Washington	((43))	\$ 40.00	\$ 30.00	RCW 46.68.425

Sec. 2. RCW 46.18.200 and 2020 c 129 s 2 and 2020 c 93 s 1 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates, subject to subsection (5) of this section:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch

	of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.	Seattle Storm	Displays the "Seattle Storm" logo.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.	Seattle University	Recognizes Seattle University.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.	Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Fred Hutch	Displays the Fred Hutch logo.	Ski & ride Washington	Recognizes the Washington snowsports industry.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.	State flower	Recognizes the Washington state flower.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.	Volunteer firefighters	Recognizes volunteer firefighters.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.	Washington apples	Displays the Washington apple logo that recognizes the state's apple industry, the growers and shippers who produce and pack the world famous apples, and the tree fruit community.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.	Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Music matters	Displays the "Music Matters" logo.	Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
<u>Patches pal. or alternative name as designated by the department under section 4 of this act</u>	<u>Displays the likenesses of the J.P. Patches and Gertrude characters from the J.P. Patches show, or characters otherwise identified in accordance with section 4 of this act.</u>	Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.	Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
San Juan Islands	Displays a symbol or artwork recognizing the San Juan Islands.	Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
Seattle Mariners	Displays the "Seattle Mariners" logo.	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Seattle NHL hockey	Displays the logo of the Seattle NHL hockey team.	Washington's fish collection	Recognizes Washington's fish.
Seattle Seahawks	Displays the "Seattle Seahawks" logo.	Washington's national park fund	Builds awareness of Washington's national parks

and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.

Washington's wildlife collection Recognizes Washington's wildlife.

We love our pets Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Wild on Washington Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

(5) The department shall not issue the Seattle NHL hockey special license plate until the department receives signature

sheets satisfying the requirements identified in RCW 46.18.110(2)(f).

Sec. 3. RCW 46.68.420 and 2020 c 129 s 3 and 2020 c 93 s 3 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers

Lighthouse environmental programs

Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents

Seattle Seahawks

foundation, or its successor organization, for providing financial support to allow youth to participate in hockey

Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships

Music matters awareness

Promote music education in schools throughout Washington

Patches pal, or alternative name as designated by the department under section 4 of this act

Provide funds to the Seattle children's hospital strong against cancer program

San Juan Islands programs

Provide funds to the Madrona institute

Seattle Sounders FC

Provide funds to Washington state mentors and the ~~((association of))~~ Washington ~~((generals))~~ state leadership board created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington

Seattle Mariners

Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under RCW 43.15.100, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program

Seattle NHL hockey

Provide funds to the NHL Seattle foundation and to support the boundless Washington program in the following manner: (a) Fifty percent to the NHL Seattle foundation, or its successor organization, to help marginalized youth succeed in life through increased access to sports and other opportunities; (b) twenty-five percent to the office of the lieutenant governor solely to administer the boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy and experience the outdoors; and (c) twenty-five percent to the NHL Seattle

Seattle Storm

Provide funds to the Washington state legislative youth advisory council and the ~~((association of))~~ Washington ~~((generals))~~ state leadership board created in RCW 43.15.030 in the following manner: Twenty-five thousand dollars per year of the net proceeds to the legislative youth advisory council, or its successor

	organization; and the remaining net proceeds on an annual basis, to the association of Washington generals for the purpose of providing grants to support and enhance athletic, recreational, and other opportunities for women and girls, and especially those with disabilities		firefighters, their families, and others deemed in need
		Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
Seattle University	Fund scholarships for students attending or planning to attend Seattle University	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016
Share the road	Promote bicycle safety and awareness education in communities throughout Washington		
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs		
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons		
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need	Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
Washington apples	Provide scholarship funding to the tree fruit industry's official charity, the Washington apple education foundation, which provides financial support, professional employment preparedness training, and mentorship to students with ties to the apple industry pursuing a higher education	We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state		
Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state		
Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of		

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

NEW SECTION. Sec. 4. A new section is added to chapter 46.04 RCW to read as follows:

(1) "Patches pal license plates" means special license plates issued under RCW 46.18.200 that display the likenesses of the J.P. Patches and Gertrude characters from the J.P. Patches show, or children's characters that are changed in accordance with subsection (2) of this section.

(2) Beginning October 1, 2031, and each decade thereafter, the Seattle children's hospital may consult with the department regarding the design of the Patches pal license plate to determine whether the current design is the best design to support the Seattle children's hospital strong against cancer program in the following 10-year time period. Following this consultation, if Seattle children's hospital determines that

another group of appropriate children's characters would better support the program due to public interest at the time, Seattle children's hospital may request a redesign of the Patches pal license plate with these new characters and a new corresponding plate name. The costs associated with this consultation and redesign may be paid from the proceeds from the special license plate sales or else shall be covered by Seattle children's hospital as the sponsoring organization.

NEW SECTION. Sec. 5. This act takes effect October 1, 2022."

Correct the title.

Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Goehner; Griffey; Hackney; Klicker; Orcutt; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez; Walsh and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Entenman; McCaslin and Sutherland.

Referred to Committee on Rules for second reading.

February 25, 2022

SB 5782 Prime Sponsor, Senator Conway: Concerning the defense community compatibility account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Leavitt; MacEwen; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 25, 2022

ESB 5800 Prime Sponsor, Senator Schoesler: Modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical

corrections, and providing administrative efficiencies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

February 25, 2022

SB 5844 Prime Sponsor, Senator Lias: Concerning work performed by institutions of higher education. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 25, 2022

SB 5895 Prime Sponsor, Senator Frockt: Concerning timing restrictions for remedial action grants to local government. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Mosbrucker; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, by Senate Committee on Transportation (originally sponsored by Lias, Saldaña, Nguyen, Nobles and Wilson, C.)

Making supplemental transportation appropriations for the 2021-2023 fiscal biennium.

The bill was read the second time.

Representative Fey moved the adoption of striking amendment (1179):

Strike everything after the enacting clause and insert the following:

"2021-2023 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2021 c 333 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor	Vehicle	Account—State
Appropriation ((\$546,000))		

\$554,000

Sec. 102. 2021 c 333 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor	Vehicle	Account—State
Appropriation ((\$1,441,0000))		

\$1,034,000

Puget Sound Ferry Operations Account—State

Appropriation \$126,000

Multimodal Transportation Account—State

Appropriation \$250,000

TOTAL APPROPRIATION
(~~(\$1,817,000)~~)

\$1,410,000

The appropriations in this section are subject to the following conditions and limitations:

\$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer,

to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

(1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;

(2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;

(3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;

(4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;

(5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;

(6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and

(7) Cost-benefit analysis detailing the net impact of teleworking on facility and total costs for the scenarios in subsection (1) of this section.

Sec. 103. 2021 c 333 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State
Appropriation (~~(\$1,346,000)~~)
\$1,369,000

Sec. 104. 2021 c 333 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State
Appropriation (~~(\$668,000)~~)
\$674,000

Sec. 105. 2021 c 333 s 107 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Motor Vehicle Account—State
Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, (~~2021~~) 2022.

Sec. 106. 2021 c 333 s 109 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation
 ((~~\$5,777,000~~))

\$6,268,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first \$150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of \$16 per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2021, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

Sec. 107. 2021 c 333 s 110 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State
 Appropriation ((~~\$3,210,000~~))

\$1,577,000

Sec. 108. 2021 c 333 s 111 (uncodified) is amended to read as follows:

FOR THE SENATE

Motor Vehicle Account—State
 Appropriation ((~~\$3,085,000~~))

\$1,518,000

Sec. 109. 2021 c 333 s 113 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Puget Sound ((~~Ferry~~)) Capital
 Construction Account

((~~[Puget Sound Capital Construction~~

~~Account]~~))—State Appropriation
 \$300,000

Multimodal Transportation Account—
 State

Appropriation \$200,000

TOTAL APPROPRIATION \$500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the Puget Sound ((~~ferry~~)) capital construction account ((~~[Puget Sound capital construction account]~~))—state is provided solely for an independent review of the design-build contracting process for the hybrid-electric Olympic class vessels. The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid-electric vessel. The review must include recommendations to benefit the full program for the design and construction of five hybrid-electric vessels. The joint legislative audit and review committee must report to the legislature with the findings by October 1, 2022.

(2) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of long-term leases based on the periodic land value appraisals under the terms of

the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2021 c 333 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation (~~(\$4,625,000)~~)

\$4,634,000

Highway Safety Account—Federal Appropriation (~~(\$27,202,000)~~)

\$27,270,000

Highway Safety Account—Private/Local Appropriation \$60,000

School Zone Safety Account—State Appropriation \$850,000

TOTAL APPROPRIATION (~~(\$32,737,000)~~)

\$32,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the

determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, (~~2022~~) 2023.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and

vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

Sec. 202. 2021 c 333 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation (~~(\$1,134,000)~~)

\$1,155,000

Motor Vehicle Account—State Appropriation (~~(\$4,760,000)~~)

\$17,300,000

County Arterial Preservation Account—State

Appropriation (~~(\$1,669,000)~~)

\$1,693,000

TOTAL APPROPRIATION (~~(\$7,563,000)~~)

\$20,148,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

(2) \$12,500,000 of the motor vehicle account—state appropriation is provided solely for preservation purposes.

Sec. 203. 2021 c 333 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—
State

Appropriation ((~~\$4,510,000~~))

\$4,564,000

Motor Vehicle Account—State
Appropriation \$6,250,000

Climate Emissions Reduction Account—
State

Appropriation \$3,000,000

TOTAL APPROPRIATION \$13,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle account—state appropriation is provided solely for preservation purposes.

(2) The entire climate emissions reduction account—state appropriation is provided solely for newly selected complete streets grants.

Sec. 204. 2021 c 333 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State
Appropriation ((~~\$2,679,000~~))

\$3,301,000

Multimodal Transportation Account—
State

Appropriation ((~~\$420,000~~))

\$1,620,000

TOTAL APPROPRIATION ((~~\$3,099,000~~))

\$4,921,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following

members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) \$50,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

(a) Issue bonds for bridge construction;

(b) Collect tolls; and

(c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) \$220,000 of the multimodal transportation account—state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter 258, Laws of 2021 (broadband along state highways). If chapter 258,

Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) \$215,000 of the motor vehicle account—state appropriation is provided solely for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) \$400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim

report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) \$200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) \$200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

- (i) Assess the magnitude of potential impact;
- (ii) Assess the potential difficulty level of implementation; and

(iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

- (i) Specific cooperative private sector and government actions;
- (ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;
- (iii) Incentive-based government programs to spur private sector innovation and investment; and
- (iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

(8) \$250,000 of the multimodal transportation account—state appropriation is for evaluating the benefits and costs of the following options for the Pullman, Albion, and Colfax corridor on the Palouse River and Coulee City shortline rail system owned by the department: Rail banking of inactive state-owned rail corridors for use as trails; the department retaining ownership and maintenance responsibility for the corridor; and disposing of the right-of-way and returning the land to private ownership. The joint transportation committee must develop a report and submit it to the governor and

transportation committees of the legislature by June 30, 2023. The report must include:

(a) All costs associated with the department's retaining ownership and maintenance responsibility of this corridor, including but not limited to, the costs of upkeep, fencing, decking, and railing on bridges, and annual inspections;

(b) An inventory of portions of the state-owned Palouse River and Coulee City railroad that may be eligible for rail banking, including the current status of those portions;

(c) The current costs and liabilities of the portions inventoried in (a) of this subsection if they are not railbanked;

(d) The costs and benefits of removing rails identified in (a) of this subsection for use in other parts of state-owned railway;

(e) The estimated department costs and liabilities associated with rail banking;

(f) A preliminary cost estimate for trail development;

(g) Identification of interested trail sponsors, including the known underlying ownership interests;

(h) Identification of access rights of landowners to cross the right-of-way; and

(i) The surface transportation board process for abandonment and rail banking.

(9) \$400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an independent review of an ultra high-speed ground transportation corridor between Portland, Oregon and Vancouver, British Columbia. The review should include an assessment of the assumptions included in the studies overseen by the Washington state department of transportation: A 2017 to 2018 feasibility study; a 2019 business case analysis; and a 2020 report with recommendations for a governance framework, strategic engagement plan, and financial strategy. The review should also provide additional analysis of the distribution of projected benefits and costs for communities of color, low-income households, and other disadvantaged communities. The joint transportation committee shall provide a

report with its findings to the transportation committees of the legislature by June 30, 2023.

(10) \$400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study to determine how many nondrivers are in Washington state and the demographics of this population. The joint transportation committee is directed to conduct a survey, conduct research, develop a dataset, and conduct analysis on the nondriving population of Washington state. The analysis must include, but is not limited to: (a) Reasons for not driving; (b) demographics of who is not driving to include age, disability status, rural or urban residence, and other available demographic information; and (c) availability of transportation options for nondrivers and the impact those options have on their access to services, economic opportunity, recreation, education, and other aspects of community life. The joint transportation committee shall provide a report to the transportation committees of the legislature by February 1, 2023.

(11)(a) \$300,000 of the motor vehicle account—state appropriation is for the joint transportation committee to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for

additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

(i) Washington state ferries;

(ii) San Juan county council;

(iii) Anacortes and San Juan Islands ferry advisory committee members;

(iv) San Juan economic development council;

(v) City of Anacortes;

(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(12) \$150,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to examine options and provide recommendations for a state program to assist with the establishment of powered micromobility device lending libraries. The purpose of the powered micromobility device lending libraries is to provide low-cost or no-cost, reliable, and healthier modes of transportation to vulnerable communities. It is anticipated that the powered micromobility device lending libraries would be managed by community nonprofit organizations, local governments, higher education institutions, school districts, or federally recognized tribal governments. The options that should be examined

include, but are not limited to: A state-funded grant program for the purchase of powered micromobility devices to be used in powered micromobility device lending libraries, direct technical assistance for establishing community-based powered micromobility device lending libraries, and direct-to-consumer incentives to applicants to purchase powered micromobility. Recommendations must specify how to prioritize program benefits for vulnerable populations and overburdened communities, including tribes, seniors, low-income populations, and communities with high environmental burdens. Powered micromobility devices to be examined by this study are devices that do not exceed product speed of 30 miles per hour or product weight of 100 pounds and include electric bicycles, electric cargo bikes, electric standing scooters, and other mobility devices under 50 pounds in weight that do not use fossil fuels. The joint transportation committee shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(13)(a) Within existing resources the joint transportation committee must convene a work group to advise the committee on the distribution of transportation funds from the infrastructure investment and jobs act between state and local government in future biennia. In addition to the executive committee of the joint transportation committee the work group, to the extent practicable, shall include governor's staff from the office of financial management as well as one representative of each of the following:

(i) The Washington state association of counties;

(ii) Metropolitan planning organizations;

(iii) Regional transportation planning organizations;

(iv) The association of Washington cities;

(v) Tribal transportation planning organizations;

(vi) The Washington state department of transportation;

(vii) The Washington public ports association; and

(viii) The Washington state transit association.

(b) The joint transportation committee will consider the advice of the work group and, with recognition of the state's history of collaboration and open discussion, determine the allocation of the infrastructure investment and jobs act funding by November 15, 2022.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1815, (deterring catalytic converter theft). If Engrossed Second Substitute House Bill No. 1815 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

Sec. 205. 2021 c 333 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State
Appropriation (~~(\$2,438,000)~~)

\$4,200,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation \$127,000

State Route Number 520 Corridor
Account—State

Appropriation \$276,000

Tacoma Narrows Toll Bridge Account—
State

Appropriation \$180,000

Alaskan Way Viaduct Replacement
Project Account—

State Appropriation \$172,000

TOTAL APPROPRIATION
(~~(\$3,193,000)~~)

\$4,955,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be

provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

~~((+3))~~ (2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission will coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by January 5, 2024.

Sec. 206. 2021 c 333 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—
State

Appropriation (~~(\$831,000)~~)

\$840,000

Sec. 207. 2021 c 333 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State
Appropriation (~~(\$517,391,000)~~)

\$521,896,000
 State Patrol Highway Account—Federal
 Appropriation (~~(\$15,838,000)~~)
\$16,112,000
 State Patrol Highway Account—
 Private/Local
 Appropriation (~~(\$4,267,000)~~)
\$4,314,000
 Highway Safety Account—State
 Appropriation (~~(\$1,214,000)~~)
\$1,282,000
 Ignition Interlock Device Revolving
 Account—State
 Appropriation (~~(\$5,053,000)~~)
\$2,243,000
 Multimodal Transportation Account—
 State
 Appropriation (~~(\$288,000)~~)
\$293,000
 State Route Number 520 Corridor
 Account—State
 Appropriation \$433,000
 Tacoma Narrows Toll Bridge Account—
 State
 Appropriation \$77,000
 I-405 and SR 167 Express Toll Lanes
 Account—State
 Appropriation \$1,348,000
 TOTAL APPROPRIATION
 (~~(\$545,909,000)~~)
\$547,998,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~of this act~~), chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (a) A summary of recruitment and retention strategies;
- (b) The number of transportation funded staff vacancies by major category;
- (c) The number of applicants for each of the positions by these categories;
- (d) The composition of workforce;
- (e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and
- (f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to

increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 (~~of this act~~), chapter 333, Laws of 2021.

(6) (~~(\$7,962,000)~~) \$6,422,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations). If chapter 329, Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics). If chapter 320, Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers). If chapter 324, Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the

motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the ((2022)) 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$554,000 of the state patrol highway account—state is provided solely for a feasibility study of an integrated solution for data collection and reporting of operational performance data that will no longer be collected with the implementation of the one Washington time leave and attendance system. The study must include a review of best practices for collecting the operational performance data and coordinating with other law enforcement agencies on the collection of data.

(19) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2037 (peace officers/use of force). If Engrossed Substitute House Bill No. 2037 (peace officers/use of force) is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$14,788,000 of the state patrol highway account—state appropriation is

provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the mini-academy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

Sec. 208. 2021 c 333 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State
Appropriation \$34,000

Motorcycle Safety Education Account—
State

Appropriation ((~~\$4,894,000~~))
\$4,958,000

Limited Fish and Wildlife Account—
State

Appropriation ((~~\$917,000~~))
\$919,000

Highway Safety Account—State
Appropriation ((~~\$241,868,000~~))

\$237,228,000

Highway Safety Account—Federal
Appropriation \$1,294,000

Motor Vehicle Account—State
Appropriation ((~~\$73,327,000~~))

\$72,387,000

Motor Vehicle Account—Federal
Appropriation ((~~\$150,000~~))

\$400,000

Motor Vehicle Account—Private/Local
Appropriation \$6,600,000

Ignition Interlock Device Revolving
Account—State

Appropriation ((~~\$6,071,000~~))

\$6,095,000

Department of Licensing Services
Account—State

Appropriation ((~~\$8,157,000~~))

\$8,188,000

License Plate Technology Account—
State Appropriation

\$4,250,000

Abandoned Recreational Vehicle
Account—State

Appropriation ((~~\$3,066,000~~))

\$3,070,000

Limousine Carriers Account—State
Appropriation \$110,000

Electric Vehicle Account—State
Appropriation ((~~\$405,000~~))

\$413,000

DOL Technology Improvement & Data
Management

Account—State Appropriation
((~~\$748,000~~))

\$806,000

Agency Financial Transaction Account—
State

Appropriation ((~~\$21,257,000~~))

\$19,757,000

~~(Driver Licensing Technology Support
Account—State~~

~~Appropriation \$1,373,000))~~

TOTAL APPROPRIATION
((~~\$374,521,000~~))

\$366,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to

a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3)(a) For the 2021-2023 biennium, the department shall charge \$6,600,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state

appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 (~~(of this act)~~), chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter

158, Laws of 2021 (DOL issued documents). If chapter 158, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(8) (~~(\$1,373,000)~~) \$929,000 of the (~~(driver licensing technology support)~~) highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions). If chapter 240, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(9) \$434,000 of the highway safety account—state appropriation is for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing.*

(10) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10 (~~(Engrossed Substitute House Bill No. 1078)~~), Laws of 2021 (restoring voter eligibility after felony conviction).

(~~(10)~~) (11) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(~~(11)~~) (12)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216 (~~(of this act)~~), chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216 (~~of this act~~), chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(13) \$4,378,000 of the highway safety account—state appropriation and \$1,539,000 of the motor vehicle account—state appropriation are provided solely for contingency funding for the department to respond to the COVID-19 pandemic by paying for: The replacement of end-of-life information technology equipment, increased information technology software license costs, other information technology changes, printing and postage, supplies and equipment for COVID-19 safety, and accounting overtime to eliminate backlogs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to contract for a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges,

federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers.

(15) The department must consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1181 (veterans and military suicide). If Engrossed Second Substitute House Bill No. 1181 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1984 (vehicle registration certificate addresses). If Substitute House Bill No. 1984 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of House Bill No. 2074 (off-road vehicles fees). If House Bill No. 2074 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women.

Sec. 209. 2021 c 333 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State

Appropriation	((\$53,689,000))
	<u>\$58,255,000</u>
State Route Number 520 Civil Penalties Account—State	
Appropriation	((\$4,122,000))
	<u>\$4,135,000</u>
Tacoma Narrows Toll Bridge Account—State	
Appropriation	((\$29,809,000))
	<u>\$31,080,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State	Appropriation
	((\$20,840,000))
	<u>\$21,693,000</u>
Interstate 405 and State Route Number 167 Express	
Toll Lanes	Account—State
Appropriation	((\$23,910,000))
	<u>\$24,562,000</u>
TOTAL	APPROPRIATION
	((\$132,370,000))
	<u>\$139,725,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) (~~(\$708,000)~~) \$481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, (~~(\$1,651,000)~~) \$1,132,000 of the state route number 520 corridor account—state appropriation, (~~(\$709,000)~~) \$509,000 of the Tacoma Narrows toll bridge account—state appropriation, and (~~(\$932,000)~~) \$636,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back

office system from the 2019-2021 biennium(~~, and are subject to the conditions, limitations, and review provided in section 701 of this act.~~

~~(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation).~~

((~~e~~)) (b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) (~~Out of funding appropriated in this section,~~) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department (~~shall~~) to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the

facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) (~~(\$1,516,000)~~) (a) \$3,038,000 of the state route number 520 corridor account—state appropriation is provided solely for the increased costs of insurance for the state route number 520 floating bridge. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(b) \$580,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely for the increased costs of insurance for the Tacoma Narrows bridge.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

Sec. 210. 2021 c 333 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State

Appropriation ((~~\$1,377,000~~))
\$1,401,000

Motor Vehicle Account—State
 Appropriation ((~~\$97,026,000~~))

\$102,958,000

Puget Sound Ferry Operations Account—State

Appropriation ((~~\$263,000~~))
\$307,000

Multimodal Transportation Account—State

Appropriation ((~~\$6,986,000~~))
\$7,074,000

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~\$1,393,000~~))
\$1,413,000

TOTAL APPROPRIATION
 ((~~\$107,045,000~~))
\$113,153,000

The appropriations in this section are subject to the following conditions and limitations: \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 (~~of this act~~), chapter 333, Laws of 2021.

Sec. 211. 2021 c 333 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State
 Appropriation ((~~\$35,574,000~~))

\$37,588,000

State Route Number 520 Corridor Account—State

Appropriation \$34,000

TOTAL APPROPRIATION
 ((~~\$35,608,000~~))

\$37,622,000

Sec. 212. 2021 c 333 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State
 Appropriation ((~~\$8,055,000~~))

\$8,105,000

Aeronautics Account—Federal
 Appropriation \$3,916,000

Aeronautics Account—Private/Local
 Appropriation \$60,000

Multimodal Transportation Account—State Appropriation \$150,000

TOTAL APPROPRIATION
 ((~~\$12,031,000~~))

\$12,231,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 (~~of this act~~), chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4)(a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the

pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

Sec. 213. 2021 c 333 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PROGRAM DELIVERY MANAGEMENT AND SUPPORT—
PROGRAM H**

Motor Vehicle	Account—State
Appropriation ((\$59,138,000))	

\$61,049,000

Motor Vehicle	Account—Federal
Appropriation \$500,000	

Multimodal Transportation	Account—State
Appropriation \$758,000	

TOTAL	APPROPRIATION
((\$60,396,000))	

\$62,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to

transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(5) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(6) (~~(\$300,000)~~) \$535,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds). (~~(If chapter 217, Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.)~~)

(7) (~~(\$500,000)~~) \$1,026,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force). (~~(If chapter 314, Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.)~~)

(8)(a) The department shall offer to sell or convey the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S, Seattle, WA 98144, in accordance with RCW 47.12.063 at less than its fair market value to the extent the department finds it is in the public interest to do so because the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave South and South Dearborn Street to increase the supply of affordable housing would not otherwise be adequately compensated.

(b) The amount remaining from the transfer required under RCW 70A.205.425 from the waste tire removal account to the motor vehicle fund that is not allocated to reimbursement of the motor vehicle fund under section 207 of this act reimburses the motor vehicle fund for any reduction to the motor vehicle fund reimbursement that results from the sale at less than fair market value of real property under this subsection (8).

Sec. 214. 2021 c 333 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State
Appropriation (~~(\$675,000)~~)

\$685,000

Electric Vehicle Account—State
Appropriation (~~(\$9,900,000)~~)

\$11,900,000

Multimodal Transportation Account—
State

Appropriation (~~(\$3,290,000)~~)

\$6,090,000

Multimodal Transportation Account—
Federal

Appropriation \$14,100,000

TOTAL APPROPRIATION
(~~(\$13,865,000)~~)

\$32,775,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) (~~(\$9,900,000)~~) \$10,900,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide

clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(5) \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

(6) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund

the design of an electric charging mega-site project at Mount Vernon library commons.

(7)(a) \$14,100,000 of the multimodal transportation account—federal appropriation and \$2,800,000 of the multimodal transportation account—state appropriation are provided solely for the national electric vehicle program established in the infrastructure investment and jobs act. As directed in the infrastructure investment and jobs act, the department shall develop and submit a plan to the secretary of the United States department of transportation and in developing the plan, the department must consider providing publicly accessible electric vehicle supply equipment across the state highway network including eliminating electric vehicle charging deserts, providing charging infrastructure to rural areas as well as low-income communities, and providing redundancy in high travel corridors. The department shall also submit the plan submitted to the secretary of the United States department of transportation to the transportation committees of the legislature.

(b) In developing the plan the department must:

(i) Include opportunities to provide highway electric vehicle infrastructure for light, medium, and heavy-duty vehicles;

(ii) Identify opportunities to support local electric vehicle infrastructure when doing so meets the criteria of the national electric vehicle program; and

(iii) Support publicly available electric vehicle charging infrastructure on federally designated alternative fuel corridors as set forth in the national electric vehicle program plan.

(c) Funds provided in this subsection are also provided for the department to develop and update the required mapping and forecasting tool set forth in RCW 47.01.520 that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and use. Up to \$1,623,000 of the amounts provided in this subsection (7) may be used to develop and update the required mapping and forecasting tool. The department may

use up to 10 percent of the funds appropriated to administer this program.

Sec. 215. 2021 c 333 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State
Appropriation (~~(\$496,925,000)~~)

\$518,064,000

Motor Vehicle Account—Federal
Appropriation \$7,000,000

State Route Number 520 Corridor
Account—State

Appropriation (~~(\$4,082,000)~~)

\$4,517,000

Tacoma Narrows Toll Bridge Account—
State

Appropriation (~~(\$1,479,000)~~)

\$1,510,000

Alaskan Way Viaduct Replacement
Project Account—

State Appropriation
(~~(\$8,157,000)~~)

\$8,325,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation (~~(\$2,545,000)~~)

\$2,569,000

TOTAL APPROPRIATION
(~~(\$520,188,000)~~)

\$541,985,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a

report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) (~~(\$3,000,000)~~) \$8,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing (~~(that is not on the rights-of-way)~~) or for debris clean up on highway rights-of-way. (~~(The department may)~~) A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The

department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(b) Beginning October 1, 2021, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the

rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(11) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

(12) During the 2021-2023 fiscal biennium, the department shall conduct a pilot program authorizing commercial motor vehicles, as defined in RCW 46.25.010, that are used in commerce solely to transport property to park in areas designated by the department as chain up and chain off areas along United

States route number 2 and Interstate 90 between May 1st and November 1st of each calendar year of the biennium. Under the pilot program, parking is permitted for up to an hour beyond federally mandated rest periods when signage posted by the department authorizes the parking of these commercial motor vehicles. Beginning July 1, 2022, the department shall post and maintain signage authorizing the parking of these commercial motor vehicles in chain up and chain off areas that it determines: (a) Have sufficient space to accommodate commercial motor vehicles parking for an extended period of time; and (b) where other safety concerns have been addressed. The department shall notify the Washington state patrol and the transportation committees of the legislature when it posts signage authorizing commercial motor vehicle parking in a chain up or chain off area.

(13)(a) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair.

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by November 15, 2022. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

(14)(a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(c) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(d) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(e) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

Sec. 216. 2021 c 333 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State
Appropriation ((~~\$74,406,000~~))

\$75,920,000

Motor Vehicle Account—Federal
Appropriation \$2,050,000

Motor Vehicle Account—Private/Local
Appropriation (~~(\$250,000)~~)

\$295,000

State Route Number 520 Corridor
Account—State

Appropriation \$225,000

Tacoma Narrows Toll Bridge Account—
State

Appropriation \$40,000

Alaskan Way Viaduct Replacement
Project Account—

State Appropriation \$1,112,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation \$20,000

Agency Financial Transaction Account—
State

Appropriation \$100,000

TOTAL APPROPRIATION
(~~(\$78,103,000)~~)

\$79,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles

regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the

pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208 ~~((of this act))~~, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208 ~~((of this act))~~, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3)(a) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023.

(b) The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues.

(c) In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis.

(d) The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected

to be generated in the 2021-2023 and 2023-2025 biennia.

Sec. 217. 2021 c 333 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle Account—State
Appropriation ~~((\$37,361,000))~~

\$39,325,000

Motor Vehicle Account—Federal
Appropriation \$780,000

Motor Vehicle Account—Private/Local
Appropriation \$500,000

Multimodal Transportation Account—
State

Appropriation ~~((\$5,129,000))~~

\$6,629,000

State Route Number 520 Corridor
Account—State

Appropriation \$186,000

Tacoma Narrows Toll Bridge Account—
State

Appropriation \$150,000

Alaskan Way Viaduct Replacement
Project Account—

State Appropriation \$121,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation \$77,000

Puget Sound Ferry Operations Account—
State

Appropriation \$266,000

TOTAL APPROPRIATION

~~((\$44,304,000))~~

\$48,034,000

The appropriations in this section are subject to the following conditions and limitations: ~~((\$4,000,000))~~

(1) \$5,500,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce ~~((through:—(1))). Of this amount:~~

(a) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; ((+2)) and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (a)(ii) of this subsection ((+2) of this section)).

(b) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary coast guard certification.

(c) The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,164,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall provide a progress report on the implementation

of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

Sec. 218. 2021 c 333 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor Vehicle Account—State
Appropriation ((~~\$27,057,000~~))

\$27,865,000

Motor Vehicle Account—Federal
Appropriation \$34,865,000

Motor Vehicle Account—Private/Local
Appropriation \$400,000

Multimodal Transportation Account—
State

Appropriation ((~~\$919,000~~))

\$1,212,000

Multimodal Transportation Account—
Federal

Appropriation \$2,809,000

Multimodal Transportation Account—
Private/Local

Appropriation \$100,000

State Route Number 520 Corridor
Account—State

Appropriation ((~~\$406,000~~))

\$451,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation \$2,879,000

TOTAL APPROPRIATION
((~~\$69,435,000~~))

\$70,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge

research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) (~~(\$250,000)~~) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets (~~(for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management)~~). Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) (~~(\$406,000)~~) \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the

University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A (~~final~~) draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by June 30, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

Sec. 219. 2021 c 333 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Aeronautics Account—State
Appropriation \$1,000

Transportation Partnership Account—
State

Appropriation ((~~\$23,000~~))

\$25,000

Motor Vehicle Account—State
Appropriation ((~~\$99,515,000~~))

\$100,011,000

Puget Sound Ferry Operations Account—
State

Appropriation ((~~\$220,000~~))

\$244,000

State Route Number 520 Corridor
Account—State

Appropriation \$26,000

Connecting Washington Account—State
Appropriation ((~~\$184,000~~))

\$203,000

Multimodal Transportation Account—
State

Appropriation ((~~\$4,795,000~~))

\$4,810,000

Tacoma Narrows Toll Bridge Account—
State

Appropriation \$19,000

Alaskan Way Viaduct Replacement
Project Account—

State Appropriation \$14,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation \$15,000

TOTAL APPROPRIATION

((~~\$104,812,000~~))

\$105,368,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 220. 2021 c 333 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State
Appropriation \$784,000

Regional Mobility Grant Program
Account—State

Appropriation ((~~\$104,478,000~~))

\$115,488,000

Rural Mobility Grant Program Account—
State

Appropriation ((~~\$33,168,000~~))

<u>\$33,283,000</u>	
Multimodal Transportation Account— State	
Appropriation	(\$131,150,000)
	<u>\$134,584,000</u>
Multimodal Transportation Account— Federal	
Appropriation	\$3,574,000
Multimodal Transportation Account— Local	
Appropriation	\$100,000
Carbon Emissions Reduction Account— State	
Appropriation	<u>\$54,260,000</u>
TOTAL	APPROPRIATION
	(\$273,254,000)
	<u>\$342,073,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in

calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) ~~(\$33,168,000)~~ \$33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a ~~((vanpool))~~ public transit rideshare grant program for: (a) Public transit agencies to add ~~((vanpools))~~ or replace ~~((vans))~~ rideshare vehicles; and (b) incentives ~~((for employers))~~ and outreach to increase ~~((employee vanpool))~~ rideshare use. ~~((The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed.))~~ The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) ~~(\$26,800,000)~~ \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that

has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, (~~(\$28,263,000)~~) \$28,860,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) February 20, 2022. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute

another transit project or projects that cost a similar or lesser amount.

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$21,858,000)~~) \$23,349,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(14)(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15)(a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the department to study and develop a statewide standard for accessible frequent fixed route transit. As part of this effort, the department must:

(i) Develop definitions of frequent fixed route transit and accessible frequent fixed route transit.

(ii) Identify, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops and analyze these gaps for disparities in race, age, and disability.

(iii) While identifying service gaps, consider the unique contexts found throughout the state, including in rural areas.

(iv) Develop goals for accessible frequent fixed route transit for the state to achieve by 2030, and funding proposals to achieve these goals.

(v) Develop a transportation justice screening tool available to the public to:

(A) Identify the current baseline for accessible frequent transit; and

(B) Identify disparities in access by census tract, race, age, and disability.

(b) The department must conduct the study and develop the statewide standard in collaboration with a statewide disability rights organization and a statewide environmental justice organization.

(c)(i) The department must provide an initial report to the legislature by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington

live within a short walk of frequent transit.

(ii) The department must provide the final report to the transportation committees of the legislature by June 30, 2023.

(iii) The department must be available to present both the initial and final reports to the joint transportation committee.

(16) \$4,680,000 of the climate emissions reduction account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(17) \$14,120,000 of the climate emission reductions account—state appropriation is provided solely for newly selected special needs grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(18) \$29,750,000 of the climate emission reductions account—state appropriation is provided solely for transit support grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(19) \$4,710,000 of the climate emissions reduction account—state appropriation is provided solely for newly selected green transportation grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(20) \$1,000,000 of the climate emissions reduction account—state appropriation is provided solely for newly selected transit coordination

grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(21) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

Sec. 221. 2021 c 333 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State

Appropriation ((~~\$416,614,000~~))
\$426,335,000

Puget Sound Ferry Operations Account—Federal

Appropriation ((~~\$124,000,000~~))
\$158,865,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation \$121,000

TOTAL APPROPRIATION
(~~(\$540,735,000)~~)
\$585,321,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by

the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) (~~(\$17,000,000)~~) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and \$53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation (~~(is)~~) and \$3,500,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation (~~(is)~~) and \$697,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for new employee training. The department must work to increase its outreach and

recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) (~~(\$1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans, to provide Saturday service on the Fauntleroy Vashon Southworth route; and to resume late night service on other routes in the system.~~)

(~~(9)~~) Within amounts provided in this section, the department shall contract (~~(with uniformed officers)~~) for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(~~(10)~~) (9) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

(~~(11)~~) (10) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

(~~(12)~~) (11) \$735,000 of the Puget Sound ferry operations account—state appropriation (~~(is)~~) and \$410,000 of the Puget Sound ferry operations account—federal are provided solely for familiarization for new assignments of engine crew and terminal staff.

(~~(13)~~) (12) \$160,000 of the Puget Sound ferry operations account—state

appropriation is provided solely for electronic navigation training.

(13) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for Washington state ferries to:

(a) Continuously recruit and hire deck, engine, and terminal staff;

(b) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(c) Enhance employee retention by standardizing on-call worker schedules;

(d) Increase training and development opportunities for employees; and

(e) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(14) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on site, electricity usage, and actual electricity cost savings. In addition, for comparison purposes, the report must include electricity usage information for a similar time period for the previous Mukilteo multimodal terminal. The report is due to the transportation committees of the legislature by June 30, 2023.

(15) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

Sec. 222. 2021 c 333 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State

Appropriation ((~~\$80,704,000~~))
\$68,326,000

Multimodal Transportation Account—Private/Local

Appropriation \$46,000

Multimodal Transportation Account—Federal

Appropriation \$500,000

TOTAL APPROPRIATION
 ((~~\$81,250,000~~))
\$68,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the

transportation committees of the legislature by June 30, 2022.

(3)(a) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon and British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(i) Developing an organizational framework that facilitates input in decision making from all parties;

(ii) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments, including indigenous communities;

(iii) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(iv) Beginning work on scenario analysis addressing advanced transportation technologies, land use, and growth assumptions; and an agreed to and defined corridor vision statement; and

(v) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project

through the project initiation stage to project development.

(b) By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature an update on the work conducted by the policy committee and progress on a recommendation for a coordinating entity. The report must also include current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

Sec. 223. 2021 c 333 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State	
Appropriation ((\$11,954,000))	

\$12,964,000

Motor Vehicle Account—Federal	
Appropriation	\$2,567,000

Multiuse Roadway Safety Account—State	
Appropriation	\$900,000

Multimodal Transportation Account— State	
Appropriation	\$250,000

Cooper Jones Active Transportation Safety Account—	
State Appropriation	\$400,000

TOTAL	APPROPRIATION
((\$15,421,000))	

\$17,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for

counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

~~(3)((a) By October 1, 2021, the department must report to the office of financial management and the transportation committees with recommendations regarding:~~

~~(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and~~

~~(ii) Cost sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.~~

~~(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.)~~ \$600,000

of the motor vehicle account—state is provided solely for the city of Seattle's office of planning and community development in support of an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The project must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood, to include, but not be limited to traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The project must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, state transportation commission, and the transportation committees of the legislature by January 1, 2025.

NEW SECTION. Sec. 224. A new section is added to 2021 c 333 (uncodified) to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E—OPERATING**

Motor Vehicle Account—State
Appropriation \$12,396,000

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2021 c 333 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—
State

Appropriation ((\$16,577,000))

\$17,769,000

Freight Mobility Multimodal Account—
State

Appropriation ((~~\$15,195,000~~))
\$14,004,000
 TOTAL APPROPRIATION
 ((~~\$31,772,000~~))
\$31,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the

efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on the LEAP Transportation Document 2021-2 ALL PROJECT list;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

Sec. 302. 2021 c 333 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State
Appropriation (~~(\$4,196,000)~~)

\$4,803,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) \$3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 for emergency repairs;

(b) \$350,000 for fuel tank decommissioning;

(c) \$750,000 for generator and electrical replacement;

(d) \$195,000 for the exterior envelope of the Yakima office;

(e) \$466,000 for equipment shelters;

(f) \$650,000 for the weatherization projects;

(g) \$200,000 for roof replacements reappropriation; and

(h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems costs.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

Sec. 303. 2021 c 333 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State
Appropriation \$55,028,000

Motor Vehicle Account—State
Appropriation \$1,456,000

County Arterial Preservation Account—
State

Appropriation (~~(\$37,379,000)~~)

\$44,653,000

TOTAL APPROPRIATION

(~~(\$93,863,000)~~)

\$101,137,000

Sec. 304. 2021 c 333 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITIES—PROGRAM D—(DEPARTMENT OF
TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State
Appropriation (~~(\$10,852,000)~~)

\$14,623,000

Connecting Washington Account—State
Appropriation (~~(\$3,289,000)~~)

\$3,667,000

TOTAL APPROPRIATION

(~~(\$14,141,000)~~)

\$18,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) \$4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

Sec. 305. 2021 c 333 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel
Account)—State

Appropriation (~~(\$149,000)~~)

\$482,000

Transportation Partnership Account—
State

Appropriation ((~~\$119,053,000~~))

\$232,566,000

Motor Vehicle Account—State
Appropriation ((~~\$89,717,000~~))

\$100,837,000

Motor Vehicle Account—Federal
Appropriation ((~~\$388,903,000~~))

\$396,385,000

Coronavirus State Fiscal Recovery
Fund—Federal

Appropriation \$400,000,000

Motor Vehicle Account—Private/Local
Appropriation ((~~\$48,628,000~~))

\$56,192,000

Connecting Washington Account—State
Appropriation ((~~\$2,881,033,000~~))

\$2,156,569,000

Special Category C Account—State
Appropriation ((~~\$105,363,000~~))

\$86,198,000

Multimodal Transportation Account—
State

Appropriation ((~~\$10,784,000~~))

\$10,792,000

((~~State Route Number 520 Corridor
Account State~~))

Appropriation \$15,940,000))

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation ((~~\$30,308,000~~))

\$50,856,000

Puget Sound Gateway Facility Account—
State

Appropriation \$8,400,000

TOTAL APPROPRIATION
((~~\$4,089,878,000~~))

\$3,499,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2021-1~~)) 2022-1 as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~of this act~~)), chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation, connecting Washington account—state appropriation, and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal. This transfer authority allows the department to manage the appropriation capacity most efficiently between the I and P programs consistent with the 601 process.

(4) The connecting Washington account—state appropriation includes up to ((~~\$2,230,636,000~~)) \$1,094,139,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to (~~(\$82,475,000)~~) \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to (~~(\$28,411,000)~~) \$124,636,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) \$60,450,000 of the transportation partnership account—state appropriation, \$2,258,000 of the motor vehicle account—private/local appropriation, and \$984,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds.

(8) \$193,699,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R). It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project to accelerate delivery by up to two years.

(9)(a) \$14,827,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the

state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) \$492,349,000 of the connecting Washington account—state appropriation and \$355,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(11) \$382,880,000 of the connecting Washington account—state appropriation, \$4,800,000 of the multimodal transportation account—state appropriation, \$17,869,000 of the motor vehicle account—private/local appropriation, and \$82,165,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall construct a full ~~((single point))~~ urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full directional interchange at the junction of state route number 509 and 188th Street. ~~((If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges.))~~

(d) Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(12)(a) \$26,928,000 of the motor vehicle account—state appropriation and \$1,671,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of

obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(d) The Washington members of the joint Oregon-Washington legislative action committee must report back to the Washington state legislature, by August 1, 2022, regarding the progress of the committee and its work to advance the project to build a new Interstate 5 bridge spanning the Columbia river. The report must include a description of the locally preferred alternative ultimately identified as part of the Interstate Bridge Replacement project.

~~(13)(a) \$400,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ~~(((\$529,577,000))~~ \$25,327,000 of the connecting Washington account—state appropriation, ~~(((\$194,959,000))~~ \$178,186,000 of the motor vehicle account—federal appropriation, ~~((and \$1,849,000))~~ \$9,016,000 of the transportation partnership account—state appropriation, \$6,853,000 of the motor vehicle account—state appropriation, and \$5,618,000 of the motor vehicle account—private/local appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030. ~~((Of the amounts provided in this subsection, \$400,000,000 of the connecting Washington account state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (0BI4001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.))~~~~

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of

providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 (~~of this act~~), chapter 333, Laws of 2021.

(14) \$14,669,000 of the connecting Washington account—state appropriation and \$3,037,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

(15) \$15,189,000 of the motor vehicle account—federal appropriation, \$259,000 of the motor vehicle account—state appropriation, and \$15,481,000 of the Interstate 405 and state route number 167 express toll lanes account—state

appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) \$18,914,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) (~~(\$1,000,000)~~) \$2,500,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

(18) \$1,090,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) \$12,139,000 of the motor vehicle account—state appropriation and \$9,104,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) \$1,378,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) \$915,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) \$6,581,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) \$500,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in

the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce County.

(24) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

((+24+)) (25) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

((+25+)) (26) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled

concrete materials are exempt from chapter 173-350 WAC.

Sec. 306. 2021 c 333 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State
Appropriation \$1,520,000

Transportation 2003 Account (Nickel
Account)—State

Appropriation ((~~\$49,105,000~~))
\$53,911,000

Transportation Partnership Account—
State

Appropriation ((~~\$15,183,000~~))
\$21,441,000

Motor Vehicle Account—State
Appropriation ((~~\$85,444,000~~))

\$111,174,000

Motor Vehicle Account—Federal
Appropriation ((~~\$489,602,000~~))

\$545,560,000

Motor Vehicle Account—Private/Local
Appropriation ((~~\$10,792,000~~))

\$13,735,000

Connecting Washington Account—State
Appropriation ((~~\$159,043,000~~))

\$222,548,000

State Route Number 520 Corridor
Account—State

Appropriation ((~~\$1,891,000~~))
\$2,143,000

Tacoma Narrows Toll Bridge Account—
State

Appropriation ((~~\$9,730,000~~))
\$5,676,000

Alaskan Way Viaduct Replacement
Project Account—

State Appropriation ((~~\$314,000~~))
\$391,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State
Appropriation ((~~\$26,039,000~~))

	<u>\$12,830,000</u>
TOTAL	APPROPRIATION
	((\$448,663,000))
	<u>\$990,929,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2021-1))~~ 2022-1 as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((of this act))~~, chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation, connecting Washington account—state appropriation, and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal. This transfer authority

allows the department to manage the appropriation capacity most efficiently between the I and P programs consistent with the 601 process.

(4) \$5,166,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act))~~, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(9) \$1,700,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

Sec. 307. 2021 c 333 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State
Appropriation (~~(\$8,273,000)~~)

\$9,618,000

Motor Vehicle Account—Federal
Appropriation (~~(\$5,289,000)~~)

\$11,215,000

Motor Vehicle Account—Private/Local
Appropriation \$500,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State
Appropriation \$900,000

TOTAL APPROPRIATION
(~~(\$14,962,000)~~)

\$22,233,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,000,000 of the motor vehicle account—state appropriation is provided

solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

Sec. 308. 2021 c 333 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction
Account—State

Appropriation (~~(\$128,759,000)~~)

\$167,033,000

Puget Sound Capital Construction
Account—Federal

Appropriation (~~(\$139,188,000)~~)

\$174,571,000

Puget Sound Capital Construction
Account—

Private/Local Appropriation
(~~(\$312,000)~~)

\$2,181,000

Transportation Partnership Account—
State

Appropriation (~~(\$8,410,000)~~)

\$9,432,000

Connecting Washington Account—State
Appropriation (~~(\$75,640,000)~~)

\$99,141,000

Capital Vessel Replacement Account—
State

Appropriation (~~(\$152,453,000)~~)

\$45,668,000

Motor Vehicle Account—State
Appropriation \$1,000

Transportation 2003 Account (Nickel
Account)—State

Appropriation \$987,000

TOTAL APPROPRIATION
(~~(\$504,762,000)~~)

\$499,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) February 20, 2022, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) (~~(\$5,000,000)~~) \$12,232,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) (~~(\$1,277,000)~~) \$2,385,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the

development of a new, interoperable ticketing system.

(5) (~~(\$24,750,000)~~) \$28,134,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) (~~(\$152,453,000)~~) \$45,668,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). Of the amounts appropriated in this subsection, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance. In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor

located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(7) The capital vessel replacement account—state appropriation includes up to ~~(((\$152,453,000))~~ \$45,668,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) \$4,200,000 of the connecting Washington account—state appropriation and \$2,200,000 of the Puget Sound ~~((operating))~~ capital construction account ~~(([Puget Sound capital construction—account]))~~—federal appropriation are provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

Sec. 309. 2021 c 333 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State

Appropriation ~~(((\$550,000))~~
\$1,108,000

Transportation Infrastructure Account—State

Appropriation ~~(((\$5,456,000))~~
\$6,218,000

Multimodal Transportation Account—State

Appropriation ~~(((\$82,493,000))~~
\$118,320,000

Multimodal Transportation Account—Federal

Appropriation ~~(((\$41,219,000))~~
\$6,567,000

Multimodal Transportation Account—Private/Local

Appropriation \$13,000

Motor Vehicle Account—State
Appropriation \$1,810,000

Carbon Emissions Reduction Account—State

Appropriation \$50,000,000

TOTAL
~~(((\$129,718,000))~~
\$184,036,000

APPROPRIATION

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ February 20, 2022, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) ~~(((\$6,817,000))~~ \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction

and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) (~~(\$550,000)~~) \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) (~~(\$33,964,000)~~) \$32,996,000 of the multimodal transportation account—state appropriation (~~and \$37,500,000 of the multimodal transportation account—~~

~~federal appropriation are))~~ is provided solely for Passenger Rail Equipment Replacement (~~((project 700010C.))~~) (project 700010C). The ~~((appropriations))~~ appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) \$223,000 of the multimodal transportation account—state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.

(9) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(10) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities. These funds are to remain in unallotted status and are available only upon receipt of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, this subsection lapses.

(11) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

Sec. 310. 2021 c 333 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation (~~(\$793,000)~~)

\$1,744,000

Highway Infrastructure Account—Federal Appropriation

(~~(\$1,600,000)~~)

\$2,935,000

Transportation Partnership Account—State

Appropriation (~~(\$750,000)~~)

\$1,000,000

Motor Vehicle Account—State Appropriation (~~(\$11,064,000)~~)

\$23,651,000

Motor Vehicle Account—Federal Appropriation (~~(\$55,751,000)~~)

\$79,306,000

Motor Vehicle Account—Private/Local Appropriation \$6,600,000

Connecting Washington Account—State Appropriation (~~(\$123,292,000)~~)

\$176,755,000

Multimodal Transportation Account—State

Appropriation (~~(\$71,615,000)~~)

\$95,825,000

Carbon Emissions Reduction Account—State

Appropriation \$19,360,000

TOTAL APPROPRIATION

(~~(\$271,465,000)~~)

\$407,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (~~(\$32,613,000)~~) \$46,163,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(b) (~~(\$19,344,000)~~) \$26,086,000 of the motor vehicle account—federal appropriation and (~~(\$17,397,000)~~) \$21,656,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) (~~(\$6,561,000)~~) \$11,987,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document

referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) (~~(\$12,500,000)~~) \$17,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) (~~(\$11,679,000)~~) \$35,411,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) \$6,890,000 of the climate emissions reduction account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-2 as developed February 8, 2022. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive

transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(10) \$5,640,000 of the climate emission reductions account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(11) \$6,830,000 of the climate emission reductions account—state appropriation is provided solely for safe routes to school program grants. If amounts are appropriated for this specific purpose in House Bill No. 2118 (additive transportation funding) or Senate Bill No. 5975 (additive transportation funding) by June 30, 2022, the amount provided in this subsection lapses.

(12) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) \$500,000 of the motor vehicle account—state appropriation designated for the traffic avenue/SR 410 interchange project (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as developed February 20, 2022, Local Programs Program (Z) is redesignated and provided solely for the 166th/SR 410 Interchange - Sumner.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

Sec. 311. 2021 c 333 s 313 (uncodified) is amended to read as follows:

QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except

for ferry projects subject to the reporting requirements established in section 309 (~~of this act~~), chapter 333, Laws of 2021, that must include:

(1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2021 c 333 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State

Appropriation ((~~\$904,000~~))

\$795,000

Connecting Washington Account—State Appropriation ((~~\$11,153,000~~))

\$5,584,000

Special Category C Account—State Appropriation ((~~\$412,000~~))

\$257,000

Highway Bond Retirement Account—State

Appropriation ((~~\$1,483,793,000~~))

\$1,424,896,000

Ferry Bond Retirement Account—State Appropriation \$17,150,000

Transportation Improvement Board Bond Retirement

Account—State Appropriation ((~~\$11,770,000~~))

\$17,566,000
Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation ((~~\$29,323,000~~))

\$26,278,000

Toll Facility Bond Retirement Account—State

Appropriation \$76,376,000

TOTAL APPROPRIATION ((~~\$1,630,881,000~~))

\$1,568,177,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

Sec. 402. 2021 c 333 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State

Appropriation ((~~\$181,000~~))

\$150,000

Connecting Washington Account—State Appropriation ((~~\$2,231,000~~))

\$1,117,000

Special Category C Account—State Appropriation ((~~\$82,000~~))

\$51,000

Transportation Improvement Account—State

Appropriation \$20,000

TOTAL APPROPRIATION ((~~\$2,494,000~~))

\$1,315,000

Sec. 403. 2021 c 333 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State
 Appropriation: For motor
 vehicle fuel tax statutory
 distributions to cities and counties
 ((~~\$467,390,000~~))
\$474,003,000

Multimodal Transportation Account—
 State
 Appropriation: For distribution to
 cities and counties \$26,786,000

Motor Vehicle Account—State
 Appropriation: For
 distribution to cities and counties
 \$23,438,000

Sec. 404. 2021 c 333 s 404
 (uncodified) is amended to read as
 follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State
 Appropriation: For motor
 vehicle fuel tax refunds and statutory
 transfers ((~~\$1,974,599,000~~))
\$2,000,419,000

Sec. 405. 2021 c 333 s 405
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF LICENSING—
 TRANSFERS**

Motor Vehicle Account—State
 Appropriation: For motor
 vehicle fuel tax refunds and transfers
 ((~~\$235,675,000~~))
\$240,330,000

Sec. 406. 2021 c 333 s 406
 (uncodified) is amended to read as
 follows:

**FOR THE STATE TREASURER—
 ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State
 Appropriation:
 For transfer to the State Patrol
 Highway
 Account—State \$47,000,000

(2)(a) Transportation Partnership
 Account—State

Appropriation: For transfer to the
 Capital Vessel

Replacement Account—State
 ((~~\$152,453,000~~))
\$45,668,000

(b) The amount transferred in this
 subsection represents proceeds from the
 sale of bonds authorized in RCW
 47.10.873.

(3)(a) Transportation Partnership
 Account—State

Appropriation: For transfer to the
 Tacoma Narrows Toll Bridge Account—State
 \$30,293,000

(b) It is the intent of the legislature
 that this transfer is temporary, for the
 purpose of minimizing the impact of toll
 increases. An equivalent reimbursing
 transfer is to occur after the debt
 service and deferred sales tax on the
 Tacoma Narrows bridge construction costs
 are fully repaid in accordance with
 chapter 195, Laws of 2018.

(4)(a) Motor Vehicle Account—State
 Appropriation:

For transfer to Alaskan Way Viaduct
 Account
 —State \$6,000,000

(b) The funds provided in (a) of this
 subsection are a loan to the Alaskan Way
 viaduct replacement project account—
 state, and the legislature assumes that
 these funds will be reimbursed to the
 motor vehicle account—state at a later
 date when traffic on the toll facility
 has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account—State
 Appropriation:

For transfer to the County Arterial
 Preservation
 Account—State \$7,666,000

(6) Motor Vehicle Account—State
 Appropriation:

For transfer to the Freight Mobility
 Investment
 Account—State \$5,511,000

(7) Motor Vehicle Account—State
 Appropriation:

For transfer to the Rural Arterial
 Trust Account—State \$9,331,000

(8) Motor Vehicle Account—State
Appropriation:

For transfer to the Transportation
Improvement

Account—State \$9,688,000

(9) Rural Mobility Grant Program
Account—State

Appropriation: For transfer to the
Multimodal

Transportation Account—State
\$3,000,000

(10)(a) State Route Number 520 Civil
Penalties

Account—State Appropriation: For
transfer to the

Motor Vehicle Account—State
\$2,000,000

(b) The transfer in this subsection is
to repay moneys loaned to the state route
number 520 civil penalties account in the
2019-2021 fiscal biennium.

(11) State Route Number 520 Civil
Penalties

Account—State Appropriation: For
transfer to the

State Route Number 520 Corridor
Account—State \$1,532,000

(12) Capital Vessel Replacement
Account—State

Appropriation: For transfer to the
Connecting

Washington Account—State
\$35,000,000

(13)(a) Capital Vessel Replacement
Account—State

Appropriation: For transfer to the
Transportation

Partnership Account—State
((~~\$10,305,000~~))
\$1,542,000

(b) The amount transferred in this
subsection represents repayment of debt
service incurred for the construction of
the Hybrid Electric Olympic Class (144-
auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Complete Streets

Grant Program Account—State
\$14,670,000

(15) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Connecting

Washington Account—State
\$200,000,000

(16) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Freight Mobility

Multimodal Account—State
\$4,011,000

(17) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Ignition Interlock

Device Revolving Account—State
\$600,000

(18) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Pilotage

Account—State ((~~\$1,500,000~~))
\$2,000,000

(19) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Puget Sound

Capital Construction Account—State
\$60,000,000

(20) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Regional Mobility

Grant Program Account—State
\$27,679,000

(21) Multimodal Transportation
Account—State

Appropriation: For transfer to the
Rural Mobility

Grant Program Account—State
\$15,223,000

(22)(a) Alaskan Way Viaduct
Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State \$22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(23) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State \$950,000

(24) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State \$60,000,000

(25)(a) General Fund Account—State

Appropriation: For transfer to the State Patrol

Highway Account—State \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2) (~~of this act~~), chapter 333, Laws of 2021.

COMPENSATION

Sec. 501. 2021 c 333 s 502 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENTS

Sections 503 through 520 (~~of this act~~), chapter 333, Laws of 2021 represent the results of the 2021-2023 collective bargaining process required under chapters 41.80, 47.64, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 520 (~~of this act~~), chapter 333, Laws of 2021 are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 503 through 520 (~~of this act~~), chapter 333, Laws of 2021 may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants

or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

Sec. 502. 2021 c 333 s 503 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU

(1) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

(2) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 503. 2021 c 333 s 504 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA

(1) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for fiscal year 2023.

The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 504. 2021 c 333 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—SEIU LOCAL 6**

(1) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 505. 2021 c 333 s 506 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—CARPENTERS**

(1) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 506. 2021 c 333 s 507 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—METAL TRADES**

(1) An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9% general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

(2) An agreement has been reached between the governor and the Puget Sound metal trades council pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 507. 2021 c 333 s 508 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MEBA-UL**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 508. 2021 c 333 s 509 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MEBA-L**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 509. 2021 c 333 s 510 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MEBA—PORT ENGINEERS**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 510. 2021 c 333 s 511 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MM&P MATES**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two

percent wage increase for second mates, and does not include the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 511. 2021 c 333 s 512 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MM&P MASTERS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 512. 2021 c 333 s 513 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MM&P WATCH CENTER SUPERVISORS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a

general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 513. 2021 c 333 s 514 (uncodified) is amended to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU

(1) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 514. 2021 c 333 s 519 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 515. 2021 c 333 s 520 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 516. 2021 c 333 s 521 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1094)~~) \$1130 per eligible employee.

The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than

95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

Sec. 517. 2021 c 333 s 522 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed (~~(\$1091)~~) \$1130 per eligible employee.

NEW SECTION. Sec. 518. The following acts or parts of acts are each repealed:

- (1) 2021 c 333 s 526 (uncodified);
- (2) 2021 c 333 s 527 (uncodified);
- (3) 2021 c 333 s 528 (uncodified);
- (4) 2021 c 333 s 529 (uncodified);
- (5) 2021 c 333 s 530 (uncodified);
- (6) 2021 c 333 s 531 (uncodified);
- (7) 2021 c 333 s 532 (uncodified); and
- (8) 2021 c 333 s 537 (uncodified).

IMPLEMENTING PROVISIONS

Sec. 601. 2021 c 333 s 601 (uncodified) is amended to read as follows:

MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2021-1)~~) 2022-1 as developed (~~(April 23, 2021)~~) February 20, 2022, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation,

while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (1) of this subsection, transfers may only be made in fiscal year 2023;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (1) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the

transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order that most reduces administrative burden and minimizes the use of bond proceeds:

(i) Projects on LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022; or

(ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

Sec. 602. 2021 c 333 s 606 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document (~~(2021-2)~~) 2022-

2 ALL PROJECTS as developed (~~April 23, 2021~~) February 20, 2022. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. Sec. 603. A new section is added to 2021 c 333 (uncodified) to read as follows: **INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDS ALLOCATIONS**

The legislature acknowledges that the manner in which the allocation of formula program funding from federal funding authorization acts between the state and local governments has been determined in the past by work groups composed of a number of stakeholders to advise the governor and the legislature. It is the intent of the legislature that a similar process be undertaken for the allocation of formula program funds from the infrastructure investment and jobs act for federal fiscal years after 2023, as provided in section 204(13) of this act. For the purposes of federal fiscal year 2023 and for the purposes of ensuring the efficient and timely obligation of federal funds, the legislature finds that a schedule of formula program allocations be applied, as provided in this section, based on a modification of the allocation schedule under the fixing America's surface transportation act.

(1) Amounts received by the state of Washington from the federal infrastructure investment and jobs act for federal fiscal year 2023 are assumed to be allocated in the following manner:

(a) Eighty-seven percent of national highway performance program funds is allocated to the state and 13 percent is allocated to local governments;

(b) Thirty percent of highway safety improvement grants is allocated to the state and 70 percent is allocated to local governments;

(c) One hundred percent of national highway freight program funds is allocated to the state;

(d) One hundred percent of statewide planning & research funds is allocated to the state;

(e) Eighty-five percent of bridge replacement program funds is allocated to the state and 15 percent is allocated to local governments;

(f) Thirty-five percent of carbon reduction program funds is allocated to the state and 65 percent is allocated to local governments;

(g) One hundred percent of national vehicle electric funds is allocated to the state; and

(h) One hundred percent of promoting resilient operations for transformative, efficient, and cost-saving transportation grant program funds is allocated to the state.

(2) Additionally, amounts received by the state of Washington from the federal infrastructure investment and jobs act for federal fiscal year 2023 for the surface transportation block grant subprograms are assumed to be allocated in the following manner:

(a) One hundred percent of the surface transportation block grant program amounts for off-system bridges is allocated to local governments;

(b) One hundred percent of the surface transportation block bridge grant program amounts for distribution based on population is allocated to local governments;

(c) Eighty-six percent of the surface transportation block grant program amounts for distribution to any area of the state is allocated to the state and 14 percent is allocated to local governments.

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

Sec. 701. 2021 c 333 s 701 (uncodified) is amended to read as follows:

INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget

and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) Discrete financial budget codes to include at least the appropriation index and program index;
- (iv) Object and subobject codes of expenditures;
- (v) Anticipated deliverables;
- (vi) Historical budget and expenditure detail by fiscal year; and
- (vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the

dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document, and when it was completed;
- (iii) Financial status of information technology projects under oversight;
- (iv) Coordination with agencies;
- (v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than 30 percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the

competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement (~~(, new csc system and operator)~~), PROPEL - WSDOT support of one Washington, and capital systems replacement.

Sec. 702. 2021 c 333 s 702 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The department of transportation is authorized, subject to the conditions in section 305(2) (~~(of this act)~~), chapter 333, Laws of 2021, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline. If the department of transportation has entered into a financing agreement for the purposes specified in this subsection prior to June 30, 2021, this subsection has no force and effect.

Sec. 703. RCW 46.68.410 and 2010 c 161 s 812 are each amended to read as follows:

(1) The vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed as follows:

~~((1) Fifteen dollars))~~ (a) \$15 to the state patrol highway account created in RCW 46.68.030; and

~~((2) Fifty dollars))~~ (b) \$50 to the motor vehicle fund created in RCW 46.68.070.

(2) During the 2021-2023 fiscal biennium, the entire vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed to the state patrol highway account created in RCW 46.68.030.

Sec. 704. RCW 46.68.480 and 2020 c 224 s 2 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. For the 2021-2023 biennium, expenditures from the account may also be used to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington state department of transportation. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

Sec. 705. RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value, except as specified

in subsection (9) of this section during the 2021-2023 fiscal biennium:

- (a) Any other state agency;
 - (b) The city or county in which the property is situated;
 - (c) Any other municipal corporation;
 - (d) Regional transit authorities created under chapter 81.112 RCW;
 - (e) The former owner of the property from whom the state acquired title;
 - (f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;
 - (g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;
 - (h) To any other owner of real property required for transportation purposes;
 - (i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW; (~~(e)~~)
 - (j) During the 2021-2023 fiscal biennium, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing; or
 - (k) A federally recognized Indian tribe within whose reservation boundary the property is located.
- (4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to (~~(ten)~~) 10 percent of

the fair market value of the real property or (~~(five thousand dollars)~~) \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within (~~(sixty)~~) 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

(9) During the 2021-2023 fiscal biennium, the department may sell or convey surplus property at less than its fair market value when the department finds that it is in the public interest to do so because:

(a) The surplus property will be used as a substitute for property to be redeveloped to provide the public benefit of affordable housing; and

(b) The development of affordable housing on that property would not otherwise be adequately compensated.

Sec. 706. RCW 46.01.385 and 2021 c 32 s 2 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account

from cost recovery charges for credit card and other financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 fiscal biennium, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing staffing shortages.

Sec. 707. 2021 c 333 s 719 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands;

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

(i) Initiating a broad review of potential sites;

(ii) Recommending a final short list of no more than six locations by February 15, 2022;

(iii) Identifying the top two locations from the final six locations by October 15, 2022; and

(iv) Identifying a single preferred location for a new primary commercial aviation facility by ~~((February))~~ June 15, 2023; and

(c) A projected timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by ~~((February))~~ June 15, 2023. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(4) This section expires June 30, 2023.

MISCELLANEOUS

NEW SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Orcutt moved the adoption of amendment (1208) to striking amendment (1179):

On page 53, after line 11 of the striking amendment, insert the following:

"(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the

side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both."

Representatives Orcutt and Ramos spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1208) to striking amendment (1179) was adopted.

Representative Walsh moved the adoption of amendment (1184) to striking amendment (1179):

On page 59, line 20 of the striking amendment, increase the multimodal transportation account--state appropriation by \$15,500,000

On page 59, line 28 of the striking amendment, correct the total.

On page 63, beginning on line 27 of the striking amendment, after "(14)(a)" strike all material through "lapses" on page 64, line 5 and insert "Each transit agency that is experiencing disruptive and illegal behavior that jeopardizes riders is provided up to \$500,000 to develop a pilot program to place teams including human services personnel and law enforcement officers along routes that are enduring significant public safety issues and various disruptive and illegal behavior. The teams would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) Each transit agency receiving funds pursuant to this subsection (14) must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be beneficial for other transit agencies.

(c) In order to receive funds pursuant to this subsection (14), a public transit

agency must provide an equal amount of funding"

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1184) to striking amendment (1179) was not adopted.

Representative Walsh moved the adoption of amendment (1183) to striking amendment (1179):

On page 63, line 28 of the striking amendment, after "metro" insert "and the King county sheriff's office"

On page 63, line 29 of the striking amendment, after "personnel" insert "and law enforcement officers"

On page 63, line 31 of the striking amendment, after "disruptive" insert "and illegal"

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Taylor spoke against the adoption of the amendment to the striking amendment.

Amendment (1183) to striking amendment (1179) was not adopted.

Representative Caldier moved the adoption of amendment (1191) to striking amendment (1179):

On page 69, after line 6 of the striking amendment, insert the following:

"(16)(a) For negotiation of the 2023-25 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the

governor's office of equity and the attorney general's office.

(b) When negotiating the 2023-25 collective bargaining agreements, the collective bargaining representatives for the state and ferry employee organizations shall consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Caldier and Fey spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1191) to striking amendment (1179) was adopted.

Representative Barkis moved the adoption of amendment (1180) to striking amendment (1179):

On page 69, line 12 of the striking amendment, decrease the multimodal transportation-state appropriation by \$4,000,000

On page 69, line 18 of the striking amendment, correct the total.

On page 70, beginning on line 10 of the striking amendment, strike all of subsection (3)

On page 92, beginning on line 31 of the striking amendment, strike the entire carbon emissions reduction account-state appropriation

On page 92, line 34 of the striking amendment, correct the total.

On page 95, beginning on line 11 of the striking amendment, strike all of subsection (10)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Barkis and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Fey and Wylie spoke against the adoption of the amendment to the striking amendment.

MOTION

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

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1180) to striking amendment (1179) and the amendment was not adopted by the following vote: Yeas, 38; Nays, 56; Absent, 0; Excused, 4

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

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

Excused: Representatives Eslick, Peterson, Robertson, and Young

Representative Walsh moved the adoption of amendment (1181) to striking amendment (1179):

On page 73, line 6 of the striking amendment, after "including the" strike all material through "trust" on line 7 and insert "sale of the land to the city of Seattle to benefit the community"

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

Amendment (1181) to striking amendment (1179) was not adopted.

Representative Walsh moved the adoption of amendment (1182) to striking amendment (1179):

On page 73, line 10 of the striking amendment, after "transportation," insert "representatives of the Northwest seaport alliance, a statewide organization representing the trucking industry, the aviation manufacturing industry,"

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1182) to striking amendment (1179) and the amendment was not adopted by the following vote: Yeas, 39; Nays, 55; Absent, 0; Excused, 4

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

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

Excused: Representatives Eslick, Peterson, Robertson, and Young

Representative Corry moved the adoption of amendment (1186) to striking amendment (1179):

On page 89, line 2 of the striking amendment, increase the motor vehicle account--state appropriation by \$20,000,000

On page 89, line 9 of the striking amendment, correct the total.

On page 89, after line 17 of the striking amendment, insert the following:

"(3)(a) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for the department to establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death.

(b) Funding for this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on

roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(c) The department shall create a program whereby it can distribute funding or install safety improvements listed in (a) of this subsection on state, county, small city, or town roads in rural areas that have a high risk of having or have had incidents of serious injuries or fatalities due to vehicle lane departures. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operations and maintenance of the roadway.

(d) The department must create a form and application process whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for high-risk areas in jurisdictions in need of safety improvements.

(e) The department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location may include the inability or lack of resources of a community to make safety improvements and corrections where there have been historic disparate impacts.

(f) The department must provide a list of locations that received funding with a description of installed safety improvements to the transportation committees of the legislature and the

traffic safety commission by June 30, 2023."

Representative Corry spoke in favor of the adoption of the amendment to the striking amendment.

Representative Chapman spoke against the adoption of the amendment to the striking amendment.

Amendment (1186) to striking amendment (1179) was not adopted.

Representative Kraft moved the adoption of amendment (1199) to striking amendment (1179):

On page 89, line 2 of the striking amendment, increase the motor vehicle account--state appropriation by \$8,500,000

On page 89, line 9 of the striking amendment, correct the total.

On page 89, after line 17 of the striking amendment, insert the following:

"(3) \$8,500,000 of the motor vehicle account--state appropriation is provided solely for a wall that is a minimum 10 feet high extending at least three-quarters of a mile abutting the boundary of rivercrest estates and other neighborhoods impacted by the SR 14/I-205 to SE 164th avenue widening project."

Representative Kraft spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramos spoke against the adoption of the amendment to the striking amendment.

Amendment (1199) to striking amendment (1179) was not adopted.

Representative Barkis moved the adoption of amendment (1203) to striking amendment (1179):

On page 96, line 9 of the striking amendment, increase the multimodal transportation account--state appropriation by \$529,000

On page 96, line 13 of the striking amendment, correct the total.

On page 98, after line 35 of the striking amendment, insert the following:

"(15) \$529,000 of the multimodal transportation account--state appropriation is provided solely for a commuter bus for the Sauk-Suiattle tribe,

town of Darrington, North county family services and surrounding citizens."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Barkis and Paul spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1203) to striking amendment (1179) was adopted.

Representatives Fey and Barkis spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1179), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey, Volz, Wylie, Griffey, Barkis and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5689, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5689, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Kraft and McCaslin.

Excused: Representatives Eslick, Peterson, Robertson and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative McCaslin announced his retirement.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Wilson, L. and Nguyen)

Making 2021-2023 fiscal biennium supplemental operating appropriations.

The bill was read the second time.

With the consent of the House, amendments (1161), (1189), (1190), (1192) and (1174) were withdrawn.

Representative Ormsby moved the adoption of striking amendment (1155):

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2021 c 334 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2022) (~~(\$45,740,000)~~)
\$46,834,000

General Fund—State Appropriation (FY 2023) (~~(\$46,804,000)~~)
\$51,635,000

TOTAL APPROPRIATION
 (~~(\$92,544,000)~~)
\$98,469,000

Sec. 102. 2021 c 334 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State Appropriation (FY 2022) (~~(\$32,755,000)~~)
\$33,515,000

General Fund—State Appropriation (FY 2023) (~~(\$35,699,000)~~)
\$38,564,000

TOTAL APPROPRIATION
 (~~(\$68,454,000)~~)
\$72,079,000

The appropriations in this section are subject to the following conditions and

limitations: \$260,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

Sec. 103. 2021 c 334 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2022) (~~(\$303,000)~~)
\$342,000

General Fund—State Appropriation (FY 2023) (~~(\$248,000)~~)
\$358,000

Performance Audits of Government Account—State
 Appropriation (~~(\$9,384,000)~~)
\$9,394,000
 TOTAL APPROPRIATION
 (~~(\$9,935,000)~~)
\$10,094,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$273,000 of the general fund—state appropriation for fiscal year 2022 and \$244,000 of the general fund—state appropriation for fiscal year 2023 are (~~provided solely~~) for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are

~~((provided solely to implement)) for the implementation of House Bill No. 1296 (behavioral health service organizations). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are ~~((provided solely to implement)) for the implementation of Second Substitute House Bill No. 1033 (employment training program). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$62,000 of the general fund—state appropriation for fiscal year 2023 is for the joint legislative audit and review committee to plan for and begin where feasible performance audits of selected state agency programs related to the needs of farmworkers. The performance audits should include recommendations to improve service delivery and effectiveness in providing greater protections and meeting the needs of farmworkers. The performance audits include:

(a) A performance audit review of the department of labor and industries' administration of investigation and enforcement programs applicable to farmworkers;

(b) A performance audit review of the employment security department's administration of the H-2A program; and

(c) A performance audit review of the department of health's administration of the laws and rules related to pesticide safety that are intended to protect farmworkers from hazardous exposures.

(6) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$36,000 of the general fund—state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not

enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022 is for the implementation of House Bill No. 1924 (hog fuel tax exemption). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$8,000 of the general fund—state appropriation for fiscal year 2023 are for the implementation of Substitute House Bill No. 1792 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(10)(a) The joint legislative audit and review committee shall conduct a performance audit of the department of health's oversight of hospital data reporting, inspections, and complaints. The study must explore:

(i) The types of data that hospitals are required to collect and report to state and federal regulatory entities, hospitals' compliance with these reporting requirements, and the department's enforcement and use of such reporting. This data includes: Hospital financial data, patient discharge data, charity care data, adverse health events and incidents notification and reporting, and community health needs, assessments, and benefits implementation strategies;

(ii) The type and frequency of hospital inspections conducted by state and federal regulatory entities, and hospitals' correction of any deficiencies; and

(iii) The hospital facility complaint process, including how consumers may file complaints, how the department investigates complaints, and how hospitals resolve any violations.

(b) The audit must be completed and provided to the legislature by July 2024.

Sec. 104. 2021 c 334 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account—State

Appropriation ((\$4,664,000))

\$4,669,000

TOTAL APPROPRIATION
 ((~~\$4,664,000~~))

\$4,669,000

Sec. 105. 2021 c 334 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2022) ((~~\$14,173,000~~))

\$14,465,000

General Fund—State Appropriation (FY 2023) ((~~\$14,235,000~~))

\$15,823,000

TOTAL APPROPRIATION
 ((~~\$28,408,000~~))

\$30,288,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

NEW SECTION. Sec. 106. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund—State Appropriation (FY 2023) \$947,000

TOTAL APPROPRIATION \$947,000

The appropriation in this section is subject to the following

conditions and limitations:

(1) \$947,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2124 (legislative employee collective bargaining). If the bill is not enacted by June 30, 2022, the amounts provided in this section shall lapse.

(2) Prior to the appointment of a director of the office of state legislative labor relations, the chief clerk of the house of representatives and the secretary of the senate may jointly authorize the expenditure of these funds

to facilitate the establishment of the office.

Sec. 107. 2021 c 334 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2022) \$367,000

General Fund—State Appropriation (FY 2023) \$382,000

State Health Care Authority Administrative Account—

State Appropriation \$249,000

Department of Retirement Systems Expense Account—

State Appropriation ((~~\$6,095,000~~))

\$6,097,000

School Employees' Insurance Administrative Account—

State Appropriation \$250,000

TOTAL APPROPRIATION
 ((~~\$7,343,000~~))

\$7,345,000

Sec. 108. 2021 c 334 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2022) \$5,366,000

General Fund—State Appropriation (FY 2023) ((~~\$5,766,000~~))

\$5,767,000

TOTAL APPROPRIATION
 ((~~\$11,132,000~~))

\$11,133,000

Sec. 109. 2021 c 334 s 111 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2022) ((~~\$9,781,000~~))

\$9,744,000

General Fund—State Appropriation (FY 2023) ((~~\$9,848,000~~))

\$10,730,000

TOTAL APPROPRIATION
 ((~~\$19,629,000~~))
\$20,474,000

Sec. 110. 2021 c 334 s 112 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2022) ((~~\$1,811,000~~))
\$1,792,000

General Fund—State Appropriation (FY 2023) ((~~\$1,821,000~~))
\$1,890,000

TOTAL APPROPRIATION
 ((~~\$3,632,000~~))
\$3,682,000

Sec. 111. 2021 c 334 s 113 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2022) ((~~\$1,650,000~~))
\$1,638,000

General Fund—State Appropriation (FY 2023) ((~~\$1,649,000~~))
\$1,635,000

TOTAL APPROPRIATION
 ((~~\$3,299,000~~))
\$3,273,000

Sec. 112. 2021 c 334 s 114 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2022) ((~~\$21,818,000~~))
\$21,706,000

General Fund—State Appropriation (FY 2023) ((~~\$22,146,000~~))
\$22,035,000

TOTAL APPROPRIATION
 ((~~\$43,964,000~~))
\$43,741,000

Sec. 113. 2021 c 334 s 115 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2022) ((~~\$157,168,000~~))
\$91,614,000

General Fund—State Appropriation (FY 2023) ((~~\$81,033,000~~))
\$108,466,000

General Fund—Federal Appropriation ((~~\$2,209,000~~))
\$3,994,000

General Fund—Private/Local Appropriation \$681,000

Judicial Stabilization Trust Account—State

Appropriation ((~~\$6,692,000~~))
\$74,692,000

Judicial Information Systems Account—State

Appropriation ((~~\$60,664,000~~))
\$60,939,000

TOTAL APPROPRIATION
 ((~~\$308,447,000~~))
\$340,386,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the

department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

(i) How electronic home monitoring is defined and used by each entity;

(ii) The various types of electronic home monitoring services and the equipment used by each entity;

(iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;

(iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;

(v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;

(vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

(vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

~~(5) ((\$44,500,000 of the general fund state appropriation for fiscal year 2022 is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the State v. Blake decision. Subject to the availability of amounts provided in this section, the office must provide grants to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.)~~

~~(6) \$23,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the State v. Blake ruling. County clerks may apply to the administrative office of the courts for a grant from the pool to assist with extraordinary costs of these refunds. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.~~

~~(7)) \$44,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the State v. Blake decision and to assist with the costs of processing refunds of legal financial obligations as specified in subsection (6) of this section. Counties may use up to 10 percent of these amounts for administrative costs incurred in processing refunds. Subject to the availability of amounts provided in this section, the office must provide funding to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish a process for county clerks to seek funding and an equitable prioritization process for distributing the funding.~~

(6) \$23,500,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the State v. Blake ruling. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish a process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

~~(7) ((\$1,782,000)) \$1,665,000 of the general fund—state appropriation for fiscal year 2022 and \$749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(8) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(9) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~(10) \$1,094,000 of the general fund—state appropriation for fiscal year 2022 and \$1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.~~

~~(11) \$4,505,000 of the general fund—state appropriation for fiscal year 2022 and ((\$4,505,000)) \$6,105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the department shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to the number of dispute resolution centers participating in the program, the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals~~

who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(12) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(13) \$44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(14) \$8,000,000 of the general fund—state appropriation for fiscal year 2022 (~~is~~) and \$8,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to local courts for cost associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2021, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(15) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for

improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.

(16) \$846,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to enhance and expand the family and juvenile court improvement program. If Grays Harbor superior court elects to participate, the administrator must give it priority consideration for expansion of the program.

(17) \$2,469,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to support community justice counselors and community coordinators that work with municipal and district court drug and therapeutic court programs. The community justice counselors and community coordinators are responsible for working with court participants to ensure connection to community services and existing resources to support completion of court requirements. Funding must be used for a minimum of four municipal court programs, with at least two programs located east of the Cascade mountains and two programs located west of the Cascade mountains, including Spokane county and Snohomish county. Funding may also be used for additional supports for participants, including bus passes and other transportation assistance, basic cell phones and phone cards, and translation services. Counties and cities that receive funding must provide a report back to the administrative office of the courts that shows how funds were expended.

(18) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a court policy analyst position to support the district and municipal court judges' association. The court policy analyst position must assist with the development, implementation, monitoring, and evaluation of district and municipal court programs, court operations, and

court costs that relate to the State v. Blake decision.

TOTAL APPROPRIATION
 ((~~\$112,465,000~~))
 \$117,317,000

(19) \$4,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to provide grant funding to counties for the creation of new therapeutic courts or the expansion of services being provided to an existing therapeutic court. For purposes of this subsection, "therapeutic court" has the meaning defined in RCW 2.30.020. Funding provided under this subsection may not supplant existing funds utilized for this purpose.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to contract with a free legal clinic that has a medical-legal partnership and that currently provides parent representation to at-risk clients in dependency cases in Snohomish, Skagit, and King counties. Within amounts appropriated, the clinic must provide legal representation to parents who are pregnant or recently postpartum who are at risk of child abuse or neglect reports or investigations.

(20) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of improving the quality of trial court public defense services. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(21) \$502,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1901 (civil protection orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$1,785,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 response expenditures in fiscal year 2022. This funding expires December 31, 2021.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

Sec. 114. 2021 c 334 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State Appropriation (FY 2022) ~~((~~\$53,975,000~~))~~

\$54,491,000

General Fund—State Appropriation (FY 2023) ~~((~~\$54,202,000~~))~~

\$58,533,000

General Fund—Federal Appropriation \$362,000

General Fund—Private/Local Appropriation \$30,000

Judicial Stabilization Trust Account—State

Appropriation ~~((~~\$3,896,000~~))~~

\$3,901,000

(4) \$443,000 of the general fund—state appropriation for fiscal year 2022 and \$683,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1140 (juvenile access to attorneys). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$5,500,000 of the general fund—state appropriation for fiscal year 2022 and \$5,500,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely to assist counties with public defense costs related to vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight and for administering financial assistance for public defense costs related to *State v. Blake* impacts; and

(b) \$5,100,000 of the general fund—state appropriation for fiscal year 2022 and \$5,100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants allocated for public defense assistance. The allocation of grant funding shall be determined based upon a formula as established by the office of public defense, and must be provided: (i) To assist counties providing counsel for clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision; and (ii) to assist counties that may designate the office of public defense to contract directly with attorneys to represent and assist clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision.

(6) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of public defense to research and develop a proposal to assume the effective and efficient statewide administration of legal defense services for indigent persons who are involved in proceedings under chapter 10.77 RCW (criminally insane). By December 1, 2022, the office of public defense shall submit the proposal to the appropriate policy and fiscal committees of the legislature.

(a) In developing its proposal, the office of public defense must consult with interested persons, including local public defense agencies, the Washington defender association, the Washington association of criminal defense lawyers, the administrative office of the courts, the Washington association of prosecuting attorneys, disability rights

Washington, current and former patients at eastern state hospital and western state hospital, the superior court judges association, the Washington state association of counties, the public safety review panel, and the department of social and health services.

(b) The office of public defense may provide a stipend for travel and other expenses to stakeholders for time spent participating in focus groups or interviews. The office may not provide a stipend to any public employees or to other stakeholders participating within the scope of their employment.

(c) At a minimum, the proposal should identify:

(i) Procedures to manage costs and require accountability consistent with the right to counsel under both the United States Constitution and the Washington state Constitution;

(ii) Statutory amendments necessary to implement the proposal;

(iii) Appropriate practice standards for defense of indigent persons involved in proceedings under chapter 10.77 RCW, including procedures to implement representation consistent with *State v. Fletcher*, No. 33810-0-III (Wn. Ct. App., Mar. 16, 2017);

(iv) An estimated number of attorneys and defense social workers statewide who are qualified to provide effective defense representation in these cases, an estimate of reasonable compensation for attorneys and social workers, and estimated annual costs of investigative and expert services required in these cases;

(v) The total cost necessary to implement the proposal statewide for the 2023-2025 fiscal biennium, including all staffing and administrative costs for the office of public defense administration; and

(vi) Possible savings to the state and counties that might result from implementing the proposal.

Sec. 115. 2021 c 334 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2022) (~~(\$41,280,000)~~)

\$41,709,000

General Fund—State Appropriation (FY 2023) (~~(\$42,685,000)~~)

\$52,577,000

General Fund—Federal Appropriation \$379,000

Judicial Stabilization Trust Account—State

Appropriation \$1,464,000

TOTAL APPROPRIATION (~~(\$85,808,000)~~)

\$96,129,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2022 and \$1,511,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(7) (~~(\$10,772,000)~~) \$11,122,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$11,478,000)~~) \$12,957,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons. (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(8) \$600,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$600,000)~~) \$2,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to (~~provide~~) continue and expand online automated plain language forms, outreach, education, technical assistance, and (~~some~~) legal assistance to help resolve civil matters (~~surrounding~~) relating to legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the State v. Blake decision.

(9) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of civil legal aid to cover the cost of contract adjustments necessary to conform attorney contracting practices with applicable caseload standards established by the supreme court commission on children in foster care.

(10) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal

advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(11) \$1,600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support civil legal information, advice, and representation to tenants at risk of eviction and against whom an unlawful detainer action has not yet been commenced.

(12) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to provide civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and tenancy issues.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to expand the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

Sec. 116. 2021 c 334 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2022) (~~(\$11,093,000)~~)

\$11,552,000

General Fund—State Appropriation (FY 2023) (~~(\$10,920,000)~~)

\$15,968,000

Economic Development Strategic Reserve Account—State

Appropriation \$5,000,000

TOTAL APPROPRIATION (~~(\$27,013,000)~~)

\$32,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$703,000)~~) \$917,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$803,000)~~) \$1,146,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the office of the education ombuds.

(2) \$1,289,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,289,000)~~) \$3,545,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(4) (~~(\$230,000)~~) \$180,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$120,000)~~) \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6)(a) \$20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

(9) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to address additional workload created by legislation enacted during the 2021 legislative session.

(10) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of equity to establish and support a community engagement board.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor to invite, at a minimum, federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure more salmon and steelhead are available for treaty and nontreaty uses for all Washingtonians.

(a) Recommendations should include bold reforms and strategies that encompass solutions behind salmon declines. Protecting our salmon is a

priority for all Washingtonians for the following reasons:

(i) Salmon are an indicator species dependent upon fully functioning, healthy riparian areas; as wild salmon decline, it foretells the decline of the water quality and all other species in our aquatic systems;

(ii) Salmon play a major role in our state's wildlife diversity and cultural heritage; and

(iii) Salmon are the keystone species to 137 other animals, including southern resident orcas and bears.

(b) Building upon the work of the state and federally recognized tribes in the riparian pathways work group established as a result of the commitment between sovereigns at the 2019 Centennial accord, the recommendations must include:

(i) Improvements to land use planning and development regulations that ensure the protection and recovery of salmon;

(ii) Standards to protect areas adjacent to streams and rivers;

(iii) Standards to restore areas adjacent to streams and rivers;

(iv) Financial incentives for landowners to protect and restore streamside habitat;

(v) Recommendations to improve salmon recovery program coordination amongst state agencies; and

(vi) Recommendations for regulatory requirements when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(c) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

(d) The office of the governor shall contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(e) Nothing in this facilitated process prevents the governor from continuing the government-to-government relationship with federally recognized tribes.

(12) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the office of equity to collaborate with the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, and the governor's office of Indian affairs to engage contractors to conduct the analyses funded in sections 120(4), 121(1), 121(2), 132, and 133(2) of this act.

(13) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 117. 2021 c 334 s 119 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2022) (~~(\$1,880,000)~~)

\$1,861,000

General Fund—State Appropriation (FY 2023) (~~(\$1,598,000)~~)

\$1,579,000

General Fund—Private/Local Appropriation \$90,000

TOTAL APPROPRIATION (~~(\$3,568,000)~~)

\$3,530,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the legislative committee on economic development and international relations to conduct a business competitiveness analysis of the state's economy. Expenditure of the amount provided in this section must comply with chapter 39.26 RCW.

Sec. 118. 2021 c 334 s 120 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2022) (~~(\$5,724,000)~~)

\$5,729,000

General Fund—State Appropriation (FY 2023) (~~(\$5,545,000)~~)

\$5,771,000

Public Disclosure Transparency Account—State

Appropriation (~~(\$1,014,000)~~)

\$931,000

TOTAL APPROPRIATION (~~(\$12,283,000)~~)

\$12,431,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$280,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

(3) \$424,000 of the public disclosure transparency account—state appropriation is provided solely for information technology staffing to meet the demands of maintaining online filing and disclosure systems.

(4) \$180,000 of the public disclosure transparency account—state appropriation is provided solely for a dedicated training and outreach staff to develop course materials and facilitate the creation of an expanded filer training program.

Sec. 119. 2021 c 334 s 121 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2022) (~~(\$20,922,000)~~)

\$22,066,000

General Fund—State Appropriation (FY 2023) (~~(\$31,158,000)~~)

\$48,507,000

General Fund—Federal Appropriation (~~(\$12,760,000)~~)

\$12,819,000

Public Records Efficiency, Preservation, and Access	Appropriation
Account—State	((\$10,005,000))
	<u>\$10,496,000</u>
Charitable Organization Education Account—State	Appropriation
	((\$901,000))
	<u>\$1,367,000</u>
Washington State Library Operations Account—State	Appropriation
	((\$11,698,000))
	<u>\$14,461,000</u>
Local Government Archives Account— State	Appropriation
	((\$10,120,000))
	<u>\$10,814,000</u>
Election Account—Federal Appropriation	((\$4,368,000))
	<u>\$4,381,000</u>
Personnel Service Account—State Appropriation	<u>\$657,000</u>
TOTAL	APPROPRIATION
	((\$101,932,000))
	<u>\$125,568,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and \$12,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a)(i) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the

contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(ii) \$405,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the contracted nonprofit to upgrade and replace equipment.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and

\$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal

committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(10) \$269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

(13) \$2,534,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one grant to each county to support voter registration and

voting within county jails. Grants may be used to develop and implement a plan to increase voting amongst the jail population, create voting materials specific to the jail population, purchase supplies and equipment for voting in jails, and provide direct staffing in jails to support voting activities. Each county grantee must submit a postelection report by February 1, 2023, to the secretary of state detailing the use of grant funding, evaluation of the grant's overall effectiveness in achieving its objective to increase voter registration and voting of the jailed population, and recommendations regarding best practices and law changes, if needed. Of the amounts provided in this section, up to \$100,000 may be used for the office of the secretary of state to compile the reports received in this subsection into a single report. The report must include an analysis of the county grant projects, including recommended policies and procedures for county jails regarding inmate voting. The report must be delivered to the governor and legislature by June 30, 2023.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided to the state library to develop a digital literacy assessment tool and protocol to be used by organizations that provide digital literacy support; conduct a baseline assessment of digital readiness for a representative sample of Washington residents; and publish the assessment tool, protocol, and baseline assessment findings on the state library website for public use by June 1, 2023. The office must also submit a report to the governor and legislature by June 1, 2023, that describes the tool, protocol, and assessment findings.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to review the data used in the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates," which found that voters from certain counties, younger voters, male voters, Black voters, Native American voters, and Latino voters were more likely to have their ballots rejected. The review must include an analysis of: (a) Voter interaction with the vote-by-mail and ballot return process; (b) circumstances in which voted

returned ballots are not accepted due to signature mismatch, including whether the ballot was rejected due to late return, a signature by another person, a blank signature line, a different name used, or the signature could not conclude that the voter was the signatory; (c) processes used by county election offices to allow voters to cure ballots; (d) methods in which counties collect, maintain, and update voter signatures on file; (e) communication with voters concerning how to prepare and return a voted ballot for counting; (f) best practices for curing rejected signatures; and (e) education and outreach methods emphasizing the importance of voter signatures on voted returned ballots with a focus on increasing successful voting. The results of the analysis must be reported to the governor and the appropriate committees of the legislature by October 15, 2022.

(16) \$657,000 of the personnel service fund—state appropriation is provided solely for administration of the productivity board established in chapter 41.60 RCW. The secretary of state shall convene the first meeting of the board by September 1, 2022. By June 30, 2023, the board must provide the legislature and all other state agencies with a topical list of all productivity awards granted in fiscal year 2023 for the purpose of providing agencies with the opportunity to adopt or modify for agency use the suggestions identified by awardees.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(18) \$396,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1357 (voters' pamphlet overseas). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(19) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for elections security operations.

(20) \$3,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for election information outreach activities.

(21) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

Sec. 120. 2021 c 334 s 122 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2022) (~~(\$905,000)~~)
\$942,000

General Fund—State Appropriation (FY 2023) (~~(\$401,000)~~)
\$1,145,000

TOTAL	APPROPRIATION
	((\$1,306,000))
	<u>\$2,087,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

(i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;

(ii) The consultation processes; and

(iii) Training to be provided to state agencies and the legislature.

(3)(a) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's office of Indian affairs to expand capacity of the office to improve state and local executive and tribal relationships. Funds must be used to support:

(i) Consultation with tribes and local governments on implementation of the climate commitment act and growth management act;

(ii) Government-to-government engagement on natural resources, environment, and infrastructure;

(iii) Consultation with tribes and local governments on tribal legal definitions;

(iv) Early engagement on legislative and executive consultation and dispute resolution policy and processes with all agencies; and

(v) Coordination with a third party to facilitate roundtable meetings for agencies, tribes, and stakeholders to assess and provide recommendations in a report for streamlining statewide salmon recovery planning, policy, programs, and budgets. The report should be provided to the appropriate committees in the legislature by June 30, 2023.

(b) The legislature intends to provide additional funding for activities under this subsection (3) in the next fiscal biennium.

(4) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Native American students; analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 121. 2021 c 334 s 123 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2022) (~~(\$448,000)~~)

\$528,000

General Fund—State Appropriation (FY 2023) (~~(\$462,000)~~)

\$840,000

TOTAL APPROPRIATION (~~(\$910,000)~~)

\$1,368,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Asian American students; develop recommendations for continuing efforts

to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 122. 2021 c 334 s 124 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

General Fund—State Appropriation (FY 2022) \$250,000

General Fund—State Appropriation (FY 2023) \$250,000

State Treasurer's Service Account—State

Appropriation (~~(\$20,375,000)~~)

\$20,829,000

TOTAL APPROPRIATION (~~(\$20,875,000)~~)

\$21,329,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1189 (tax increment financing). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(2) \$450,000 of the state treasurer's service account—state appropriation is provided to establish a committee on the program impacts of the Washington future fund "baby bonds" investment model on wealth gaps and provides expenditure authority for one additional FTE for ongoing policy and program analysis. The committee shall consult with experts to study and gather data on inequities including racial wealth gaps in Washington and examine how investment programs such as the Washington future fund program or similar "baby bonds" investment programs can impact wealth inequities and the future financial stability of the Washington state treasury. The committee will analyze the Washington future fund and other "baby bonds" investment models and provide recommendations for program implementation.

(a) At a minimum, the committee will consist of the state treasurer, or the state treasurer's designee, as chair of the committee, one member from each of the two largest caucuses of the senate appointed by the president of the senate, one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives, three members from communities with lived experience as appointed by the state treasurer, and three members from economic empowerment organizations as appointed by the state treasurer. The committee will ensure that opportunity for input from interested stakeholders is provided. The state treasurer's office shall provide staff resources and assistance to the committee as needed.

(b) The committee may consult with the state investment board, the Washington health care authority, the Washington state housing finance commission, the department of social and health services,

the department of commerce, and other agencies as necessary.

(c) The committee will report on the findings of the data collection, analysis, and any recommendations for legislative action to the legislature by December 1, 2022.

(d) The state treasurer may include these recommendations in draft legislation for the Washington future fund.

Sec. 123. 2021 c 334 s 125 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2022) ~~((\$613,000))~~

\$463,000

General Fund—State Appropriation (FY 2023) ~~((\$1,062,000))~~

\$1,812,000

Auditing Services Revolving Account—State

Appropriation ~~((\$14,456,000))~~

\$16,041,000

Performance Audits of Government Account—State

Appropriation \$1,683,000

TOTAL APPROPRIATION ~~((\$17,814,000))~~

\$19,999,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall

conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(4) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state auditor to conduct critical infrastructure penetration test audits on local governments.

Sec. 124. 2021 c 334 s 126 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2022) (~~(\$252,000)~~)

\$250,000

General Fund—State Appropriation (FY 2023) (~~(\$279,000)~~)

\$277,000

TOTAL APPROPRIATION (~~(\$531,000)~~)

\$527,000

Sec. 125. 2021 c 334 s 127 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2022) (~~(\$18,708,000)~~)

\$22,128,000

General Fund—State Appropriation (FY 2023) (~~(\$23,379,000)~~)

\$30,209,000

General Fund—Federal Appropriation (~~(\$18,226,000)~~)

\$21,685,000

Public Service Revolving Account—State Appropriation (~~(\$4,145,000)~~)

\$4,273,000

New Motor Vehicle Arbitration Account—State

Appropriation (~~(\$1,721,000)~~)

\$1,756,000

Medicaid Fraud Penalty Account—State Appropriation (~~(\$5,862,000)~~)

\$6,028,000

Child Rescue Fund—State Appropriation \$80,000

Legal Services Revolving Account—State Appropriation (~~(\$300,291,000)~~)

\$334,975,000

Local Government Archives Account—State

Appropriation (~~(\$1,004,000)~~)

\$1,031,000

Tobacco Prevention and Control Account—State

Appropriation \$275,000

(~~Consumer Privacy Account State Appropriation \$1,241,000~~)

TOTAL APPROPRIATION (~~(\$374,932,000)~~)

\$422,440,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) \$1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(9) \$584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~(10) ((\$1,241,000 of the consumer privacy account state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(11)) \$122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(12)) (11) \$256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(13) \$170,000)) (12) \$284,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(14)) (13) \$395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(15)) (14) \$1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(16)) (15) \$218,000 of the general fund—state appropriation for fiscal year 2022 and \$5,107,000 of the general fund—~~

state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(17))~~ (16) \$1,485,000 of the general fund—state appropriation for fiscal year 2022 and \$958,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight.

~~((19))~~ (17) \$196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

~~((20))~~ (18) \$38,000 of the legal services revolving account—state

appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(21)) (19) \$294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(22)) (20) \$1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(23)) (21) \$28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(24)) (22) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(25)) (23) \$2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(26)) (24) \$121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(27)) (25) \$247,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—~~

state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28)) (26) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29)) (27) \$146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.)~~

(28) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 944 of this act.

(29) \$810,000 of the general fund—state appropriation for fiscal year 2023 and \$77,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(30) \$33,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1815 (catalytic converter theft). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(31) \$65,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(32) \$1,225,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for implementation of Substitute House Bill No. 1850 (data privacy). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(33) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1868 (health care staffing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(34) \$17,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$133,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1735 (use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study regarding state and local responses to acts or potential acts of domestic terrorism in Washington state.

(b) In conducting the study, the office must review laws and policies regarding domestic terrorism, including but not limited to:

(i) Federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is determined to be an act of domestic terrorism;

(ii) State and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and

(iii) State and local policies regarding responding to acts of domestic terrorism.

(c) By December 15, 2022, the office must submit a report to the appropriate committees of the legislature that includes but is not limited to:

(i) A summary of current laws and policies as identified in (b) of this subsection;

(ii) Recommended best practices for:

(A) Standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level; and

(B) Strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and

(iii) Recommendations for any statutory changes that may be necessary for clarity and consistency.

(d) The office may consult with experts or professionals involved or having expertise in the topic of domestic terrorism to complete the study.

(37) \$58,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the sexual assault forensic examination best practices advisory group. The office of the attorney general shall reconvene a sexual assault forensic examination best practices advisory group to continue the work of the previous sexual assault forensic examination best practices advisory group as established in section 1, chapter 93, Laws of 2019. The advisory group must review best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state. The advisory group must meet no less than twice annually.

Sec. 126. 2021 c 334 s 128 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2022) (~~(\$1,990,000)~~)

\$1,980,000

General Fund—State Appropriation (FY 2023) (~~(\$1,982,000)~~)

\$2,062,000

Workforce Education Investment Account—State

Appropriation \$326,000

TOTAL APPROPRIATION (~~(\$4,298,000)~~)

\$4,368,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$326,000)~~) \$331,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$94,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the caseload forecast council, in addition to the forecasts required in RCW 43.88C.010 and during the 2021-2023 fiscal biennium, to forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, the basic plus waiver, and the number of individuals expected to reside in state-operated living alternative homes administered by the developmental disabilities administration.

Sec. 127. 2021 c 334 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2022) (~~(\$193,804,000)~~)
\$217,420,000

General Fund—State Appropriation (FY 2023) (~~(\$171,190,000)~~)
\$665,359,000

General Fund—Federal Appropriation (~~(\$1,365,225,000)~~)
\$1,450,416,000

General Fund—Private/Local Appropriation (~~(\$8,862,000)~~)
\$8,992,000

Public Works Assistance Account—State Appropriation (~~(\$8,134,000)~~)
\$8,301,000

Lead Paint Account—State Appropriation \$112,000

Building Code Council Account—State Appropriation \$17,000

Liquor Excise Tax Account—State Appropriation (~~(\$1,262,000)~~)
\$1,293,000

Home Security Fund Account—State Appropriation (~~(\$326,272,000)~~)
\$326,370,000

Affordable Housing for All Account—State Appropriation (~~(\$105,230,000)~~)
\$105,255,000

Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation (~~(\$2,671,000)~~)
\$2,675,000

Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation \$1,400,000

Statewide Tourism Marketing Account—State Appropriation \$3,034,000
Community and Economic Development Fee Account—State Appropriation (~~(\$4,117,000)~~)
\$4,195,000

Growth Management Planning and Environmental Review Fund—State Appropriation (~~(\$5,785,000)~~)
\$5,795,000

Liquor Revolving Account—State Appropriation \$5,920,000

Washington Housing Trust Account—State Appropriation (~~(\$20,455,000)~~)
\$20,651,000

Prostitution Prevention and Intervention Account—State Appropriation (~~(\$26,000)~~)
\$146,000

Public Facility Construction Loan Revolving Account—	
State	Appropriation
(\$1,229,000)	
<u>\$1,260,000</u>	
Model Toxics Control Stormwater Account—State	
Appropriation	\$100,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$1,813,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$1,809,000
Andy Hill Cancer Research Endowment Fund Match	
Transfer Account—State Appropriation	
(\$11,711,000)	
<u>\$20,281,000</u>	
Community Preservation and Development Authority	
Account—State	Appropriation
(\$500,000)	
<u>\$2,500,000</u>	
Economic Development Strategic Reserve Account—State	
Appropriation	\$2,798,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	(\$472,610,000)
<u>\$830,190,000</u>	
<u>Energy Efficiency Account—State Appropriation</u>	<u>\$6,000</u>
<u>Community Reinvestment Account—State Appropriation</u>	<u>\$125,000,000</u>
<u>Apple Health and Homes Account—State Appropriation</u>	<u>\$9,515,000</u>
TOTAL	APPROPRIATION
(\$2,716,086,000)	
<u>\$3,822,623,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the

department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$3,000,000)~~ \$5,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$4,304,000 of the general fund—state appropriation for fiscal year 2022 and \$4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00

per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) (~~(\$1,000,000)~~) \$750,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,000,000)~~) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2022

and \$557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 and \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) (~~(\$2,000,000)~~) \$2,200,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$2,000,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW. Of the amounts provided in this section, \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 must be used for pro bono or low bono legal services to assist indigent Washington residents, who were temporarily paroled into the United States in 2021 or 2022, with asylum applications or other matters related to adjusting immigration status.

(22)(a) \$37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation,

maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) (~~(\$3,000,000)~~) \$2,408,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,000,000)~~) \$5,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) \$62,720,000 of the general fund—state appropriation for fiscal year 2022, \$65,330,000 of the general fund—state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds

provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments,

behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be collocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$1,500,000)~~) \$5,820,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$4,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for up to 12 months of rental assistance for

individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(33) (~~(\$11,711,000)~~) \$20,281,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$150,000)~~) \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) (~~The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding.~~) Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) (~~(\$1,007,000)~~) \$950,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,007,000)~~) \$1,064,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to

administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) (~~(\$500,000)~~) \$1,500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) (~~(\$255,000,000)~~) \$278,476,000 of the general fund—federal appropriation (ARPA) and \$403,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental

assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) (~~(\$255,000,000)~~) \$278,476,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b)(i) \$403,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their

jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund—state appropriation for fiscal year 2022 (~~and~~), \$240,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the community preservation and development authority account—state appropriation are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund—state appropriation for fiscal year 2022

and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) \$29,255,000 of the general fund—federal appropriation (CRF) and (~~(\$230,000,000))~~ \$284,200,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) (~~(\$1,602,000))~~ \$1,147,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,174,000))~~ \$1,629,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 ((is)) and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a history of providing job training and community meals that is located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund—state appropriation for fiscal year 2022 and \$354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) ((~~\$347,000~~)) \$217,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$347,000~~)) \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$400,000~~)) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to

administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(62) (~~(\$950,000)~~) \$310,000 of the general fund—state appropriation for fiscal year 2022 (~~(+)~~) and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$700,000)~~) \$3,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive

housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68)(a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022

and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70)(a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$51,000))~~ \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. ~~((The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:~~

~~(i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;~~

~~(ii) Strengthen public-private partnerships;~~

~~(iii) Solicit public input through public hearings or informational sessions;~~

~~(iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and~~

~~(v) Recommend reforms to universal service mechanisms.)~~

(b) ~~((The directors of the governor's statewide broadband office and the~~

~~Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:~~

- ~~(i) Federally recognized tribes;~~
- ~~(ii) State agencies involved in digital equity; and~~
- ~~(iii) Underserved and unserved communities, including historically disadvantaged communities.~~

~~(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochairs of the forum.~~

~~(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:~~

~~(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and~~

~~(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.~~

~~(c) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.)~~ Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection (70)(b) shall lapse.

(71) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law

enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) ~~\$350,000 of the general fund—state appropriation for fiscal year 2022 ((is)) and \$350,000 of the general fund—state appropriation for fiscal year 2023~~ are provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities

of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund—state appropriation and \$58,400,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund—state appropriation is provided

solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(78) \$163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(79) \$298,000 of the general fund—state appropriation for fiscal year 2022 and \$404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(80) ~~((~~\$306,000~~))~~ \$121,000 of the general fund—state appropriation for fiscal year 2022 and ~~((~~\$483,000~~))~~ \$668,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(81) \$21,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No.

1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(82) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(83) \$2,798,000 of the economic development strategic reserve account subaccount—state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(84) ~~((\$187,000,000))~~ \$174,000,000 of the general fund—federal appropriation (ARPA) ~~((is))~~ and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, ~~((\$13,000,000))~~ \$2,000,000 of the general fund—federal appropriation (ARPA) ~~((is))~~ and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund—state appropriation for fiscal year 2022 and \$9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their

citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86)(a) ~~((\$50,000,000))~~ \$70,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, ~~((\$30,000,000))~~ \$42,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;

(ii) ~~((Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019))~~ Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, ~~((\$20,000,000))~~ \$28,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for the grant;

~~(ii) ((Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019)) Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;~~

(iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a \$75,000 grant.

~~(ii) ((If a business received one or more working Washington small business grants before July 1, 2021, including grants provided pursuant to chapter 3, Laws of 2021, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.)) If a business was awarded one or more working Washington small business grants after February 1, 2021, the grant award under this subsection may be reduced to reflect the amounts received from previous working Washington small business grants. The~~

department may prioritize businesses and nonprofit organizations that have not yet received a grant under the working Washington small business grant program.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments; and

(vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, ~~((the department must prioritize allocating the funds as follows+~~

~~(A) \$25,000,000)) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues(~~+~~ and~~

~~(B) \$25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations located in counties that are in phase 2 of the governor's "healthy Washington+roadmap to recovery" plan at the time the business or nonprofit organization applies for funding)). The department must develop criteria for successful applications under this subsection in combination with the Washington state arts commission.~~

(87) \$138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) (~~(\$400,000)~~) \$225,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in subsection (d) of this section, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the

following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) (~~(\$23,000,000)~~) \$23,444,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. Of the amount provided in this subsection, \$18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:

(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.

(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:

(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with opening the units; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(d) The department must provide a progress report on its website by November 1, 2022. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.

(91) \$391,000 of the general fund—state appropriation for fiscal year 2022 and \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the

development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) (~~(\$7,500,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$2,500,000)~~) \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families.

(95) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program

by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$8,200,000)~~) \$15,700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to crime victim services providers for victim assistance programs. The department must distribute the funds in accordance with the methodologies used to distribute federal victims of crime act victim assistance funding.

(99)(a) (~~(\$225,000)~~) \$115,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$225,000)~~) \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

- (i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;
- (ii) New, changed, or proposed federal regulations;
- (iii) Industry needs to remain nationally and internationally competitive;
- (iv) Policy considerations;
- (v) Funding priorities and capital project needs;
- (vi) Methods to reduce greenhouse gas emissions;
- (vii) Workforce development needs and opportunities;
- (viii) Multimodal requirements; and
- (ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochairs of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call

of the administrative cochair for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochair.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochair may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) (~~(\$300,000)~~) \$270,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must

involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund—state appropriation for fiscal year 2022 and \$277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) (~~(\$351,000)~~) \$151,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$332,000)~~) \$532,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

(i) A representative from the Washington state association of counties;

(ii) A representative from the association of Washington cities;

(iii) A representative from the Washington state arts commission;

(iv) A representative from the Washington state labor council;

(v) A representative from the banking industry with experience in matters involving the federal small business administration;

(vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:

(A) Film, television, and video production;

(B) Recorded audio and music production;

(C) Animation production;

(D) Video game development;

(E) Live theater, orchestra, dance, and opera;

(F) Live music performance;

(G) Visual arts, including sculpture, painting, graphic design, and photography;

(H) Production facilities, such as film and television studios; and

(I) Live music or performing arts venues;

(vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;

(viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;

(ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;

(x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and

(xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

(i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;

(ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;

(iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;

(iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a

financial model to promote investment in Washington's creative economy;

(v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;

(vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;

(vii) Identify opportunities for synergies with new business models and the integration of new technologies; and

(viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) (~~(\$300,000)~~) \$153,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) (~~(\$421,000)~~) \$971,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$3,561,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b)(i) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program through the office of firearm safety and violence prevention for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence. Priority shall be given to:

(A) One site serving in Yakima county, one site in south King county, one site in Federal Way, and one site in Tacoma;

(B) Sites that partner with the University of Washington public behavioral health & justice policy division to deliver culturally relevant family integrated transition services through use of credible messenger advocates;

(C) Sites that partner with the University of Washington Harborview firearm injury and policy research program for social impact evaluation; and

(D) Sites that partner an organization focused on evidence-based implementation management identified by the department.

(ii) The department must complete an evaluation of the program and provide a report to the governor and the

appropriate legislative committees by June 30, 2023.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund—state appropriation for fiscal year 2022

is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) (~~(\$210,000)~~) \$170,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$90,000)~~) \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services). (~~If the bill is not enacted by June 30, 2021, the~~

~~amounts provided in this subsection shall lapse.~~)

(116) \$1,555,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$1,592,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(117) \$946,000 of the general fund—state appropriation for fiscal year 2022 and \$921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(118) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(119) \$250,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$250,000))~~ \$1,026,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$175,000))~~ \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(120) ~~(((\$1,250,000))~~ \$700,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$1,250,000))~~ \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement).

Of the amounts provided in this subsection, ~~(((\$500,000))~~ \$50,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$500,000))~~ \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(121) \$66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(122) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(123) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) ~~(((\$2,500,000))~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$2,500,000))~~ \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for

distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125)(a) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

(i) Apply for or have applied for the grant from the county;

(ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;

(iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;

(v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;

(vii) Demonstrate significant economic contribution of their business to the state and local economy; and

(viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments;

(vi) Securing inventory, supplies, and services for operations; and

(vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) (~~(\$1,656,000)~~) \$1,162,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,615,000)~~) \$2,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW

70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

(129) \$150,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer a utility assistance program. The department shall administer the program in the form of grants to current grantees of the low-income home energy assistance program. To be eligible for assistance under the program, a household must have an income at or below 80 percent of the area median income and must have a missed or partially paid utility payment for electric, natural gas, water, sewer, or garbage utility services. Grant recipients must make payments directly to utility providers.

(130) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a study on the potential of agrivoltaics in Washington state. This study will explore and identify the dual use of land for both agriculture and solar energy production. The department, in consultation with the department of agriculture, department of natural resources, department of fish and wildlife, department of ecology, conservation commission, and other agencies as appropriate, shall produce and submit to the governor a final report by June 30, 2023.

(a) The report shall:

(i) Explore the benefits and impacts of agrivoltaics to agricultural practices, the energy system, water supply and water quality, and other natural resources;

(ii) Explore the potential costs and benefits of installing agrivoltaics at the farm, community, and state level;

(iii) Identify priority geographic areas, resource land types, or agrivoltaics projects that produce the most benefit, especially to highly impacted communities as defined by RCW 19.405.020;

(iv) Identify how solar project permits impact the conversion of designated resource lands as defined by RCW 36.70A.170;

(v) Identify potential incentives that would support adoption of agrivoltaics and most effectively leverage existing funding opportunities; and

(vi) Identify barriers to siting solar on agricultural land and explore innovative siting regulations from other

states, including any findings from the least conflict solar study developed by the Washington State University energy program.

(b) The 2021 state energy strategy must guide the department in the development of the report under this subsection, using an equity and environmental justice lens for developing recommendations and policy proposals.

(c) The department may coordinate with interested parties on recommendations, including but not limited to organizations representing agricultural interests, farmers, local governments, rural communities, solar developers, utilities, environmental justice organizations, tribes, and tribal entities.

(131) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided to the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the legislature to establish emphasis areas for competitive grant distribution and for research priorities. The department must complete a report on

emphasis areas and research priorities by June 30, 2023.

(132) \$11,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1914 (motion picture program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(133) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an income-qualified grant program for the promotion of alternative fuel vehicles to further state climate goals under RCW 70A.45.020 and state equity goals under chapter 70A.02 RCW.

(a) The grant program must include:

(i) A program to provide grants as specified in (b) of this subsection to retire vehicles under 10,000 pounds and replace them with hybrid, plug-in hybrid, battery, or hydrogen fuel cell electric vehicles, or with a prepaid card to use for public transit and to purchase e-bicycles;

(ii) A program to provide grants for the installation of electric vehicle infrastructure where it is needed to support electric vehicle adoption in a community selected for inclusion in the program as specified in (d) of this subsection; and

(iii) Funding for the department of transportation's zero-emissions access pilot program to provide clean alternative fuel vehicle use opportunities to underserved communities and low and moderate-income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards established in chapter 287, Laws of 2019 (Engrossed Second Substitute House Bill No. 2042) as specified in (d) of this subsection.

(b) To qualify for the clean alternative fuel vehicle grant program established under (a)(i) of this subsection, a person must live in an overburdened community, as defined in RCW 70A.02.010, selected for participation in accordance with (c) of this subsection; have a household income that falls within income brackets found to be at greatest need of this assistance in accordance with (c) of this subsection;

and have a vehicle titled under his or her name under chapter 46.12 RCW that is model year 2005 or older, operational, and under 10,000 pounds. A person may only receive a grant under this program for one vehicle.

(c) The department shall work with the department of health and the department of ecology:

(i) To develop metrics to select the overburdened communities, using the environmental health disparities map developed under RCW 43.70.815 and other applicable tools, and prioritizing communities with the greatest health disparities, lower incomes, and communities of color, that are most likely to receive the greatest health benefits from this program through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution;

(ii) To select appropriate income brackets for program participants that are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) To select grant amounts for vehicle retirement that consider:

(A) The estimated health benefits to overburdened communities likely to result from adoption of the lower emission mode of transportation;

(B) The incremental additional cost of a reasonable replacement vehicle if that vehicle were an internal combustion engine rather than a hybrid or electric vehicle. The cost of an at-home charger may also be considered in this determination; and

(C) Any other applicable factors that promote state climate and equity goals.

(d) The department shall work with the department of transportation to determine where the installation of electric vehicle infrastructure is needed to support electric vehicle adoption in an overburdened community selected for inclusion in the program and the appropriate criteria for awarding grants under (a)(ii) of this subsection to maximize program participation and state climate and equity goals, selecting

grant partners for the installation and maintenance of publicly available electric vehicle infrastructure. In support of this effort and pursuant to an interagency agreement, the department shall provide funding to the department of transportation from amounts provided in this subsection to leverage the department of transportation's zero-emissions access pilot program in a manner that supports the department's goals for this program.

(e)(i) The department shall conduct outreach with communities identified for participation in the program, partnering with local public institutions to inform program implementation and improvements. Outreach activities may include convening work groups or advisory committees as deemed appropriate by the department.

(ii) The department shall use the information collected through outreach under (e)(i) of this subsection to develop and deploy targeted public awareness and education campaigns to drive participation in the program.

(iii) The department may provide stipends to individuals who are low income or have lived experience to support their participation in work groups or advisory committees convened under (e)(i) of this subsection when such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020, provided that the individuals are not otherwise compensated for their attendance at meetings. Stipends may be up to \$100 for each day during which the individual attends a meeting. The department is authorized to assess the eligibility for the stipend as limited by available financial resources.

(f) The department shall support planning groups within local governments to support planning for electric vehicle implementation in selected overburdened communities.

(g) The department shall develop quantifiable program goals and metrics to examine the program's progress in meeting them related to reductions in environmental impacts and the effect of these reductions on health disparities in the overburdened communities that participate in the program. The program metrics must be tracked and reported on at least a quarterly basis on state agency dashboards available to the public

currently or developed by the department for this purpose.

(h) The department shall report to the legislature by January 1, 2023, on implementation of this program, including the goals and metrics it has identified for ongoing evaluation, and recommendations for its continued development and support.

(134) \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) In awarding grants, the department must give priority to distribution-side projects that reduce peak electricity demand.

(b) To be eligible for funding, projects must be capable of generating more than 100 kilowatts of direct current generating capacity.

(c) Except as provided in (d) of this subsection, grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant.

(d) At least 35 percent of the total cost of a project must be for community solar projects that provide solar electricity to low-income households, low-income tribal housing programs, affordable housing providers, and nonprofit organizations providing services to low-income communities.

(e) The department must, to the greatest extent feasible, give priority to projects using major components made in Washington when awarding grants.

(f) The department must attempt to prioritize an equitable geographic distribution and a diversity of project sizes.

(g) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this subsection, the department must:

(i) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects; and

(ii) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight

of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(135) \$4,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the city of Seattle for deposit into the Skagit environmental endowment fund to support the protection of the headwaters of the Skagit river watershed through the acquisition of land, mining, and/or timber rights. This grant must be matched by nonstate sources.

(136) \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to local jurisdictions, or nonprofit entities within those jurisdictions, that are engaged in a memorandum of understanding with state agencies regarding transitioning persons residing on public rights-of-way to permanent housing solutions. Funding may be used to provide outreach, shelter, transportation, and other services needed to assist individuals residing on public rights-of-way to secure permanent housing.

(137) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek, Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the office of financial management and the appropriate committees of the legislature by June 1, 2023.

(138) \$125,000,000 of the community reinvestment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1827 (community reinvestment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(139) \$50,000,000 of the general fund—state appropriation for fiscal year

2023 is provided solely for the statewide broadband office to establish a broadband assistance program. The office may provide eligible households with assistance of up to \$20 per month to defray the cost of broadband services. A household is eligible for assistance under the program if it receives a benefit through the federal affordable connectivity program.

(140) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct outreach activities for the working families tax exemption established in RCW 82.08.0206 and the federal earned income tax credit. Of the amounts provided in this subsection:

(a) \$6,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption. In awarding the funds, the department must award grants to at least two community-based organizations in each county. Of the amounts provided in this subsection (140)(a), 25 percent must be used for outreach activities serving tribal and urban Indian communities, communities of color, and households in rural areas.

(b) \$2,860,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption who file or may be eligible to file using a valid individual taxpayer identification number. Grant recipients may also use grant funds to assist individuals in obtaining valid individual tax identification numbers.

(c) \$280,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide oversight, technical assistance, and training for grant recipients; conduct language access activities; create a statewide outreach plan; and for other administrative costs.

(141) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants to nonprofit arts, heritage, science, and culture organizations for

costs associated with COVID-19 testing and safety monitoring required by state and local governments and by union contracts. To receive a grant under this section, an applicant must certify that they have reported annual gross receipts of greater than \$5,000,000 in calendar year 2019, and that they applied for but did not receive funding from a state or federal source for the same eligible costs.

(142) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide programming that offers pathways to higher education and career opportunities in the arts, entertainment, and related creative industries for youth and young adults in south King county, with a focus on low-income individuals and historically disadvantaged populations. The grant recipient must be a nonprofit organization headquartered in the city of Federal Way that: Has experience working with BIPOC communities; serves youth and young adults through programs focused on cultivating creative talents through the professional entertainment and arts industries; can directly facilitate the placement of program participants in industry-related internships and job opportunities; and can demonstrate a working relationship or strategic partnerships with global commercial entertainment and digital arts industry experts, networks, and companies in areas such as music, film, television, and fashion. The organization may use the grant for activities including, but not limited to, workshops and other events that support the goal of improving the business and professional skills of youth and young adults interested in the arts and entertainment industries.

(143) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a third-party facilitator to provide staff support for the joint legislative task force on best practices for broadband deployment created in section 945 of this act.

(144) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to develop a report on the behavioral health and long-term care

facilities and residential settings that provide services within the continuum of care for individuals who are discharged from state psychiatric hospitals. For the purposes of this subsection, "continuum of care" means transitional housing or residential placements that provide supportive services and skill development needed for individuals to be permanently housed, and permanent supportive housing or residential placements that provide individuals with an appropriate place to live with services available as needed. The report must map the geographic location of each facility or residential setting, and it must highlight geographic gaps in service availability. In preparing the report, the department must coordinate with the department of social and health services, the department of health, and the health care authority. The department must submit its report to the governor and appropriate legislative committees no later than December 1, 2022.

(145) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to establish a grant program to assist businesses that are dependent to maintain their operations on the economic activity created through conventions hosted in Washington state. The amount provided under this subsection is subject to the following conditions and limitations:

(a) To be eligible for a grant under this subsection, a business must:

(i) Apply for or have applied for the grant;

(ii) Have not reported annual gross receipts of more than \$100,000,000 in the most recent calendar year;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19;

(vi) Agree to operate in accordance with the requirements of applicable

federal, state, and local public health guidance and directives; and

(vii) Have met one or more of the following criteria:

(A) Hosted a convention in Washington state;

(B) Provided support services to conventions in Washington state; or

(C) Depended on the function of conventions to sell goods and services in Washington state.

(b)(i) Eligible businesses may receive a grant of up to \$500,000 for revenue lost due to a cancellation or a reduction of participants in a convention hosted in Washington state in 2020 or 2021.

(ii) To receive a grant under this subsection, eligible businesses must provide the department with:

(A) Financial records from 2019 that provide a basis for revenue received from convention activity in Washington state prior to the COVID-19 pandemic; and

(B) Financial records from 2020 and 2021 that show a reduction in gross revenue received from convention activity in Washington state during the COVID-19 pandemic.

(iii) Eligible businesses must provide financial records related to any grants or loans from federal and state government programs received in 2020, 2021, and 2022.

(iv) If a business received one or more working Washington small business grants, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(c) Nonprofit organizations are eligible to receive funding under this subsection if they have a primary business activity that has been impacted as described in (a)(v) of this subsection.

(d) The department may use up to 10 percent of the amount provided in this subsection for administrative costs.

(146) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$325,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Redmond that serves Latino low-

income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. Grant funding may be used to expand existing programs including, but not limited to, rent assistance, vaccination assistance, COVID-19 outreach, microbusiness support, and other community services.

(147) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a program to build capacity and promote the development of nonprofit community land trust organizations. The department may provide grants to nonprofit organizations to provide technical assistance and training to assist nonprofit community land trust organizations in increasing the production of affordable housing units. Grant recipients must have technical expertise regarding community land trust issues.

(148) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to conduct community outreach and culturally relevant training on prevention of digital fraud and other consumer fraud, with a focus on serving low-income, rural, and BIPOC communities. The grant recipient must be the Washington state affiliate of a national nonprofit organization that provides services, research, and advocacy for individuals aged 50 and up. Funding may be used to expand existing consumer fraud education programs; partner with locally trusted community-based organizations to provide public awareness of digital and other consumer fraud; and conduct research to capture baseline data regarding digital and fraud literacy in Washington state.

(149) \$631,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council's efforts to partner with racially diverse communities across the state and to build the capacity of a coalition of intellectual and developmental disabilities self-advocates and advocates. Of the amounts provided in this subsection:

(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council to enter into a

contract with a nonprofit organization led by individuals who are Black, indigenous, or people of color to facilitate the development and implementation of recommendations on ways to reduce barriers to services and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities. The contract must require the nonprofit organization to prepare a racial equity plan for ongoing policy development within the intellectual and developmental disabilities service delivery system for submittal to the developmental disabilities council. The developmental disabilities council must submit the plan to the governor and appropriate legislative committees no later than June 30, 2023.

(b) \$131,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time equivalent policy analyst to manage the developmental disabilities council's overall policy development and diversity, equity, and inclusion efforts. The policy analyst shall serve as a liaison between self-advocates, advocates, community members, and the nonprofit organization under contract in (a) of this subsection.

(150) \$584,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a dispute resolution center located in the city of Seattle and serving King county to develop a basic mediation training curriculum for organizations that serve communities in south King county, with a focus on organizations serving and operated by members of historically disadvantaged communities. The grant recipient may use the funding for activities including, but not limited to, conducting a needs assessment, developing and designing the curriculum, engaging subject matter experts, and conducting training sessions.

(151) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the eviction prevention rental assistance program created in RCW 43.185C.185.

(152) \$4,000,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for a grant program to community-based organizations that provide services for survivors of domestic violence. Grant recipients may use funding for domestic violence survivor advocates to provide case management, safety planning, and other services for survivors, and as flexible funding to meet the immediate needs of survivors of domestic violence.

(153) \$4,500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to expand the small business resiliency network program. Program expansion activities may include:

(a) Providing funding for new or existing network partners to provide wraparound services and support to assist small business owners, including support in accessing financing; and

(b) Establishing a credit repair pilot program by contracting with community foundations and nonprofit credit unions with existing character-based lending programs to provide credit counseling and other services to build or improve credit for small businesses and entrepreneurs who are unable to access conventional lending.

(154) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$290,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization that operates a resource center in the city of Ferndale to expand social services programs. Eligible social services programs include, but are not limited to, basic needs supports for low-income and vulnerable families; emergency preparedness programs that connect community volunteers to opportunities to assist community members during emergencies; and conducting antiracist events and learning opportunities in order to build community.

(155) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for programs relating to firearm removals in domestic violence cases. Programs may include:

(a) Grants for local law enforcement agencies to coordinate the removal of firearms pursuant to RCW 9.41.800 and

9.41.801 in civil and criminal domestic violence cases at a regional level; and

(b) Activities to increase statewide adherence to RCW 9.41.800 and 9.41.801, including, but not limited to, technical assistance, training, and collecting data from local law enforcement agencies relating to firearm removals in cases where a court orders the surrender of weapons.

(156) \$78,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer stipends to eligible homeless service provider employees for their immediate economic needs and to conduct a homeless service provider workforce study.

(a) Of the amount provided in this subsection:

(i) \$26,250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for eligible homeless service provider employees with an income at or below 80 percent of the area median income. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(ii) \$26,250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a second stipend payment of up to \$2,000 for individuals who received an initial stipend payment under (i) of this subsection (156)(a) and who are still employed at the same eligible entity six months after receipt of the first stipend payment. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iii) \$25,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for eligible homeless service provider employees who did not qualify for a payment under (i) or (ii) of this subsection (156)(a). An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iv)(A) \$500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the

department to contract with a third-party entity to conduct a study on the workforce needs of nonprofit organizations employing eligible homeless service provider employees, with the goal of developing state-level strategies for improving workforce retention among organizations providing homeless services.

(B) The study must examine topics including, but not limited to, pay and benefits; training and supervision; caseloads; safety and morale; and other factors impacting hiring and retention.

(C) The study must examine the potential impact on workforce retention of inflationary increases for administrative allowances and other automatic escalators on state-funded homelessness service contracts, including contracts administered by the office of homeless youth.

(D) The study must include a pay equity and comparable worth analysis that compares eligible homeless service provider positions with jobs with similar complexity, difficulty, and educational and skill requirements in the public and private sectors that were deemed essential during the COVID-19 pandemic.

(E) In conducting the study, the third-party entity must consult with eligible homeless service provider employees; employees of eligible entities with lived experience of homelessness; and organizations led by or serving BIPOC populations.

(F) The department must report the results of the study, including any policy recommendations, to the appropriate committees of the legislature by September 30, 2023.

(b) The department must contract with an entity located in Washington state to administer the stipend payments in (a)(i), (ii), and (iii) of this subsection. The entity must demonstrate an ability to efficiently administer stipend payments statewide by showing successful administration of similar programs; an ability to adhere to federal tax requirements, including sending stipend recipients 1099 or other required tax forms; and an ability to track and report on demographic data of stipend recipients and fulfill other reporting requirements as determined by the department. The entity must conduct marketing and outreach for the program by September 1, 2022, and begin

administering stipend payments under (a)(i) of this subsection by October 1, 2022. The administrator must pay the stipends on a first-come, first-served basis and there is no individual entitlement to receive a stipend.

(c) The department is authorized to shift funding among the purposes in (a)(i), (ii), and (iii) of this subsection based on the level of demonstrated need.

(d) The department may retain up to five percent of the funding allocated under (a) of this subsection for administrative costs.

(e) The administering entity selected under (b) of this subsection may use up to 15 percent of the funding allocated under (a)(i), (ii), and (iii) of this subsection for administrative costs and up to five percent of the funding allocated under (a)(i), (ii), and (iii) of this subsection for outreach and marketing costs.

(f) For the purposes of this subsection:

(i) "Eligible homeless service provider employee" means an individual currently employed on a full-time or part-time basis at an eligible entity that works directly on-site with persons experiencing homelessness or residents of transitional or permanent supportive housing. This includes, but is not limited to, emergency shelter and transitional housing staff; street outreach workers; caseworkers; peer advisors; reception and administrative support staff; maintenance and custodial staff; and individuals providing direct services for homeless youth and young adults. This does not include executive and senior administrative employees of an eligible entity. Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of a stipend.

(ii) "Eligible entity" means an organization with whom state agencies or local governments grant or subcontract to provide homeless services under their homeless housing program as defined in RCW 43.185C.010.

(iii) "Immediate economic needs" means costs including, but not limited to, rent or mortgage payments; utilities and other household bills; medical expenses;

student loan payments; transportation-related costs; child care-related costs; behavioral health-related costs; and other basic necessities.

(157) \$200,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer a business assistance program for qualifying hospitality industry businesses that have been negatively impacted by the COVID-19 public health emergency or its negative economic impacts. The department must administer the program under appropriate agreements. For the purposes of this subsection, "qualifying hospitality industry businesses" means restaurants, hotels, motels, and other businesses in the hospitality industry as determined by the department.

(158) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.

(159) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating a low-barrier emergency shelter located in the town of Wapato serving Native and non-Native chronically homeless individuals. Grant funds must be used to provide daytime services such as meals and hygiene services; case management; outreach; and other homeless services.

(160) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization in Kitsap county to provide services for families experiencing domestic violence. Amounts provided in this subsection must be used to expand supports for survivors and their children fleeing immediately dangerous situations, including emergency shelter, case management,

housing advocacy, child care, mental health services, and resources and referrals. The nonprofit organization must be located in Kitsap county and must operate a state-certified domestic violence shelter.

(161) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Kent for operational improvements and other actions to improve safety and reduce train noise, with the goal of increasing quality of life and facilitating transit-oriented living in downtown Kent.

(162)(a) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) The department must establish a lifeline fund. Moneys in the fund can be used to assist community partners and nonprofit organizations to implement lifeline services when they cannot identify an existing resource to resolve a beneficiary need. The department must establish an application process and criteria for the fund.

(c) The department and a nonprofit organization, selected by the office of homeless youth, shall coconvene a work group that will design a lifeline support

services system and framework for statewide implementation. This group shall have an inaugural meeting no later than August 31, 2022, and have a design ready no later than October 31, 2022. By December 31, 2022, the department, with assistance from the work group, must provide a report to the appropriate committees of the legislature on approaches to continue this pilot project in the 2023-2025 fiscal biennium.

(d) By June 30, 2023, the department, with assistance from the nonprofit organization that coconvened the work group, shall provide a report to the legislature describing the success and shortcomings of the lifeline support system, as well as other data such as request-for-service conclusions and the demographics of beneficiaries. The report must include a recommendation for how the state can permanently establish the lifeline.

(163) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that provides services to survivors of domestic violence in north and east King county. Grant funding may be used for services including, but not limited to, staffing support for emergency and advocacy services and costs to expand emergency and transitional housing services for survivors of domestic violence with the greatest safety risks and highest barriers to acquiring safe housing.

(164) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for costs to operate a low-barrier homeless shelter and provide housing intervention and placement services. The grant recipient must be a nonprofit organization that provides permanent supportive housing services, provides homeless services for youth and young adults, and operates a low-barrier homeless shelter for women over the age of 18 in the city of Spokane.

(165) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with the minority business development agency to provide technical assistance to small businesses across Washington. The department must submit a preliminary report to the appropriate committees of the legislature on the assistance

provided by December 31, 2022, and a final report by June 30, 2023.

(166) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039. Technical assistance includes, but is not limited to, assistance with prepurchase efforts and resident outreach and engagement activities prior to filing an intent to purchase.

(167) \$900,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with one or more community-based organizations to administer a homeownership assistance program for low-income households who have been displaced from their manufactured/mobile homes due to the closure or conversion of a mobile home park or manufactured housing community in south King county. The program may offer services including credit counseling; financial education courses; assistance in locating, understanding, and preparing necessary financial and legal documentation for homeownership; outreach and engagement services, including in-language services; and other technical support to prepare households for homeownership.

(168) \$185,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide advocacy, translation, emergency housing, and other services for victims of domestic violence, with a focus on serving members of the Latino and indigenous communities. The grant recipient must be a community-based nonprofit organization located in the city of Tacoma that provides educational programs, crisis intervention, family outreach services, arts and culture programming, and advocacy with a focus on serving Latino and indigenous communities.

(169) \$1,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training

and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

(170) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in the city of Tacoma that provides on-water marine science and maritime programs, as well as mentoring and community service opportunities, for youth and young adults. Grant funding must be used to expand program participation of youth and young adults from underserved and underrepresented communities.

(171) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the city of Poulsbo to expand the service capacity of the fire cares behavioral health mobile outreach program.

(172) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for concept development, design, and planning of state-operated or contracted residential housing facilities and services at the Pacific hospital preservation and development authority quarters buildings three through ten in Seattle. The residential housing facilities may be used for recovery residences, group care, transitional housing, supportive housing, or family-centered substance use disorder recovery housing. Of the amounts provided in this subsection:

(a) \$375,000 of the general fund—state appropriation for fiscal year 2023 is for lease payments for the Pacific hospital preservation and development authority quarters buildings three through ten.

(b) \$75,000 of the general fund—state appropriation for fiscal year 2023 is for the department to convene a work group to develop a programming plan for utilization of the repurposed quarters buildings three through ten, subject to the following requirements:

(i) The department must contract with a nonprofit organization to facilitate the work group. The nonprofit

organization must be located in the city of Seattle with experience working with systems of care, including foster care, juvenile justice, and behavioral health, and have statewide experience as an advocate, provider, and convener of programming needs for youth and young adults.

(ii) The work group must include members representing the department of children, youth, and families; the health care authority; social service providers led by and serving people of color; social service providers whose leadership represent and who serve LGBTQ youth and young adults; and persons with lived experience.

(iii) By December 31, 2022, the department must submit a report to the appropriate committees of the legislature with recommendations on housing and program models, service arrays, and estimates of operation costs.

(173) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit sexual assault resource center located in Renton to expand their sexual assault prevention programming to additional middle and high schools in the Renton school district.

(174) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a small business innovation and competitiveness fund program to spur small business recovery, startup, and growth, with a focus on initiatives that will serve BIPOC entrepreneurs and small businesses located in underserved, low-income, and rural areas.

(a) The department must competitively award grants to nonprofit organizations that work with or provide assistance to small businesses.

(b) Grant funding may be used for activities such as:

(i) Small business incubator programs;

(ii) Small business accelerator programs;

(iii) Local procurement initiatives;

(iv) Small business competitiveness programs focused on hiring and retention;

(v) Improvements and repairs to physical workplaces, including in

response to public health guidelines or acts of vandalism; and

(vi) Other initiatives as determined by the department.

(c) The department may require applicants to provide a description of how proposed initiatives will benefit small businesses and entrepreneurs that are not members of the recipient organization, if applicable.

(d) The department may encourage, but may not require, a local one-to-one match of state funding awarded under the program.

(e) The department may establish regional targets or other benchmarks to ensure equitable geographic distribution of funding. If regional targets or benchmarks are adopted, the department must assess and report to the legislature on the program's performance by June 1, 2023.

(f) In developing the program, the department must consult with economic development professionals and small business support organizations. The department may consult with other interested parties at its discretion.

(175) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington, with a focus on Black-owned small businesses. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

(176) \$97,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to examine actual and potential school director compensation, including salaries, per diem rates, expense

reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

(a) The examination required by this subsection, at a minimum, must address:

(i) The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous 10 years;

(ii) Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and whether that diversity reflects the communities they serve;

(iii) The significant variances in school district budgets, student enrollments, tax bases, and revenues;

(iv) Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and

(v) Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

(b) In completing the examination required by this subsection, the department shall consult with interested parties, including the office of the superintendent of public instruction, the Washington state school directors' association, the Washington association of school administrators, and educational service districts.

(c) The department shall, in accordance with RCW 43.01.036, report its findings and recommendations to the governor, the superintendent of public instruction, and the committees of the legislature with jurisdiction over fiscal matters and K-12 education by January 6, 2023.

(177) \$175,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to the

south King fire and rescue district located in south King county to implement a workforce development initiative, with the goals of increasing recruitment and retention of employees from south King county communities and increasing the diversity of the district's workforce.

(178) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a diversity, equity, and inclusion initiative focused on youth sports and other activities, with an emphasis on basketball. The contract recipient must be a nongovernmental entity that serves as a resource for professional, amateur, collegiate, and youth sports organizations and venues in the greater Seattle region. Contract funding may be used to provide engagement and support for Washington state youth basketball organizations, with a focus on organizations in the Puget Sound region, and to provide assistance for activities including sport academies, youth leagues and sport camps, promotion of community basketball events, scholarships, and an equity in sports summit.

(179) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services, including but not limited to legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(180) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract for a small business assistance program serving the city of Silverdale and central Kitsap county. The contract recipient must be a nongovernmental organization located in the city of Silverdale whose primary focus is the economic development of the city of Silverdale and central Kitsap county. The contract funding must be used to provide financial assistance in the form of

grants or loans and other entrepreneurship opportunities for small businesses that have experienced a loss of business income or activity or have been otherwise economically disadvantaged during the COVID-19 pandemic. The contract recipient must conduct targeted outreach and education to ensure small businesses owned by members of historically marginalized communities are aware of business assistance opportunities available through the program.

(181) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for activities that will improve access to child care in southwest Washington, including but not limited to activities to begin using a shared services model for regional child care providers, and to convene a short-term work group on expanding child care access and affordability in the region. The grant recipient must be a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington.

(182) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

(183) \$80,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a nonprofit organization for information technology needs, including, but not limited to, hardware, software, and other subscriptions, so that the recipient may continue and expand services to address poverty. The grant recipient must be a nonprofit organization that works with public, private, and nonprofit partners to address poverty in Snohomish county, with a focus on serving families with young children.

(184) \$5,410,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). Amounts provided in this subsection include funding sufficient for local governments that are subject to the requirements of that bill to implement the bill. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(185) \$25,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the landlord mitigation program created in RCW 43.31.605(1). Of the amount provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is for program claims made pursuant to Substitute House Bill No. 1593 (landlord mitigation/victims).

(186) \$1,161,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1571 (indigenous persons/services). Of the amount provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants awarded under Substitute House Bill No. 1571. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(187) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1629 (aerial imaging technology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(188) \$486,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1717 (tribal participation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(189) \$1,353,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(190) \$155,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of

Substitute House Bill No. 1724 (supportive housing resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(191)(a) \$9,515,000 of the apple health and homes account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) Of the amount provided in this subsection, \$7,250,000 of the apple health and homes account—state appropriation is provided solely for permanent supportive housing services including operations, maintenance, and service costs of permanent supportive housing units; project-based vouchers; rental subsidies; and provider grants. These funds shall not be used for costs that are eligible for coverage through the foundational community supports program established pursuant to the health care authority's federal medicaid transformation project waiver.

(192) \$4,434,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$1,600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flexible funding administered by the office of homeless youth to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing;

(b) \$625,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to administer housing stability for youth in crisis programs; and

(c) \$2,018,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system of care grants. Of this amount, \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to assist young adults discharging from inpatient behavioral health treatment facilities to obtain housing.

(193)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1957 (disaster recovery assistance). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(b) Of the amounts provided in this subsection, \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for eligible businesses located in northwest Washington.

(194) \$214,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(195) \$276,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(196) \$11,670,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). Amounts provided in this subsection include funding sufficient for local governments that are subject to the requirements of that bill to implement the bill. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(197)(a) \$950,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for an initiative to advance supportive housing projects, including those funded through the apple health and homes program created in Engrossed Substitute House Bill No. 1866 (supportive housing). The department is directed to extend the contract of the grantee of the 2021 request for qualifications and quotations advancing affordable housing and education centers

due to the recipient's national experience with programs to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19.

(b) The grant recipient must use the funding to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing;

(ii) Provide technical assistance on the constructive alignment of yet-to-be-secured state or local capital funds, and other services, for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing;

(iii) Analyze the suitability of properties and sites, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, applying and implementing an equity lens in site selection, program planning, development, and operations;

(iv) Advise and collaborate with the office of health and homes to prepare projects for capital funding;

(v) Advise on supportive housing best practices;

(vi) Advise on service delivery for vulnerable populations;

(vii) Advise on local community engagement, especially with populations with lived experience of homelessness; and

(viii) Subcontract for specialized predevelopment services as needed.

(198) \$7,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential.

(a) For the purposes of this subsection, a city is eligible to receive a grant if:

(i) The city is required to plan under RCW 36.70A.040; and

(ii) The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).

(b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:

(i) Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;

(ii) Preparing informational material for the public;

(iii) Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;

(iv) Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;

(v) Holding city planning commission public hearings;

(vi) Publicizing and presenting the city planning commission's recommendations to the city council; and

(vii) Holding city council public hearings on the planning commission's recommendations.

(c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.

(d) The department shall prioritize applicants who:

(i) Aim to authorize middle housing types in the greatest proportion of zones; and

(ii) Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

(e) For the purposes of this subsection, "middle housing types" include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

(199)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer an energy efficient housing pilot program with the goal of reducing energy consumption and related expenses for low-income agricultural workers in the Yakima valley. Funding must be distributed in the form of grants to community-based organizations, with priority given to organizations with a proven track record of assisting agricultural workers.

(b) Grant recipients may use the funds awarded under (a) of this subsection to conduct the following activities for eligible housing:

(i) Install photovoltaic solar panel systems, solar water heating systems, and battery backups;

(ii) Replace energy inefficient appliances with energy star certified appliances;

(iii) Replace existing lighting with light emitting diode lighting; and

(iv) Conduct weatherization of homes and other residences.

(c) Eligible housing includes:

(i) Homes owned and occupied by agricultural workers; and

(ii) Homes, apartments, and other residential facilities providing rental housing to agricultural workers, provided that the owners of the facilities pass the savings in energy costs to agricultural worker tenants and commit to the use of the facilities as

agricultural worker housing for 15 years as a condition of accepting assistance as described in (b) of this subsection.

(d) For the purposes of this subsection, "agricultural workers" means workers on farms and workers performing packing or processing work of agricultural products. "Agricultural workers" does not mean the owners of agricultural enterprises.

(200)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a community-based nonprofit organization located in the Yakima valley to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima county.

(b) The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice.

(c) The consortium must develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

(d) The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

(e) In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

(f) By June 30, 2023, the department must provide a report to the appropriate committees of the legislature. The report must include:

(i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented;

(ii) A description of any virtual community events, workshops, and conferences held; and

(iii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(201)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and continuous quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant.

(c) The department must co-convene an advisory group with the department of children, youth, and families that includes representatives from family resource centers; parents, caregivers, and individuals who have used family resource center services; and other stakeholders as determined by the department. The department must develop application guidelines and award funding to eligible applicants in consultation with the department of children, youth, and families and the advisory group. Advisory group members representing family resource centers or other organizations that apply for grant funding may not participate in the process of determining grant award recipients.

(d) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding

to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(e) By July 1, 2023, grant recipients must submit a report to the department on the use of grant funding, including but not limited to progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family postservice outcomes. By September 1, 2023, the department must submit a report to the legislature on topics including but not limited to the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

(202)(a) \$2,800,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for a healthy youth and violence prevention initiative with the goal of preventing violence, decreasing engagement with the juvenile justice system, and encouraging health and well-being for youth and young adults ages 12 to 24. As part of the initiative, the office must partner with community-based organizations to serve as regional coordinators who will:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) In developing the healthy youth and violence prevention initiative, the office must consult with interested parties including members of the legislature, community members with expertise in public health strategies to address youth violence, and people impacted by youth and young adult violence.

(c) Of the amount provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant for a demonstration program serving south King county. The grant recipient must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(ii) \$600,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for planning grants for future programs serving Pierce county, Yakima county, and the city of Vancouver. Grant recipients must be community-based nonprofit organizations.

(iii) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to develop a database and reporting system for regional coordinators to report program outcomes for service providers receiving grants or subgrants through the initiative. The database must be accessible to and utilized by all organizations serving as regional coordinators. In developing the database fields, the office must, to the extent it is feasible, use categories identified as part of the developmental assets framework developed by the Search Institute.

(203)(a) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the costs for cities and counties to review and revise their comprehensive plans to ensure compliance with chapter 36.70A RCW. The evaluation must include, at a minimum, the costs for each general jurisdiction size and type, and the costs to complete various types of planning requirements, including:

(i) Meeting the requirements of a new goal in RCW 36.70A.020;

(ii) Meeting the requirements of a new comprehensive plan element in RCW 36.70A.070;

(iii) Updating a critical areas ordinance;

(iv) Updating a shoreline master program ordinance;

(v) Making a minor update of a comprehensive plan element;

(vi) Making a complex update of a comprehensive plan element;

(vii) Updating a development regulation; and

(viii) Implementing a new development regulation.

(b) The department must consult with the Washington state association of counties and the association of Washington cities in conducting the evaluation.

(c) The department must submit a report of the results of the evaluation to the legislature by December 1, 2022.

Sec. 128. 2021 c 334 s 130 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2022) (~~(\$903,000)~~)

\$907,000

General Fund—State Appropriation (FY 2023) (~~(\$964,000)~~)

\$968,000

Lottery Administrative Account—State Appropriation \$50,000

TOTAL APPROPRIATION
(~~(\$1,917,000)~~)

\$1,925,000

Sec. 129. 2021 c 334 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2022) (~~(\$16,022,000)~~)

\$17,519,000

General Fund—State Appropriation (FY 2023) (~~(\$15,819,000)~~)

\$26,015,000

General Fund—Federal Appropriation (~~(\$32,507,000)~~)

\$33,320,000

General Fund—Private/Local Appropriation \$531,000

Economic Development Strategic Reserve
Account—State

Appropriation \$329,000

Workforce Education Investment
Account—State

Appropriation \$100,000

Personnel Service Account—State
Appropriation (~~(\$23,431,000)~~)

\$18,555,000

Higher Education Personnel Services
Account—State

Appropriation \$1,497,000

Statewide Information Technology
System

Development (~~(Maintenance and
Operations)~~)

Revolving Account—State Appropriation
(~~(\$102,037,000)~~)

\$106,831,000

Office of Financial Management Central
Service

Account—State Appropriation
(~~(\$21,945,000)~~)

\$23,165,000

Statewide Information Technology
System Maintenance

and Operations Revolving Account—
State

Appropriation \$8,604,000

Performance Audits of Government
Account—State

Appropriation \$672,000

Coronavirus State Fiscal Recovery
Fund—Federal

Appropriation \$1,560,000

TOTAL APPROPRIATION
(~~(\$216,450,000)~~)

\$238,698,000

The appropriations in this section are
subject to the following conditions and
limitations:

(1)(a) The student achievement council
and all institutions of higher education
as defined in RCW 28B.92.030 and eligible
for state financial aid programs under
chapters 28B.92 and 28B.118 RCW shall
ensure that data needed to analyze and
evaluate the effectiveness of state

financial aid programs are promptly
transmitted to the education data center
so that it is available and easily
accessible. The data to be reported must
include but not be limited to:

(i) The number of Washington college
grant and college bound recipients;

(ii) Persistence and completion rates
of Washington college grant recipients
and college bound recipients,
disaggregated by institution of higher
education;

(iii) Washington college grant
recipients grade point averages; and

(iv) Washington college grant and
college bound scholarship program costs.

(b) The student achievement council
shall submit student unit record data for
state financial aid program applicants
and recipients to the education data
center.

(2) \$100,000 of the workforce
education investment account—state
appropriation is provided solely to the
office of financial management to
implement career connected learning.

(3)(a) (~~(\$102,037,000)~~) \$106,831,000
of the information technology system
development revolving account—state
appropriation, \$8,604,000 of the
information technology system
maintenance and operations revolving
account—state appropriation, \$162,000 of
the personnel services account—state
appropriation, and (~~(\$162,000)~~)
\$1,382,000 of the office of financial
management central services account—
state appropriation are provided solely
for the one Washington enterprise
resource planning statewide program. Of
this amount:

(i) \$7,756,000 of the information
technology system development revolving
account—state appropriation is provided
solely for an organizational change
management pool to pay for phase 1A
(agency financial reporting system
replacement—core financials) state
agency organizational change management
resources. The office of financial
management will manage the pool,
authorize funds, and track costs by
agency by fiscal month;

(ii) \$22,000,000 of the information
technology system development revolving
account—state appropriation is provided
solely for a technology pool to pay for

phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) (~~(\$1,609,000)~~) \$8,604,000 of the information technology system (~~development~~) maintenance and operations revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (expanding financials and procurement (~~and extended financials~~)) (~~in fiscal year 2022~~);

(vi) \$162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human (~~resources~~) capital management) coordination; and

(vii) \$162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting

must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) (~~(\$12,741,000)~~) \$6,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities

oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

(i) Agency name;

(ii) Lease contract number and term (start and end date);

(iii) Contract amount by fiscal year; and

(iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(9) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) (~~(\$90,000 of the general fund—state appropriation for fiscal year 2022~~)

~~and \$166,000 of the general fund state appropriation for fiscal year 2023 are provided solely for the office of financial management to complete the following activities:~~

~~(a) By December 1, 2022, and consistent with RCW 43.01.036, the office of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.~~

~~(b) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, the department of fish and wildlife, and the department of commerce.~~

~~(c) The report must include:~~

~~(i) Development of a definition, objectives, and goals for the standard of net ecological gain;~~

~~(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:~~

~~(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and~~

~~(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;~~

~~(iii) Recommendations on funding, incentives, technical assistance, legal~~

~~issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and~~

~~(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits.~~

~~((11) \$158,000)) \$45,000 of the general fund-state appropriation for fiscal year 2022 ((is)) and \$113,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.~~

~~((12)) (11)(a) \$150,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.~~

~~(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:~~

~~(i) The procedure for providing an equity impact statement for legislative proposals;~~

~~(ii) The format and content requirements for the equity impact statement;~~

~~(iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;~~

~~(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and~~

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

~~((13))~~ (12) \$785,000 of the general fund—state appropriation for fiscal year 2022 and \$960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(14))~~ (13) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(15) \$300,000)~~ (14) \$150,000 of the general fund—state appropriation for fiscal year 2022 and ~~((300,000))~~ \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system

and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(15) \$40,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2022, and must include review of, at least:

(a) The current rates for services by vendor;

(b) A history of increases to the rates since fiscal year 2010 by vendor;

(c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

(16) \$475,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1746 (COVID-19/student supports). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$86,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1867 (dual credit program data). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(18)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022

and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a third-party facilitator to convene an applicant background check work group. The purpose of the work group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

(b) For the purposes of this subsection, "impacted individuals" means applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services, including but not limited to individuals subject to the requirements of RCW 26.44.240, 28A.400.303, 43.43.830 through 43.43.845, 43.101.095, 43.216.270, 74.15.030, and 74.39A.056.

(c) The director of the office, or the director's designee, must chair the work group. The chair must appoint representatives to the work group including but not limited to:

(i) A representative of the department of social and health services;

(ii) A representative of the department of children, youth, and families;

(iii) A representative of the Washington state patrol;

(iv) A representative of the department of corrections;

(v) A representative of the office of the superintendent of public instruction; and

(vi) Other state agency representatives or representatives of interested parties, at the discretion of the chair, who have expertise in topics considered by the work group.

(d) By December 1, 2022, the work group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and appropriate committees of the legislature. By June 1, 2023, the work group must submit a final feasibility study and implementation plan to the governor and appropriate committees of the legislature. In

developing the feasibility study and implementation plan, the work group must include the following:

(i) A review of current background check requirements and processes for impacted individuals, including:

(A) A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;

(B) An analysis of any "character, suitability, and competence" components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

(C) A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

(ii) A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the work group must consider policy and budgetary factors including, but not limited to:

(A) Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;

(B) Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;

(C) Staffing;

(D) Comparable solutions and processes in other states;

(E) Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;

(F) Processes and considerations to make criminal background check results portable for impacted individuals;

(G) Steps necessary to meet federal regulatory requirements and ensure

federal approval of state criminal background check processes;

(H) The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and

(I) Any statutory changes that may be necessary to ensure clarity and consistency.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$201,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. In carrying out this subsection, the office must:

(a) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(b) Provide a report with preliminary results to the governor's office and the appropriate committees of the legislature to inform development of recommendations no later than September 1, 2022. A final report is due by December 1, 2022.

(c) Provide funding to agencies, where needed, to compile and provide data necessary for the analysis.

(20) \$674,000 of the general fund—state appropriation for fiscal year 2022, \$1,525,000 of the general fund—state appropriation for fiscal year 2023, and \$1,560,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for staff and contract costs to conduct activities related to the receipt, coordination, and tracking of federal funds.

Sec. 130. 2021 c 334 s 132 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State

Appropriation ((\$71,650,000))

\$72,641,000

Administrative Hearings Revolving Account—Local

Appropriation \$12,000

TOTAL APPROPRIATION

((~~\$71,662,000~~))

\$72,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,346,000 of the administrative hearings revolving account—state appropriation is provided solely for staffing to resolve unemployment insurance appeals. The funding is provided to meet the temporary increase in unemployment insurance hearing appeals, which began in fiscal year 2021, and to reduce the appeal to resolution wait time.

(2) \$154,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & corrections officers). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$86,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of chapter 2, Laws of 2021 (Engrossed Substitute Senate Bill No. 5061) (unemployment insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$12,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$150,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$161,000 of the administrative hearings revolving account—state

appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care and early development programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(8) \$19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$47,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1868 (health care staffing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 131. 2021 c 334 s 133 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation ~~((\$29,759,000))~~

\$29,956,000

TOTAL APPROPRIATION ~~((\$29,759,000))~~

\$29,956,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

Sec. 132. 2021 c 334 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2022) ~~((\$443,000))~~

\$482,000

General Fund—State Appropriation (FY 2023) ~~((\$464,000))~~

\$679,000

TOTAL APPROPRIATION ~~((\$907,000))~~

\$1,161,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 133. 2021 c 334 s 135 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2022) ~~((\$421,000))~~

\$560,000

General Fund—State Appropriation (FY 2023) ~~((\$431,000))~~

\$1,334,000

TOTAL APPROPRIATION ~~((\$852,000))~~

\$1,894,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission on African American affairs to contract with a Washington state based organization that focuses on the health of African Americans to conduct a Black community health needs assessment. The assessment must include the following activities:

(i) Lead and produce a statewide community assets mapping project to identify institutions, providers, and nongovernmental organizations that contribute to or have impact on Black well-being;

(ii) Collect and organize Black community health needs data and information; and

(iii) Identify priorities for additional phases of work.

(b) By June 30, 2023, the commission shall submit a report to the legislature with findings and recommended solutions that will inform the structure and establishment of an African American health board network.

(2) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for African American and Black students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 134. 2021 c 334 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

General Fund—State Appropriation (FY 2023) \$609,000

Department of Retirement Systems Expense Account—

State Appropriation
 ((\$71,462,000))

\$73,175,000

TOTAL APPROPRIATION
 ((\$71,462,000))

\$73,784,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5676 (PERS/TRS 1 benefit increase). If the bill is not enacted by

June 30, 2022, the amount provided in this subsection shall lapse.

(6) \$310,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1699 (work in retirement/schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$82,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed House Bill No. 1752 (deferred compensation/Roth). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$24,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1804 (military service credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 135. 2021 c 334 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2022) (~~(\$167,182,000)~~)

\$172,178,000

General Fund—State Appropriation (FY 2023) (~~(\$411,796,000)~~)

\$377,598,000

Timber Tax Distribution Account—State Appropriation (~~(\$7,314,000)~~)

\$7,471,000

Business License Account—State Appropriation (~~(\$20,335,000)~~)

\$20,701,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation (~~(\$162,000)~~)

\$168,000

Model Toxics Control Operating Account—State

Appropriation \$118,000

Financial Services Regulation Account—State

Appropriation \$5,000,000

TOTAL APPROPRIATION (~~(\$611,907,000)~~)

\$583,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,056,000 of the general fund—state appropriation for fiscal year 2022 and \$409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2)(a) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochairs from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the

appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in

(d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to

representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund—state appropriation for fiscal year 2022 and \$33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) \$2,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws). ~~((If the bill is~~

~~not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(9) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(10) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(12) ~~((\$5,467,000))~~ \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$255,513,000))~~ \$214,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the total amounts provided in this subsection:

(a) ~~((\$5,467,000))~~ \$5,567,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$13,513,000))~~ \$13,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) ~~((\$242,000,000))~~ \$201,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) From within the department's administrative expenditures from the unclaimed personal property account, the department must provide a report by

December 1, 2022, to the governor and the legislature on the unclaimed property program. The report must include:

(a) Annual data for the years 2012 through 2022, that includes:

(i) The number of items of unclaimed property received by the program and the number of holders of unclaimed property who submitted items to the program; and

(ii) The top 10 holders who submitted unclaimed property and the percentage of those holders' submissions that have been subsequently claimed;

(b) Historic data since the inception of the program that shows:

(i) The cumulative number of all unclaimed property items and the aggregate, median, and mean value of those items at the end of each calendar year;

(ii) The annual number of unclaimed property items valued at less than \$75 and the percentage of these items for which the department made contact with a claimant that year; and

(iii) The annual number of direct mail contacts to prospective claimants made by the department and the resulting number of claims made within the following three months; and

(c) Customer service data for the period of December 1, 2020, through December 1, 2022, that includes:

(i) The average length of time between a claim was filed and when it was paid;

(ii) The number and percentage of claims initiated online but not able to be paid to the claimant and the reasons, by percentage, for the failure to successfully pay the claim; and

(iii) The monthly website traffic for the unclaimed property website.

(14) \$397,000 of the general fund—state appropriation for fiscal year 2022 and \$934,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation.

(15) \$146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$66,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1928 (equine industry support). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$237,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2099 (tax penalties). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(18) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1765 (health benefit ex./B&O tax). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(19) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$37,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(20) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1990 (SR 167 & I-405 tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 136. 2021 c 334 s 138 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2022) (~~(\$2,631,000)~~)
 \$2,620,000

General Fund—State Appropriation (FY 2023) (~~(\$2,652,000)~~)
 \$2,640,000

TOTAL APPROPRIATION
 (~~(\$5,283,000)~~)
 \$5,260,000

Sec. 137. 2021 c 334 s 139 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S
BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY
2022) (~~(\$1,975,000)~~)

\$1,993,000

General Fund—State Appropriation (FY
2023) (~~(\$1,564,000)~~)

\$1,974,000

Minority and Women's Business
Enterprises Account—

State Appropriation
(~~(\$4,607,000)~~)

\$4,726,000

TOTAL APPROPRIATION
(~~(\$8,146,000)~~)

\$8,693,000

The appropriations in this section are
subject to the following conditions and
limitations:

(1) The office of minority and women's
business enterprises shall consult with
the Washington state office of equity on
the Washington state toolkit for equity
in public spending.

(2) \$135,000 of the general fund—
state appropriation for fiscal year 2022
is provided solely for the implementation
of Senate Bill No. 5032 (alternative
public works contracting procedures).
(~~If the bill is not enacted by June 30,
2021, the amount provided in this
subsection shall lapse.~~)

(3) \$851,000 of the general fund—
state appropriation for fiscal year 2022
and \$675,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for the implementation of
Substitute House Bill No. 1259 (women and
minority contracting). (~~If the bill is
not enacted by June 30, 2021, the amounts
provided in this subsection shall
lapse.~~)

Sec. 138. 2021 c 334 s 140
(uncodified) is amended to read as
follows:

FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation
(~~(\$4,633,000)~~)

\$4,661,000

Insurance Commissioner's Regulatory
Account—State

Appropriation (~~(\$66,336,000)~~)

\$69,446,000

Insurance Commissioner's Fraud
Account—State

Appropriation (~~(\$3,603,000)~~)

\$3,604,000

TOTAL APPROPRIATION
(~~(\$74,572,000)~~)

\$77,711,000

The appropriations in this section are
subject to the following conditions and
limitations:

(1) \$234,000 of the insurance
commissioner's regulatory account—state
appropriation is provided solely to
implement Second Substitute Senate Bill
No. 5315 (captive insurance). (~~If the
bill is not enacted by June 30, 2021, the
amount provided in this subsection shall
lapse.~~)

(2) \$64,000 of the insurance
commissioner's regulatory account—state
appropriation is provided solely to
implement Second Substitute Senate Bill
No. 5313 (health ins. discrimination).
(~~If the bill is not enacted by June 30,
2021, the amount provided in this
subsection shall lapse.~~)

(3) \$24,000 of the insurance
commissioner's regulatory account—state
appropriation is provided solely to
implement Engrossed Second Substitute
Senate Bill No. 5399 (universal health
care commission). (~~If the bill is not
enacted by June 30, 2021, the amount
provided in this subsection shall
lapse.~~)

(4) \$3,000 of the insurance
commissioner's regulatory account—state
appropriation is provided solely to
implement Engrossed Second Substitute
Senate Bill No. 5377 (standardized health
plans). (~~If the bill is not enacted by
June 30, 2021, the amount provided in
this subsection shall lapse.~~)

(5) \$649,000 of the insurance
commissioner's regulatory account—state
appropriation is provided solely to
implement Engrossed Substitute House
Bill No. 1196 (audio-only telemedicine).
(~~If the bill is not enacted by June 30,
2021, the amount provided in this
subsection shall lapse.~~)

(6) \$83,000 of the insurance
commissioner's regulatory account—state

appropriation is provided solely to implement Substitute Senate Bill No. 5003 (living donor act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7)(a) \$75,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a service utilization, cost, and implementation analysis of requiring coverage for the hearing instruments benefit described in House Bill No. 1047 (hearing instruments/children) for children who are 18 years of age or younger and for children and adults.

(b) The commissioner must contract with one or more consultants to:

(i) Obtain projected utilization and cost data from Washington state health carriers for health plans, as defined in RCW 48.43.005, to provide an estimate of aggregate statewide utilization and cost impacts of the coverage described in House Bill No. 1047 (hearing instruments/children) separately for children who are 18 years of age or younger and for children and adults, expressed as total annual cost and as a per member per month cost;

(ii) Assess the impact of federal and state health care nondiscrimination laws on the scope of the benefit described in House Bill No. 1047 (hearing instruments/children); and

(iii) Provide recommendations for distributing state payments to defray the cost of the benefit coverage described in House Bill No. 1047 (hearing instruments/children) for health carriers.

(c) The commissioner must report the findings of the analysis to the appropriate committees of the legislature by December 15, 2021.

(8)(a) \$200,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner, in consultation with the health care authority, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The commissioner must contract with one or more consultants to obtain utilization and cost data from Washington state health carriers, as defined in RCW

48.43.005, necessary to provide an estimate of the fiscal impact of providing a fertility treatment benefit for the commercial health plan market.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

- (i) Infertility diagnosis;
- (ii) Fertility medications;
- (iii) Intrauterine insemination;
- (iv) In vitro fertilization; and
- (v) Egg freezing.

(d) The report should include projected costs expressed both as total annual costs and per member per month costs for plan years 2024 through 2027.

(e) The commissioner must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

(9)(a) \$200,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a contract for an actuarial study to assess options for enhancing consumer protections, expanding access to coverage, and accompanying regulations regarding medicare supplemental insurance as defined in RCW 48.66.020. The study shall evaluate, but is not limited to, the following:

(i) For at least the most recent three years for which data is available, the total number of Washington state residents enrolled in medicare, broken down by those who are enrolled in:

(A) Traditional medicare fee-for-service only;

(B) Medicare supplemental insurance plans;

(C) Medicare advantage plans; and

(D) Medicaid and will turn age 65 during the public health emergency with respect to the coronavirus disease 2019 (COVID-19);

(ii) A demographic breakdown of the age, gender, racial, ethnic, and geographic characteristics of the individuals listed in (a)(i) of this subsection. For those younger than age 65, the breakdown should separate those eligible as a result of disability and end-stage renal disease status. The

commissioner may include additional demographic factors;

(iii) The estimated impact on premiums, enrollment, and increased access for individuals listed in (a)(i)(A) and (B) of this subsection if the state were to have an annual open enrollment period during which medicare supplemental insurance was guaranteed issue, including separate estimates for expanding coverage to include those eligible for medicare and younger than age 65;

(iv) The estimated impact on premiums, enrollment, and increased access for individuals in (a)(i)(A) and (B) of this subsection if medicare supplemental insurance was guaranteed issue throughout the year, including separate estimates for expanding coverage to include those eligible for medicare and younger than age 65;

(v) The net cost impact to consumers and any other affected parties of the options outlined in (a)(iii) and (iv) of this subsection;

(vi) An analysis of other factors that impact access and premiums for medicare-eligible individuals; and

(vii) A review of medicare supplemental insurance policy protections in other states and their impact on premiums and enrollment in these policies.

(b) By November 15, 2022, the insurance commissioner shall submit a report to the appropriate committees of the legislature with the findings of the study.

(c) The contract recipient for the actuarial study must have:

(i) A comprehensive view of the medicare supplement industry and industry expertise developed from:

(A) Consulting for a diverse group of medicare supplement stakeholders; and

(B) Working directly for insurers issuing medicare supplemental plans; and

(ii) Access to data and expertise necessary to support the study and alternative projections.

(10) \$250,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to contract for an assessment of federal and state

authorities to provide recommendations on creating a legal framework within which continuing care retirement community products under chapter 18.390 RCW may achieve heightened consumer protections through shared regulatory oversight by the office of the insurance commissioner. The commissioner must submit a report on the assessment and recommendations to the health care committees of the legislature by December 1, 2022.

(11) \$218,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1821 (telemedicine/relationship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(12) \$199,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1865 (certified peer specialists). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(13) \$442,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1688 (out-of-network health care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(14) \$43,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1389 (peer-to-peer vehicle sharing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$167,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1813 (pharmacy choice). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$24,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement House Bill No. 1651 (postpartum contraception). If the bill is not

enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 139. 2021 c 334 s 141 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State

Appropriation ((~~\$65,134,000~~))

\$68,730,000

TOTAL APPROPRIATION ((~~\$65,134,000~~))

\$68,730,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,464,000 of the state investment board expense account—state appropriation is provided solely for investment data software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) During the 2021-2023 fiscal biennium, the Washington state investment board shall provide the law enforcement officers' and firefighters' plan 2 retirement board use of the investment board main conference room. The law enforcement officers' and firefighters' plan 2 retirement board must be allowed to use the board room for at least five hours on one day per month during regular business hours. Any additional direct costs incurred by the investment board due solely to the use of the conference room by the retirement board may be reimbursed by the law enforcement officers' and firefighters' plan 2 retirement board, consistent with any investment board policies on reimbursement for this facility applied to other major clients and investment partners.

Sec. 140. 2021 c 334 s 142 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

General Fund—State Appropriation (FY 2022) ((~~\$388,000~~))

\$406,000

General Fund—State Appropriation (FY 2023) ((~~\$417,000~~))

\$435,000

General Fund—Federal Appropriation ((~~\$3,013,000~~))

\$3,047,000

General Fund—Private/Local Appropriation \$75,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) ((~~\$11,575,000~~))

\$11,814,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) ((~~\$11,608,000~~))

\$12,183,000

Liquor Revolving Account—State Appropriation ((~~\$82,347,000~~))

\$97,333,000

TOTAL APPROPRIATION ((~~\$109,423,000~~))

\$125,293,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, ((~~\$4,939,000 for fiscal year 2022 and \$2,065,000 for fiscal year 2023 are~~)) \$20,754,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement

Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.))~~

(6) \$316,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementing House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(7) \$20,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementing Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(8) The appropriations in this section include sufficient funding for implementation of Third Substitute House Bill No. 1359 (liquor license fees).

Sec. 141. 2021 c 334 s 143 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2022) ~~((\$251,000))~~

\$515,000

General Fund—State Appropriation (FY 2023) ~~((\$199,000))~~

\$1,438,000

General Fund—Private/Local Appropriation ~~((\$16,591,000))~~

\$8,296,000

Public Service Revolving Account—State Appropriation ~~((\$42,430,000))~~

\$43,199,000

Public Service Revolving Account—Federal

Appropriation \$100,000

Pipeline Safety Account—State Appropriation ~~((\$3,435,000))~~

\$3,486,000

Pipeline Safety Account—Federal Appropriation ~~((\$3,140,000))~~

\$3,200,000

TOTAL
~~((\$66,146,000))~~
\$60,234,000

APPROPRIATION

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

(i) How natural gas utilities can decarbonize;

(ii) The impacts of increased electrification on the ability of electric utilities to deliver services to

current natural gas customers reliably and affordably;

(iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;

(iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;

(v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) \$76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) \$36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$668,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$435,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of

Substitute House Bill No. 1850 (digital privacy). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 142. 2021 c 334 s 144 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2022) ~~((\$10,500,000))~~

\$11,108,000

General Fund—State Appropriation (FY 2023) ~~((\$9,502,000))~~

\$11,588,000

General Fund—Federal Appropriation ~~((\$120,157,000))~~

\$131,775,000

Enhanced 911 Account—State Appropriation ~~((\$53,834,000))~~

\$53,945,000

Disaster Response Account—State Appropriation ~~((\$42,370,000))~~

\$69,399,000

Disaster Response Account—Federal Appropriation ~~((\$920,106,000))~~

\$1,068,821,000

Military Department Rent and Lease Account—State

Appropriation \$994,000

Military Department Active State Service Account—

State Appropriation \$400,000

Oil Spill Prevention Account—State Appropriation \$1,040,000

Worker and Community Right to Know Fund—State

Appropriation ~~((\$1,832,000))~~

\$1,882,000

TOTAL APPROPRIATION ~~((\$1,160,735,000))~~

\$1,350,952,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative

fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to assist eligible individuals and families with the purchase of household appliances. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$250,000)~~) \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations

that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection ~~((+7))~~ (9)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

(11) \$438,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

(12) \$2,238,000 of the disaster response account—state appropriation is provided solely for implementation of Substitute House Bill No. 1620 (extreme weather events). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 143. 2021 c 334 s 145 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2022) (~~(\$2,401,000)~~)

\$2,403,000

General Fund—State Appropriation (FY 2023) (~~(\$2,371,000)~~)

\$2,374,000

Personnel Service Account—State Appropriation (~~(\$4,382,000)~~)

\$4,387,000

Higher Education Personnel Services
Account—State

Appropriation \$1,407,000
TOTAL APPROPRIATION
~~((\$10,561,000))~~
\$10,571,000

The appropriations in this section are subject to the following conditions and limitations: \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

Sec. 144. 2021 c 334 s 146 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants'
Account—State
Appropriation ~~((\$4,438,000))~~
\$4,441,000
TOTAL APPROPRIATION
~~((\$4,438,000))~~
\$4,441,000

Sec. 145. 2021 c 334 s 147 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
Administrative Account—State
Appropriation ~~((\$4,960,000))~~
\$4,962,000
TOTAL APPROPRIATION
~~((\$4,960,000))~~
\$4,962,000

The appropriation in this section is subject to the following conditions and limitations: \$3,930,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations,

and review requirements of section 701 of this act.

Sec. 146. 2021 c 334 s 148 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State
Appropriation \$753,000
TOTAL APPROPRIATION \$753,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

Sec. 147. 2021 c 334 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2022) ~~((\$5,976,000))~~
\$7,249,000

General Fund—State Appropriation (FY 2023) (~~(\$5,833,000)~~)

\$11,020,000

General Fund—Private/Local Appropriation \$102,000

Building Code Council Account—State Appropriation (~~(\$1,825,000)~~)

\$2,256,000

TOTAL APPROPRIATION (~~(\$13,736,000)~~)

\$20,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$5,208,000)~~) \$6,158,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,269,000)~~) \$6,131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, (~~(utilities)~~) parking, security, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal

monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$162,000 of the general fund—state appropriation in fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender

expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$81,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1770 (energy codes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 148. 2021 c 334 s 150 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2022) ~~((\$2,736,000))~~

\$2,717,000

General Fund—State Appropriation (FY 2023) ~~((\$2,779,000))~~

\$4,027,000

General Fund—Federal Appropriation ~~((\$2,948,000))~~

\$3,308,000

General Fund—Private/Local Appropriation \$14,000

TOTAL APPROPRIATION ~~((\$8,477,000))~~

\$10,066,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2022 and \$103,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of

inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington main street program, including \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 provided solely for a pilot project grant program for affiliate main street programs. From the amount provided in this subsection, the department may provide grants of up to \$40,000 to the affiliate main street programs for staffing costs, capacity building, and other costs associated with establishing a local nonprofit organization focused solely on downtown revitalization. The department must prioritize affiliate main street programs in locations with a population under 20,000.

(3) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of archeology and historic preservation to conduct a comprehensive study, jointly with the department of licensing, to review the definition of a cemetery, examine current protections and oversight authority, and provide recommendations for future protections and oversight authority of cemeteries in Washington state. The department may solicit input for the analysis from representatives of interested parties to include, but not be limited to, cities, counties, tribes, and law enforcement. The departments shall submit the study to the legislature by December 31, 2022.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to develop a trial mapping project that will result in information that state and local planners may use to make land use and transportation decisions through an equity lens. The department may use funding provided in this subsection to:

(a) Engage with marginalized communities and other relevant stakeholders to prioritize locations included in the trial mapping project;

(b) Create and publish documentation of historic places and buildings included

in current cultural resources practice framework; and

(c) Make available geographic information system data that is compatible across state and local government mapping platforms.

(5) \$2,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with Black and African American communities across the state to record important historic properties. The department may use funding provided in this subsection to:

(a) Use maps and engage stakeholders in the Black and African American communities to locate geographic areas where Black and African Americans lived and worked before the year 1970;

(b) Engage with Black and African American communities and stakeholders to identify places that are of historic significance;

(c) Add documentation to the department's state database of historic properties; and

(d) Create outreach products to inform and educate the public on the historic properties.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington main street program to contract with a marketing consultant to conduct a statewide "shop local and save" marketing campaign to notify and draw consumers to local main street businesses during a three-day sales tax holiday contingent upon passage of House Bill No. 2018 (sales tax holiday). From the amount provided in this subsection, the department shall prioritize marketing efforts that reach the largest number of consumers in Washington state. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$98,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

Sec. 149. 2021 c 334 s 151 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2022) \$581,000

General Fund—State Appropriation (FY 2023) (~~(\$531,000)~~)
\$546,000

Consolidated Technology Services Revolving Account—

State	Appropriation
	((\$53,030,000))
	<u>\$65,297,000</u>

TOTAL	APPROPRIATION
	((\$54,142,000))
	<u>\$66,424,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$11,623,000)~~) \$11,598,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least (~~(quarterly)~~) twice annually and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to

include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) (~~(\$12,393,000)~~) \$12,168,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for

maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects ((identified in this report)) undertaken by the coalition are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the

conditions, limitations, and review provided in section 701 of this act.

(9) ~~(\$4,300,000)~~ \$4,330,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

(i) Start date of the project;

(ii) End date of the project, when the project will close out and implementation will commence;

(iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;

(iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;

(v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;

(vi) Start date of maintenance and operations;

(vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;

(viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;

(ix) Date a feasibility study was completed; and

(x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;

(iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and

(iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide ((~~App 10~~)) data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

~~(13) ((\$129,000 of the consolidated technology services revolving account state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(14))~~ \$12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;

(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;

(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;

(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;

(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;

(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and

(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;

(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or

(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

~~((15))~~ (14) \$81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(16))~~ (15)(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the

office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

~~((+17))~~ (16) \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(17) \$4,333,000 of the consolidated technology services revolving account—state appropriation is provided solely for the continued implementation of the enterprise cloud computing program and the recommendations of the Washington state cloud readiness report.

(18) \$2,375,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report.

(19) \$15,000 of the general fund—state appropriation for fiscal year 2023 and \$5,650,000 of the consolidated technology services revolving account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 2044 (ransomware protection). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 150. 2021 c 334 s 152 (uncodified) is amended to read as follows:

FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation ~~((\$4,190,000))~~

\$4,193,000

TOTAL APPROPRIATION
~~((\$4,190,000))~~
\$4,193,000

NEW SECTION. Sec. 151. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Financial Services Regulation	
Nonappropriated	
Account—State	Appropriation
\$140,000	
TOTAL APPROPRIATION	\$140,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the department of financial institutions to conduct a survey of foreclosure trustees doing business in the state of Washington for owner-occupied residential real property between January 1, 2017, and December 31, 2019.

(1) The survey must include:

(a) The name and place of business of the trustee, its owner, and any affiliated firms or businesses that do business in Washington;

(b) The number of notices of trustee sale filed each year for each beneficiary;

(c) Templates without personally identifiable information of all notices sent to borrowers within the survey period; and

(d) Samples of service contracts between the trustee and each beneficiary.

(2) By January 1, 2023, the department of financial institutions shall submit a report to the legislature on the results of the survey and include a discussion of the regulation of foreclosure trustees in Washington's nonjudicial foreclosure system.

NEW SECTION. Sec. 152. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE HORSE RACING COMMISSION**

Washington Equine Industry	
Reinvestment Account—State	
Appropriation	\$5,100,000
TOTAL APPROPRIATION	\$5,100,000

The appropriation in this section is subject to the following conditions and limitations: \$5,100,000 of the WA equine industry reinvestment account—state appropriation is provided solely for implementation of House Bill No. 1928 (equine industry support). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

PART II

HUMAN SERVICES

Sec. 201. 2021 c 334 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on

specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical

assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 in response to the

COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2021 c 334 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) (~~(\$435,890,000)~~)

\$407,086,000

General Fund—State Appropriation (FY 2023) (~~(\$436,264,000)~~)

\$457,666,000

General Fund—Federal Appropriation (~~(\$142,531,000)~~)

\$145,817,000

General Fund—Private/Local Appropriation (~~(\$21,540,000)~~)

\$15,528,000

TOTAL APPROPRIATION (~~(\$1,036,225,000)~~)

\$1,026,097,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group

purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365

requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care

organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and \$5,075,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the

settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and \$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$59,784,000)~~) \$65,875,000 of the general fund—state appropriation for

fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written

approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(1) (~~(\$10,581,000)~~) \$4,681,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the (~~(intensive care model being implemented)~~) safety or violence reduction strategy, a profile of the types of patients being served (~~(at the program)~~), the staffing model being used (~~(for the program)~~), and outcomes associated with (~~(the program)~~) each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served (~~(on the unit)~~).

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) (~~(\$3,846,000)~~) \$3,773,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$3,846,000)~~) \$4,040,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$7,692,000)~~) \$4,573,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) (~~(\$2,941,000)~~) \$124,000 of the general fund—state appropriation for fiscal year 2023 (~~and \$2,941,000 of the general fund—federal appropriation are~~) is provided solely for the department to (~~operate~~) prepare for opening a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal

charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) \$1,382,000 of the general fund—state appropriation for fiscal year 2022, \$5,092,000 of the general fund—state appropriation for fiscal year 2023, and \$5,092,000 of the general fund—federal appropriation is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) \$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and

the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(s) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by November 1, 2022; and (F) sixth ward closure by April 1, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

(t) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to

and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(u) \$685,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct a cloud computing migration feasibility study and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(v) \$1,806,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to upgrade pharmacy information technology systems and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(w) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(x) \$1,222,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of Western state hospital.

(y) \$2,920,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for relocation, storage, and other costs associated with building demolition on the Western state hospital campus.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) (~~(\$5,936,000)~~)

\$5,885,000

General Fund—State Appropriation (FY 2023) (~~(\$5,929,000)~~)

\$5,881,000

General Fund—Federal Appropriation (~~(\$366,000)~~)

\$388,000

TOTAL APPROPRIATION (~~(\$12,231,000)~~)

\$12,154,000

Sec. 203. 2021 c 334 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022) (~~(\$747,646,000)~~)

\$704,321,000

General Fund—State Appropriation (FY 2023) (~~(\$948,278,000)~~)

\$1,134,226,000

General Fund—Federal Appropriation (~~(\$2,086,801,000)~~)

\$2,323,577,000

General Fund—Private/Local Appropriation \$4,058,000

Developmental Disabilities Community Services

Account—State Appropriation \$52,000,000

TOTAL APPROPRIATION (~~(\$3,838,783,000)~~)

\$4,218,182,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual

costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c)(i) \$2,648,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$8,764,000 of the general fund—state appropriation for fiscal year 2023 and \$11,156,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 938 of this act.

(d)(i) \$291,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state appropriation for fiscal year 2023, and \$1,844,000 of the general fund—federal appropriation are provided solely for the

homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$953,000 of the general fund—state appropriation for fiscal year 2023 and \$1,214,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e)(i) \$540,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for fiscal year 2023, and \$1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$1,389,000 of the general fund—state appropriation for fiscal year 2023 and \$1,278,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 940 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital

discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$4,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$17,000)~~) \$37,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$23,000)~~) \$42,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, (~~(2021)~~) 2022.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(n) \$408,000 of the general fund—state appropriation for fiscal year 2022, \$416,000 of the general fund—state appropriation for fiscal year 2023, and \$474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental

disability). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(o) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$11,423,000)~~) \$109,705,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$15,262,000)~~) \$113,544,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. (~~(The)~~) Of the amounts provided in this subsection (o) (~~(include funding to)~~):

(i) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$11,423,000 of the general fund—state appropriation for fiscal year 2023, and \$15,262,000 of the general fund—federal appropriation are provided solely to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(ii) \$98,282,000 of the general fund—state appropriation for fiscal year 2023 and \$98,282,000 of the general fund—federal appropriation are provided solely to increase the provider rate effective July 1, 2022. It is the intent of the legislature that contracted providers use the funding provided in this subsection (o)(ii) to provide an hourly wage of at least \$20 for direct care workers.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund—state appropriation for fiscal year 2022, \$49,000 of the general fund—state appropriation for fiscal year 2023, and \$131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) (~~(\$18,733,000)~~) \$43,535,000 of the general fund—state appropriation for fiscal year 2022, \$47,243,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$46,342,000)~~)

\$152,070,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic (~~(through the end of calendar year 2021)~~).

(v) \$78,000 of the general fund—state appropriation for fiscal year 2022, \$75,000 of the general fund—state appropriation for fiscal year 2023, and \$113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund—state appropriation for fiscal year 2022, \$2,641,000 of the general fund—state appropriation for fiscal year 2023, and \$4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$19,648,000 of the general fund—state appropriation for fiscal year 2023 and \$25,006,000 of the general fund—federal appropriation are provided solely for the purposes of settling all claims in the two related cases Liang et al v. Washington DSHS et al, Thurston county superior court case no. 20-2-02506-34 and SEIU 775 v. Washington DSHS et al, Thurston county superior court

case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 204(45) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$205,000 of the general fund—state appropriation for fiscal year 2022, \$232,000 of the general fund—state appropriation for fiscal year 2023, and \$590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)((~~y~~)) (z):

(i) \$159,000 of the general fund—state appropriation for fiscal year 2022, \$186,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of

beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the

governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than

November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) \$46,000 of the general fund—state appropriation in fiscal year 2022, \$46,000 of the general fund—state appropriation in fiscal year 2023, and \$280,000 of the general fund—federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

~~((+z))~~ (aa) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

~~((aa))~~ (bb) \$63,000 of the general fund—state appropriation for fiscal year 2022, \$13,000 of the general fund—state appropriation for fiscal year 2023, and \$77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(cc) \$54,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(dd) \$8,428,000 of the general fund—state appropriation for fiscal year 2023 and \$5,179,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(ee) \$410,000 of the general fund—state appropriation for fiscal year 2023 and \$511,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid payment methodology in RCW 74.39A.032 to 74 percent of full methodology funding, effective July 1, 2022.

(ff) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that provides benefits planning training to attorneys and other professionals to help them assist individuals with developmental disabilities with retaining state and federal benefits while working.

(gg) \$15,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$75,000 of the general fund—federal appropriation are provided solely for the developmental disabilities administration to develop and submit a self-directed medicaid waiver proposal to the federal centers for medicaid and medicare services that allows waiver participants to have responsibility over

all aspects of service delivery in a person-centered planning process.

(i) The proposed waiver shall be designed as a pilot project in two Washington counties for up to 50 eligible developmental disabilities clients per county, and must include, but is not limited to, the following services:

- (A) Assistive technology;
- (B) Community inclusion;
- (C) Community engagement;
- (D) Individual and group supported employment, including individualized technical assistance;
- (E) Occupational therapy
- (F) Physical therapy;
- (G) Speech, hearing, and language services;
- (H) Extermination of bed bugs;
- (I) Nurse delegation;
- (J) Respite care;
- (K) Risk assessment;
- (L) Skills acquisition training;
- (M) Specialized equipment and supplies;
- (N) Stabilization services;
- (O) Staff and family consultation;
- (P) Therapeutic adaptations; and
- (Q) Transportation.

(ii) The developmental disabilities administration must report to the governor and appropriate legislative committees by December 1, 2022, and by June 30, 2023, on the status of the self-directed waiver proposal, the estimated timeline for approval and implementation, and a fiscal estimate of the cost to implement the self-directed waiver if approved by the federal centers for medicare and medicaid services.

(hh) \$2,850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services and transition navigator supports. Of the amounts provided in this subsection:

(i) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand employment services and transition navigator supports for students with intellectual

and developmental disabilities in eastern and central Washington counties with low employment outcomes for people with intellectual and developmental disabilities. For the purpose of this subsection, "low employment outcomes" means counties that fall below the statewide average rate for enrollment of developmental disabilities administration clients in employment and day services following high school completion.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for regional networks of community members to work in local communities to build regional capacity, complete data collection, and provide recommendations on how to expand employment and transitions navigator supports to students with intellectual and developmental disabilities.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) (~~(\$115,635,000)~~)

\$110,837,000

General Fund—State Appropriation (FY 2023) (~~(\$125,463,000)~~)

\$127,447,000

General Fund—Federal Appropriation (~~(\$241,480,000)~~)

\$246,868,000

General Fund—Private/Local Appropriation \$27,043,000

TOTAL APPROPRIATION (~~(\$509,621,000)~~)

\$512,195,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and

other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$10,000)~~) \$21,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) (~~(\$2,639,000)~~)

\$2,717,000

General Fund—State Appropriation (FY 2023) (~~(\$2,688,000)~~)

\$2,678,000

General Fund—Federal Appropriation (~~(\$3,192,000)~~)

\$3,108,000

TOTAL APPROPRIATION (~~(\$8,519,000)~~)

\$8,503,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022) \$61,000

General Fund—State Appropriation (FY 2023) \$61,000

General Fund—Federal Appropriation \$1,090,000

TOTAL APPROPRIATION \$1,212,000

Sec. 204. 2021 c 334 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2022) (~~(\$1,422,098,000)~~)

\$1,350,575,000

General Fund—State Appropriation (FY 2023) (~~(\$1,783,367,000)~~)

	<u>\$2,058,876,000</u>
General Fund—Federal Appropriation	((\$4,517,927,000))
	<u>\$4,930,763,000</u>
General Fund—Private/Local Appropriation	\$37,804,000
Traumatic Brain Injury Account—State Appropriation	((\$4,544,000))
	<u>\$5,586,000</u>
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation	\$133,360,000
Long-Term Services and Supports Trust Account—State	
Appropriation	((\$10,873,000))
	<u>\$15,003,000</u>
TOTAL	APPROPRIATION
	((\$7,909,973,000))
	<u>\$8,531,967,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed ((~~\$279.84~~)) \$320.78 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per

bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4)(i) \$6,113,000 of the general fund—state appropriation for fiscal year 2022, \$19,799,000 of the general fund—state appropriation for fiscal year 2023, and \$37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$18,787,000 of the general fund—state appropriation for fiscal year 2023 and \$23,910,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 938 of this act.

(5)(i) \$1,941,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$6,028,000 of the general fund—state appropriation for fiscal year 2023 and \$7,669,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial

management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the medicaid transformation waiver (~~that provides tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington~~). This initiative will be funded by the health care authority (~~with~~) through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all of the expenditures of

this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12)(i) \$3,378,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$8,922,000 of the general fund—state appropriation for fiscal year 2023 and \$8,212,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 940 of this act.

(13) \$1,761,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal

care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal

year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund—state appropriation for fiscal year 2022, \$320,000 of the general fund—state appropriation for fiscal year 2023, and \$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund—state appropriation for fiscal year 2022 and \$1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund—state appropriation for fiscal year 2022, \$226,000 of the general fund—state

appropriation for fiscal year 2023, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~((24))~~ ~~(\$345,000 of the general fund—state appropriation for fiscal year 2022, \$50,000 of the general fund state appropriation for fiscal year 2023, and \$336,000 of the general fund federal appropriation are provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((25))~~ \$4,329,000 of the general fund—state appropriation for fiscal year 2022 and \$4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

~~((26))~~ ~~\$41,117,000~~ (25) \$85,981,000 of the general fund—state appropriation for fiscal year 2022, \$85,463,000 of the general fund—state appropriation for fiscal year 2023, and ~~(\$101,715,000)~~ \$292,979,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic ~~((through the end of calendar year 2021)).~~

~~((27))~~ (26) \$11,609,000 of the general fund—state appropriation for fiscal year 2023 and \$11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

~~((28))~~ (27) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

~~((29))~~ (28) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and

continue to support the state's broader efforts to address this issue.

~~((30))~~ (29) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

~~((31))~~ (30) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

~~((32))~~ (31) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

~~((33))~~ (32) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

~~((34) \$10,797,000)~~ (33) \$7,938,000 of the general fund—state appropriation for fiscal year 2022, ~~((\$11,477,000))~~ \$13,412,000 of the general fund—state appropriation for fiscal year 2023, and ~~((\$23,946,000))~~ \$22,456,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

~~((35))~~ (34) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(36))~~ (35) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

~~((37))~~ (36) \$4,504,000 of the general fund—state appropriation for fiscal year 2022, \$9,072,000 of the general fund—state appropriation for fiscal year 2023, and \$452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority

and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

~~((38))~~ (37) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

~~((39))~~ (38) \$435,000 of the general fund—state appropriation for fiscal year 2022 and \$435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

~~((40))~~ (39) \$3,063,000 of the general fund—state appropriation for fiscal year 2022 and \$4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

~~((41))~~ (40) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

~~((42))~~ (41) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$65,000 of the general fund—state appropriation for fiscal year 2023, and \$98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((43))~~ (42) \$75,000 of the general fund—state appropriation for fiscal year 2022, \$54,000 of the general fund—state appropriation for fiscal year 2023, and \$130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((44))~~ (43) \$15,000 of the general fund—state appropriation for fiscal year 2022, ~~((51,000))~~ \$111,000 of the general fund—state appropriation for fiscal year 2023, and ~~((32,000))~~ \$61,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(44) \$16,804,000 of the general fund—state appropriation for fiscal year 2023 and \$16,804,000 of the general fund—federal appropriation are provided solely to adjust the minimum occupancy assumption used to calculate the indirect care median to 70 percent.

(45) \$38,265,000 of the general fund—state appropriation for fiscal year 2023 and \$48,666,000 of the general fund—federal appropriation are provided

solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 203(1)(y) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$68,000 of the general fund—state appropriation for fiscal year 2023 and \$67,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5866 (medicaid LTSS/tribes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(47) \$82,000 of the general fund—state appropriation for fiscal year 2023 and \$82,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(48) \$1,081,000 of the general fund—state appropriation for fiscal year 2023 and \$1,200,000 of the general fund—federal appropriation are provided solely to increase rates for in-home private duty nursing and adult family home private duty nursing effective January 1, 2023.

(49) \$23,000 of the general fund—state appropriation for fiscal year 2022, \$28,561,000 of the general fund—state appropriation for fiscal year 2023, and \$31,259,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid payment methodology in RCW 74.39A.032 and of the specialized dementia care rate methodology to 74 percent of full methodology funding, effective July 1, 2022.

(a) Of the amounts provided in this subsection, \$23,000 of the general fund—state appropriation for fiscal year 2022, \$39,000 of the general fund—state appropriation for fiscal year 2023, and

\$62,000 of the general fund—federal appropriation are provided solely for a one-time project staff position at the department to develop and submit a report to the governor and appropriate legislative committees no later than December 30, 2022. The report must include a review and summary of discharge regulations and notification requirements for assisted living providers, and include recommendations related to disclosure of providers' terms and conditions for medicaid resident acceptance.

(b) Following the submission of the report in (a) of this subsection and through the end of the 2021-2023 fiscal biennium, the department shall regularly review and report on medicaid resident utilization of and access to assisted living facilities.

(50) The long-term services and supports trust commission established in RCW 50B.04.030 must submit the results of the following activities, including any legislative recommendations, to the governor and appropriate legislative committees no later than January 1, 2023:

(a) The commission shall develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The commission must include consideration of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington, alternative forms of benefits for out-of-state eligible beneficiaries, methods of cross-state coordination on long-term services and supports providers, and timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.

(b) The commission shall develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption under RCW 50B.04.085, including consideration of procedures that minimize administrative burden, minimize negative impact on long-term services and supports trust account solvency, and incentivize maintenance of coverage.

(c) The commission shall develop options for providing workers who have received exemptions based on having private long-term care insurance pursuant to RCW 50B.04.085 an opportunity to rescind their exemption and permanently reenter the long-term services and supports trust program.

(51) \$15,003,000 of the long-term services and supports trust account—state appropriation is provided solely to implement the long-term services and supports trust program. The appropriations in this section include sufficient funding to implement chapter 1, Laws of 2022 (SHB 1732) (long-term care/delay) and chapter 2, Laws of 2022 (ESHB 1733) (long-term care/exemptions).

(52) \$24,281,000 of the general fund—state appropriation in fiscal year 2023 and \$24,281,000 of the general fund—federal appropriation are provided solely to increase skilled nursing facility medicaid rates in order to increase low-wage direct and indirect care worker wages by up to four dollars per hour effective July 1, 2022. Funding provided in this subsection is provided for purposes of wage equity.

(a) Of the amounts provided in this subsection, \$22,303,000 of the general fund—state appropriation for fiscal year 2023 and \$22,303,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for direct care to no less than 111 percent of statewide case mix neutral median costs to increase low-wage direct care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage direct care workers" means certified nursing assistants, dietary workers, laundry workers, and other workers who provide direct care to patients and who have no managerial roles. The department shall determine each facility-specific wage equity funding amount in the direct care rate component by comparing the rate at 105 percent of the direct care median to the rate at 111 percent of the direct care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(b) Of the amounts provided in this subsection, \$1,978,000 of the general fund—state appropriation for fiscal year 2023 and \$1,978,000 of the general fund—federal appropriation are provided

solely to increase the fixed rate paid for indirect care to no less than 92 percent of statewide median costs to increase low-wage indirect care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage indirect care workers" means central supply workers and housekeeping workers. The department shall determine each facility-specific wage equity funding amount for the indirect care rate component by comparing the rate at 90 percent of the indirect care median to the rate at 92 percent of the indirect care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(c) Working with stakeholders, the department shall develop and adopt rules to establish a verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to increase wages for low-wage workers by up to four dollars per hour, and for the department to recover any funding difference between each provider's wage equity funding and the amount of wage equity funding that the provider utilizes to increase low-wage worker wages. The verification process must use wages paid as of December 31, 2021, as the base wage to compare providers' wage spending in the designated job categories to the facility-specific amounts of wage equity funding provided in (a) and (b) of this subsection, excluding any amounts adjusted by settlement. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022.

(d) It is the intent of the legislature that wage equity funding provided in this subsection be carried forward into the department's appropriation for the 2023-2025 fiscal biennium.

(53) \$12,000,000 of the general fund—state appropriation for fiscal year 2023 and \$12,000,000 of the general fund—federal appropriation are provided solely to increase the rate paid for area agency on aging case management services by 23 percent. During the 2021-2023 fiscal biennium, the department must base future budget requests to the legislature for area agency on aging case management services on a per-client monthly rate that is adjusted by a formula that

accounts for any increases in the budgeted cost for comparable full-time equivalent state employees. The formula must account for all costs attributable to each comparable full-time equivalent state employee including but not limited to wages; benefits including health insurance; retirement contributions and taxes; goods and services; equipment; travel; and other comparable costs as mutually agreed upon between the department and the area agencies on aging.

Sec. 205. 2021 c 334 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2022) (~~(\$414,105,000)~~)
\$385,300,000

General Fund—State Appropriation (FY 2023) (~~(\$420,792,000)~~)
\$494,114,000

General Fund—Federal Appropriation (~~(\$1,528,996,000)~~)
\$1,613,923,000

General Fund—Private/Local Appropriation \$5,274,000

Domestic Violence Prevention Account—State

Appropriation \$2,404,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$345,399,000

TOTAL APPROPRIATION (~~(\$2,716,970,000)~~)

\$2,846,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$118,168,000)~~) \$68,919,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$119,846,000)~~) \$124,256,000 of the general fund—state appropriation for fiscal year 2023, and (~~(\$859,678,000)~~) \$894,730,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the

department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$386,329,000)~~) \$371,171,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) (~~(\$10,914,000)~~) \$7,776,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$14,104,000)~~) \$9,729,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the

legislative session in which it is enacted.

(iii) ~~((\$3,420,000))~~ \$9,950,000 of the general fund—state appropriation for fiscal year 2023 and \$2,126,000 of the general fund—federal appropriation are provided solely for the ~~((cost of benefits associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs)))~~ department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2023. ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to provide the high unemployment time limit extension approved under the bill upon the expiration of the 60 month time limit extension pursuant to (b)(ii) of this subsection.))~~

(iv) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(v) \$50,000 of the general fund—federal appropriation is provided solely to increase the monthly payment standard for households with nine or more assistance unit members that are receiving temporary assistance for needy families or state family assistance benefits, effective July 1, 2022.

(c) ~~((\$172,917,000))~~ \$176,701,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$5,952,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—federal appropriation of the amounts in (a) of

this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$568,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund—state appropriation for fiscal year 2022, \$760,000 of the general fund—state appropriation for fiscal year 2023, and \$1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) ~~((\$3,701,000))~~ \$7,230,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with ~~((the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs))~~ the extension of the 60 month time limit through June 30, 2023. ~~((If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.))~~

(d) Of the amounts in (a) of this subsection, ~~((\$353,402,000))~~ \$318,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at

the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, ~~(\$116,195,000)~~ \$121,920,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund—state appropriation for fiscal year 2022 and \$805,000 of the general fund—state appropriation for fiscal year 2023 of the amounts in (a) of this subsection (~~is~~) are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit in the temporary assistance for needy

families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund—state appropriation in fiscal year 2022 and \$43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~) The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial

management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families

contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to

establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund—state appropriation for fiscal year 2022 and \$377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund—state appropriation for fiscal year 2022

is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) \$5,399,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through (~~September 30, 2021~~) January 31, 2022.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$22,635,000))~~ \$22,766,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund—state appropriation for fiscal year 2022, \$81,000 of the general fund—state appropriation for fiscal year 2023, and \$237,000 of the general fund—federal appropriation are provided solely for

implementation of Substitute House Bill No. 1416 (insurers/child support coll.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$11,884,000 of the general fund—state appropriation for fiscal year 2022 and \$15,248,000 of the general fund—federal appropriation are provided solely to cover the variance in total child support arrears collected in fiscal year 2022 compared to the total arrears collected in fiscal year 2021.

(20) \$36,621,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase the grant standard for the aged, blind, or disabled program to a maximum of \$417 per month for a one-person grant and \$528 for a two-person grant effective September 1, 2022.

(21) \$510,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to eliminate the mid-certification review for blind or disabled participants in the aged, blind, or disabled program, effective July 1, 2022.

(22) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand the aged, blind, or disabled program's clothing, personal maintenance, and necessary incidentals grant to individuals between the ages of 21 and 64 who are residing in a public mental institution, effective September 1, 2022.

(23) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1748 (human trafficking/ABD prog.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$560,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement a state-funded employment and training program for recipients of the state's food assistance program, effective July 1, 2022.

(25) \$524,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for extending the transitional food assistance program to households receiving assistance under the temporary assistance to needy

families program, where a household member is in sanction status.

(26) \$95,000 of the general fund—state appropriation for fiscal year 2023 and \$61,000 of the general fund—federal appropriation are provided solely to remove the asset limit test for the medicare savings plan program in collaboration with the health care authority, effective January 1, 2023.

(27) \$207,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

(28) \$14,987,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with nonprofit organizations to provide services for Afghan refugees, which include, but are not limited to, emergency, temporary, and long-term housing and assistance with food, transportation, accessing childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

(29) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide funding to domestic violence services providers in Washington state that receive funding through the domestic violence services program and provide shelter services. The funding to each entity shall be proportionate, based upon bed capacity. This funding shall be in addition to any other funds previously provided to or scheduled to be provided under a contract with the domestic violence services program in the 2021-2023 fiscal biennium.

(30) \$5,100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide a \$50 monthly diaper benefit for households receiving benefits pursuant to the temporary assistance for needy families program that have a child under the age of three.

(31) The appropriations in this section include sufficient funding for the implementation of Engrossed Second

Substitute House Bill No. 2075 (DSHS service requirements).

Sec. 206. 2021 c 334 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2022) (~~(\$16,231,000)~~)

\$17,365,000

General Fund—State Appropriation (FY 2023) (~~(\$16,456,000)~~)

\$17,619,000

General Fund—Federal Appropriation
\$109,595,000

TOTAL APPROPRIATION
(~~(\$142,282,000)~~)

\$144,579,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 207. 2021 c 334 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2022) (~~(\$63,650,000)~~)

\$65,093,000

General Fund—State Appropriation (FY 2023) (~~(\$61,748,000)~~)

\$63,661,000

TOTAL APPROPRIATION
(~~(\$125,398,000)~~)

\$128,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund—state appropriation for fiscal year 2022 and \$4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

Sec. 208. 2021 c 334 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2022) ~~((\$39,381,000))~~

\$41,221,000

General Fund—State Appropriation (FY 2023) ~~((\$39,035,000))~~

\$47,110,000

General Fund—Federal Appropriation ~~((\$51,371,000))~~

\$54,008,000

TOTAL APPROPRIATION ~~((\$129,787,000))~~

\$142,339,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2)(a) \$3,000 of the general fund—state appropriation for fiscal year 2022, \$5,000 of the general fund—state appropriation for fiscal year 2023, and \$8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2023 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 937 of this act.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach

to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$3,640,000 of the general fund—state appropriation for fiscal year 2023 and \$910,000 of the general fund—federal appropriation are provided solely to address encampment sites on public rights-of-way.

(6) \$364,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the creation of a program director position and a project manager position tasked with ensuring an enterprise-wide approach to poverty reduction across Washington. These positions will convene and facilitate the poverty reduction subcabinet, track agency progress on poverty reduction efforts to build a stronger continuum of care, coordinate budget and policy proposals, and ensure that recommendations incorporate data prepared by the poverty reduction technical advisory group.

(7) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a poverty reduction technical advisory group that is tasked with developing a statewide measurement and data framework that can help inform future budget and policy decisions. This group must also track the state's progress towards creating a just and equitable future. This group must collaborate with communities experiencing poverty and the state office of equity to ensure their input is factored into the analysis of data.

Sec. 209. 2021 c 334 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2022) ~~((\$65,743,000))~~

\$66,890,000

General Fund—State Appropriation (FY 2023) ~~((\$56,529,000))~~

\$57,639,000

General Fund—Federal Appropriation ~~((\$53,229,000))~~

\$53,270,000

TOTAL APPROPRIATION ~~((\$175,501,000))~~

\$177,799,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

Sec. 210. 2021 c 334 s 210 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services

authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is

anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 of this act are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year 2022 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

Sec. 211. 2021 c 334 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022) (~~(\$2,516,277,000)~~)

\$2,391,714,000

General Fund—State Appropriation (FY 2023) (~~(\$2,439,933,000)~~)

\$2,599,132,000

General Fund—Federal Appropriation (~~(\$13,199,214,000)~~)

\$13,758,844,000

General Fund—Private/Local Appropriation (~~(\$355,726,000)~~)

\$405,121,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation \$15,086,000

Hospital Safety Net Assessment Account—State

Appropriation (~~(\$723,238,000)~~)

\$685,383,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) (~~(\$24,511,000)~~)

\$26,063,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) (~~(\$25,182,000)~~)

\$25,721,000

Medical Aid Account—State Appropriation \$540,000

Telebehavioral Health Access Account—State

Appropriation \$7,714,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$35,000,000

Ambulance Transport Fund—State Appropriation \$14,317,000

TOTAL APPROPRIATION (~~(\$19,342,421,000)~~)

\$19,964,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and

appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(2)(a) No more than (~~(\$63,052,000)~~) \$78,409,000 of the general fund—federal appropriation and no more than (~~(\$50,840,000)~~) \$66,264,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than (~~(\$243,047,000)~~) \$198,909,000 of the general fund—federal appropriation and no more than (~~(\$99,274,000)~~) \$81,245,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the

transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than \$26,837,000 of the general fund—federal appropriation and \$26,839,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than (~~(\$50,389,000)~~) \$28,680,000 of the general fund—federal appropriation and no more than (~~(\$22,862,000)~~) \$12,992,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no

less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (6), (7), and (8) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in both under MQIP and initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care

oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement.

(6)(a) \$32,432,000 of the general fund—federal appropriation and \$40,296,000 of the general fund—private/local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) \$110,778,000 of the general fund—federal appropriation and \$45,248,000 of the general fund—private/local appropriation are provided solely for the medicaid quality improvement program, and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and

apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support accountable communities of health, tailored support for older adults and medicaid alternative care, and foundational community supports, also referred to as initiatives 1, 2, and 3, as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2022.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(7) \$19,902,000 of the general fund—federal appropriation and \$19,903,000 of the general fund—local appropriation are provided solely for tailored support for older adults and medicaid alternative care described in initiative 2 of the

1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(8)(a) \$13,235,000 of the general fund—federal appropriation and \$7,318,000 of the general fund—private/local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial

management and the department of commerce to ensure that services are not duplicated.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(9) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

~~((6))~~ (10) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

~~((7))~~ (11) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((8))~~ (12) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((9))~~ (13) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program

costs do not exceed the annual appropriation authority.

~~((10))~~ (14) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((11))~~ (16) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((12))~~ (17) \$3,997,000 of the general fund-state appropriation for fiscal year 2022, \$4,261,000 of the general fund-state appropriation for fiscal year 2023, and \$8,786,000 of the general fund-federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((13))~~ (18) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((14))~~ (19) \$7,000,000 of the general fund-federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be

disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((15))~~ (20) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be

determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~((702,000))~~ \$425,000 of the general fund-state appropriation for fiscal year 2022 and ~~((649,000))~~ \$391,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

~~((16))~~ (21) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((17))~~ (22) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((18))~~ (23) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((19))~~ (24) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((20))~~ (25) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((21))~~ (26) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((22))~~ (27) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((23))~~ (28) \$90,000 of the general fund-state appropriation for fiscal year 2022, \$90,000 of the general fund-state appropriation for fiscal year 2023, and \$180,000 of the general fund-federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

~~((24))~~ (29) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((25))~~ (30) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((26))~~ (31) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((27))~~ (32) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund-state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((28))~~ (33) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

~~((29))~~ (34) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((30))~~ (35) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((31))~~ (36) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back

the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((32))~~ (37)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a)(i), (iii), and (iv) of this subsection.

~~((33))~~ (38) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((34))~~ (39) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase

access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections (~~((35) and (36))~~) (41) and (42) of this section.

~~((35))~~ (40) \$19,664,000 of the general fund—state appropriation for fiscal year 2022, \$26,218,000 of the general fund—state appropriation for fiscal year 2023, and \$77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections (~~((34) and (36))~~) (40) and (42) of this section.

~~((36))~~ (41) \$2,233,000 of the general fund—state appropriation for fiscal year 2022, \$2,977,000 of the general fund—state appropriation for fiscal year 2023, and \$10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702,

84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections ~~((34) and (35))~~ (40) and (41) of this section.

~~((37))~~ (42)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

~~((38))~~ (43)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving

approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((39))~~ (44) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((40))~~ (45) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

~~((41))~~ (46) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

~~((42))~~ (47) \$160,000 of the general fund—state appropriation for fiscal year 2022 and \$1,440,000 of the general fund—federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((43))~~ (48) \$275,000 of the general fund—state appropriation for fiscal year 2022, \$160,000 of the general fund—state appropriation for fiscal year 2023, and \$3,913,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((44))~~ (49) \$484,000 of the general fund—state appropriation for fiscal year 2022 and \$466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(45))~~ (50) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$655,000 of the general fund—state appropriation for fiscal year 2023, and \$2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

~~((46))~~ (51) \$1,715,000 of the general fund—state appropriation for fiscal year 2022, \$1,804,000 of the general fund—state appropriation for fiscal year 2023, and \$6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through ~~((d))~~ (e) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole

community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745 by July 1, 2022. If the hospitals qualifying for this rate increase do not accept single bed certification patients by July 1, 2022, the authority must discontinue this rate increase after October 1, 2022, and must return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018.

~~((47))~~ (52) \$100,000 of the general fund—state appropriation for fiscal year 2022, \$100,000 of the general fund—state appropriation for fiscal year 2023, and \$200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

~~((48))~~ (53) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

~~((49))~~ (54) \$22,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(50))~~ (55) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

~~((51) \$200,000)~~ (56)(a) \$215,000 of the general fund—state appropriation for

fiscal year 2022, \$15,000 of the general fund—state appropriation for fiscal year 2023, and ((\$200,000)) \$230,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access).

(b) By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(57)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the authority to contract with access to baby and child dentistry (ABCD) programs to maintain and expand capacity for local program coordinators with goals that include but are not limited to:

(i) Reducing racial and ethnic disparities in access to care and oral health outcomes;

(ii) Increasing the percent of medicaid-enrolled children under the age of two accessing dental care; and

(iii) Continuing provider engagement and outreach.

(b) The authority may consult with the office of equity and other statewide and local equity partners to identify activities and deliverables to meet these goals.

~~((52))~~ (58) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

~~((53))~~ (59) Sufficient funds are provided to continue reimbursing dental

health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((+54))~~ (60) \$149,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

(+55)) (61) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((+56))~~ (62) \$10,695,000 of the general fund—state appropriation for fiscal year 2022, \$10,695,000 of the general fund—state appropriation for fiscal year 2023, and \$54,656,000 of the general fund—federal appropriation are

provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

(63) \$10,018,000 of the general fund—state appropriation for fiscal year 2023 and \$10,351,000 of the general fund—federal appropriation are provided solely to maintain and increase access for children's dental services for medicaid enrolled patients through increased provider rates beginning January 1, 2023. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for children's dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis as follows:

(a) Increase the rates for codes for the access to baby and child dentistry (ABCD) program by 30 percent.

(b) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old that have a corresponding ABCD code to the current ABCD code rate, plus an additional 10 percent rate increase.

(c) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code to 70 percent of the medical assistance rates on a fee-for-service basis for adult dental services in effect on January 1, 2022. This increase does not apply to codes with rates already greater than 70 percent of the adult dental services rate.

(d) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code or adult dental service rate by five percent.

~~((+57))~~ (64) \$551,000 of the general fund—state appropriation for fiscal year 2022, \$770,000 of the general fund—state appropriation for fiscal year 2023, and \$3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute

Senate Bill No. 5195 (opioid overdose medication). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(58))~~ (65) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

~~(59))~~ (66) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

~~(60))~~ (67)(a) \$35,000,000 of the coronavirus state fiscal recovery ~~(account)~~ fund—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

~~((61))~~ (68) \$123,000 of the general fund—state appropriation for fiscal year 2022, \$46,000 of the general fund—state appropriation for fiscal year 2023, and \$743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(62))~~ (69) \$1,350,000 of the general fund—state appropriation for fiscal year 2023 and \$2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(63))~~ (70) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((64))~~ (71) \$184,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(65))~~ (72) \$232,000 of the general fund—state appropriation for fiscal year 2022, \$300,000 of the general fund—state appropriation for fiscal year 2023, and \$599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

~~((66))~~ (73) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for

fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(67))~~ (74) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

~~((68))~~ (75) \$434,000 of the general fund—state appropriation for fiscal year 2022 and \$489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

~~((69))~~ (76) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

~~((70))~~ (77) \$281,000 of the general fund—state appropriation for fiscal year 2022, \$192,000 of the general fund—state appropriation for fiscal year 2023, and \$803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second

Substitute Senate Bill No. 5304 (reentry services). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(71))~~ (78)(a) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

(b) \$6,090,000 of the general fund—state appropriation for fiscal year 2023 and \$6,125,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(79) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

(80) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

(81) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1728 (insulin work group reauth.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(82)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority, in consultation with the office of the insurance commissioner, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The authority must contract with one or more consultants to:

(i) Obtain utilization and cost data from the state to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage for medicaid recipients, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027; and

(ii) Obtain utilization and cost data from the public employees benefits board and school employees benefits board programs to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

- (i) Infertility diagnosis;
- (ii) Fertility medications;
- (iii) Intrauterine insemination;
- (iv) In vitro fertilization; and
- (v) Egg freezing.

(d) The authority must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

(83) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

(84) \$3,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the health care authority to make information technology system and provider network upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage for uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the department of social and health services.

(85) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to design a standardized payment methodology for a palliative care benefit for the state medicaid program and the employee and retiree benefits

programs. The authority may contract with a third party to design the palliative care model and complete the work required in this subsection.

(86) \$640,000 of the general fund—state appropriation for fiscal year 2023 and \$655,000 of the general fund—federal appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(87) \$180,000 of the general fund—state appropriation for fiscal year 2023 and \$187,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting.

(88) \$140,000 of the general fund—state appropriation for fiscal year 2023 and \$266,000 of the general fund—federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

(89) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional staff support for the mental health referral service for children and teens.

(90)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one-time grants for eligible clinics to establish behavioral health integration in primary care clinics for children and adolescents. The authority may award grants of up to \$200,000 per clinic.

(b) Recipients may use grants under this subsection for:

(i) Training to create operational workflows that promote team-based care and evidence-based practices;

(ii) System development to implement universal screening of patients using standardized assessment tools;

(iii) Development of a registry to track patient outcomes;

(iv) Behavioral health professional recruitment and retainment;

(v) Psychiatric supervision recruitment and retainment for consultation services for the behavioral health integration program;

(vi) Partnership development with community mental health centers for referral of patients with higher level needs;

(vii) Information technology infrastructure, including electronic health record adjustments and registry creation; and

(viii) Physical space modifications to accommodate additional staff.

(c) To be eligible for grants under this subsection, clinics must have:

(i) At least 35 percent of their total patients enrolled in medicaid. Priority for funding must be given to clinics with the highest proportion of patients enrolled in medicaid;

(ii) A primary care advocate or proponent of the behavioral health integration program;

(iii) Support for the behavioral health integration program at the highest level of clinic leadership;

(iv) An arrangement for psychiatric consultation and supervision;

(v) A team-based approach to care, including the primary care provider, behavioral health professional, psychiatric consultant, patient, and patient's family; and

(vi) A plan to:

(A) Hire a behavioral health professional to be located within the clinic;

(B) Create a registry that monitors patient engagement and symptom improvement;

(C) Implement universal screening for behavioral health needs;

(D) Provide care coordination with schools, emergency departments, hospitals, and other points of care; and

(E) Ensure closed-loop referrals to specialty behavioral health care when indicated, as well as engagement in specialty treatment as clinically indicated.

(91) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$31,000 of the general fund—state appropriation for fiscal year 2023, and \$420,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(92) \$55,000 of the general fund—state appropriation for fiscal year 2023 and \$122,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(93) \$729,000 of the general fund—state appropriation for fiscal year 2023, \$1,245,000 of the general fund—private/local appropriation, and \$2,574,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(94)(a) \$1,910,000 of the general fund—state appropriation for fiscal year 2022, \$11,145,000 of the general fund—state appropriation for fiscal year 2023, and \$1,793,000 of the general fund—federal appropriation are provided solely for the authority to procure technology and related services for a community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) The platform shall:

(i) Share information securely and consistent with all applicable federal

and state laws regarding individual consent, personal health information, privacy, public records, and data security;

(ii) Provide support and be made available statewide, at a minimum, to community-based organizations, medicaid managed care organizations, accountable communities of health, county programs, and safety net health care providers;

(iii) Identify social care needs through embedded screening and other data analytics tools;

(iv) Coordinate social care referrals and interventions through closed-loop referrals;

(v) Track and measure the outcomes of referrals and the impact of interventions;

(vi) Support client-level community health records where this information is longitudinally stored; and

(vii) Create a longitudinal view of a client's social care opportunities, the social care needs identified for this client, the social care services that this client has been connected to, and the outcomes of these social care interventions over time.

(c) The platform shall support:

(i) Standardized definitions and measures pertaining to the social determinants of health, such as those for housing, food security, transportation, financial strain, and interpersonal safety;

(ii) In line with needs identified through authority-led medicaid transformation efforts, or other state agency-led efforts, payment methods for services performed through community-based organizations;

(iii) The collection and reporting on longitudinal social care outcomes data to inform state population health initiatives, program evaluations, and policy development;

(iv) Data reporting regarding demand for social care to inform local community-based organizations, county, and accountable community of health programs and initiatives; and

(v) Data reporting to inform state public health policy and programs through data visualizations and data delivery in machine-readable formats.

(d) The services procured with the platform shall include a community engagement team to support the development of a multisector network, and to provide the identification of, training, onboarding, and ongoing support for community-based organizations.

(e) The platform shall leverage industry-recognized interoperability and data integrity standards, enabling integrations with other state-sponsored systems where appropriate.

(f) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(95) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

(96) Sufficient funding is provided to ensure the periodicity schedules for the early and periodic screening, diagnosis, and treatment benefit provided for medicaid-eligible children align with the bright futures guidelines of the American academy of pediatrics or a comparable standard.

(97) \$703,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a supported employment program for individuals who are not eligible for medicaid or who need additional time to apply for and obtain medicaid. Program services shall be comparable to the foundational community supports initiative of the medicaid transformation demonstration waiver as described in subsections (4) and (8) of this section.

(98) The authority shall incorporate into their coverage decisions the Oregon health evidence review commission evidence-based recommendations for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

(99) \$403,000 of the general fund—state appropriation for fiscal year 2023 and \$1,185,000 of the general fund—federal appropriation are provided

solely for the authority to provide an adult acupuncture benefit beginning January 1, 2023.

(100) \$581,000 of the general fund—state appropriation for fiscal year 2023 and \$1,706,000 of the general fund—federal appropriation are provided solely for the authority to provide an adult chiropractic benefit beginning January 1, 2023.

Sec. 212. 2021 c 334 s 212 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM

State Health Care Authority Administrative Account—	
State	Appropriation
	((\$37,403,000))
	<u>\$38,762,000</u>
School Employees' Insurance Administrative Account—	
State Appropriation	\$854,000
TOTAL	APPROPRIATION
	((\$37,403,000))
	<u>\$39,616,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in

retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits. However, the funding provided anticipates that the public employees' benefits board may increase the virtual access to behavioral health resources and interventions and case management.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) The health care authority shall analyze and report on the potential impacts of providing a one-time enrollment window for retirees to reestablish eligibility for enrollment in retiree benefits under the public employees' benefit board program. The authority shall submit the report to the appropriate committees of the legislature by January 1, 2022. At a minimum the report must include an estimate of the employer cost and a description of the assumptions used.

(6) \$285,000 of the state health care authority administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(7)(a) \$250,000 of the state health care authority administrative account—state appropriation and \$250,000 of the

school employees' administrative account—state appropriation are provided solely for the health care authority to conduct a study on contracting for administration of the state's self-insured uniform medical plan. The uniform medical plan is now among the largest health benefit coverage groups in the state, covering a growing subscriber base of nearly 375,000 Washington residents enrolled in the uniform medical plan. In 2011, the uniform medical plan began administering additional services through a third-party administrative contract, rather than administering those services internally. Among those services were provision of the provider network and provider contracts, provider relations, portions of claims administration, member appeals, and portions of member communications.

(b) The purpose of the study is to enable the authority to provide the option of a return of some, or all, of the administrative functions that began to be provided by contracted services in 2011. The current contract for these services expires in 2029.

(c) By June 30, 2023, the health care authority must prepare a report on the uniform medical plan administrative services that were provided by contract prior to 2010, those that have been procured through the third-party administrative contract since, what elements of those services could be provided either directly or through discrete provider contracts, and the resources the authority would need to administer these functions. The report must also compare the cost of the administration of components before and after the transition to the current contracts; include assumptions about the impacts on claims; include a description of the performance guarantees in the current contract; and provide an implementation plan to enable the health care authority to resume self-administration for some or all of the administrative services at the end of the current contract.

(d) The report must be presented to the public employees' benefits board and the school employees' benefits board at the first meeting of each board following completion of the report in 2023, and provided to the appropriate committees of the legislature thereafter.

Sec. 213. 2021 c 334 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—	
State	Appropriation
(\$25,771,000)	
<u>\$27,121,000</u>	
TOTAL	APPROPRIATION
(\$25,771,000)	
<u>\$27,121,000</u>	

The appropriation in this section is subject to the following conditions and limitations: \$15,000 of the school employees' insurance administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

Sec. 214. 2021 c 334 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022)	(\$4,831,000)
	<u>\$4,881,000</u>
General Fund—State Appropriation (FY 2023)	(\$4,543,000)
	<u>\$8,527,000</u>
General Fund—Federal Appropriation	(\$83,017,000)
	<u>\$56,532,000</u>
Health Benefit Exchange Account—State Appropriation	(\$77,710,000)
	<u>\$80,860,000</u>
State Health Care Affordability Account—State	
Appropriation	\$50,000,000
TOTAL	APPROPRIATION
(\$220,101,000)	
<u>\$200,800,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

(i) Technical approach and architecture;

(ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and

enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and

(iii) Discussion of how an integrated health and human services solution would:

(A) Comply with federal requirements;

(B) Maximize efficient use of staff time;

(C) Support accurate and secure client eligibility information;

(D) Improve the client enrollment experience; and

(E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) (~~(\$25,171,000)~~) \$1,171,000 of the general fund—federal appropriation (CRRSA) and \$5,095,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation

(CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

(i) Is an employee working in a licensed child care facility;

(ii) Enrolls in a silver standardized health plan under RCW 43.71.095;

(iii) Prior to January 1, 2023, has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

(i) No longer meets the eligibility criteria in (b) of this subsection;

(ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(h) Within the amounts provided in this subsection, the exchange may create an outreach program to help employees who work in licensed child care facilities enroll in the premium assistance program, beginning for plan year 2023, as established in chapter 246, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5377) (standardized health plans).

(8) \$136,000 of the general fund—state appropriation for fiscal year 2022, \$136,000 of the general fund—state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account—state appropriation, and \$274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund—state appropriation for fiscal year 2022 and \$538,000 of the general fund—federal appropriation are provided solely for the

implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) ~~(((\$8,012,000))~~ \$8,162,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11)(a) \$50,000,000 of the health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans), and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: ~~((+))~~ (i) Has income up to 250 percent of the federal poverty level; and ~~((+))~~ (ii) meets other eligibility criteria as established in section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(b) Of the amounts provided in this subsection, \$5,000,000 of the health care affordability account—state appropriation is contingent upon approval of the applicable federal waiver described in subsection (12)(b) of this section. This funding is provided solely for the exchange to administer premium assistance for customers ineligible for federal premium tax credits who meet eligibility criteria established in (a) of this subsection.

(12)(a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application

to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

(d) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$2,891,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for system updates and community-led engagement activities necessary to implement the waiver and are subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$733,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

Sec. 215. 2021 c 334 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022) (~~(\$667,948,000)~~)

\$688,562,000

General Fund—State Appropriation (FY 2023) (~~(\$733,456,000)~~)

\$981,563,000

General Fund—Federal Appropriation (~~(\$2,593,457,000)~~)

\$2,898,843,000

General Fund—Private/Local Appropriation (~~(\$37,325,000)~~)

\$37,662,000

Criminal Justice Treatment Account—State

Appropriation \$21,988,000

Problem Gambling Account—State
Appropriation (~~(\$1,963,000)~~)

\$2,113,000

Dedicated Marijuana Account—State
Appropriation

(FY 2022) \$28,493,000

Dedicated Marijuana Account—State
Appropriation

(FY 2023) \$28,493,000

Coronavirus State Fiscal Recovery
Fund—Federal

Appropriation (~~(\$31,000,000)~~)

\$89,000,000

TOTAL APPROPRIATION

(~~(\$4,144,123,000)~~)

\$4,776,717,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) (~~(\$22,643,000)~~) \$23,271,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$27,143,000)~~) \$30,764,000 of the general fund—state

appropriation for fiscal year 2023, and (~~(\$9,073,000)~~) \$11,753,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 and \$219,000 of the general fund—federal appropriation are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By December 31, 2022, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) (~~(\$10,424,000)~~) \$12,359,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$10,424,000)~~)

\$12,359,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (~~(6)~~) (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(~~(5)~~) (6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(~~(6)~~ ~~(\$95,066,000)~~) (7) \$95,822,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$95,066,000)~~) \$126,707,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$72,275,000)~~) \$96,334,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service

organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(b) (~~(\$22,791,000)~~) \$23,547,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$22,791,000)~~) \$30,373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By

December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

~~((7))~~ (8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

~~((9))~~ (9) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

~~((9))~~ (10) Behavioral health entities may use local funds to earn

additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection ~~((+6+))~~ (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((+10+))~~ (11) \$2,291,000 of the general fund—state appropriation for fiscal year 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((+11+))~~ (12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((+12+))~~ (13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a

reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

~~((+13+))~~ (14) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

~~((+14+))~~ (15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, postpartum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

~~((+15+))~~ (16) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

~~((+16+))~~ (17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for

offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

~~((17))~~ (18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

~~((18))~~ (19) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and

intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

~~((19))~~ (20) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

~~((20))~~ (21) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as

defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

~~((21))~~ (22) \$1,401,000 of the general fund—state appropriation for fiscal year 2022, \$1,401,000 of the general fund—state appropriation for fiscal year 2023, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

~~((22))~~ (23)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided

through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

~~((23))~~ (24)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall

assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((24))~~ (25) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

~~((25))~~ (26) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

~~((26))~~ (27) \$1,423,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

~~((27))~~ (28) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

~~((28))~~ (29) \$500,000 of the general fund—state appropriation for fiscal year 2022, \$500,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

~~((29))~~ (30) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse ~~((facilities))~~ programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

~~((30))~~ (31) \$947,000 of the general fund—state appropriation for fiscal year 2022, \$947,000 of the general fund—state appropriation for fiscal year 2023, and \$1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

~~((31))~~ (32) \$708,000 of the general fund—state appropriation for fiscal year 2022, \$708,000 of the general fund—state appropriation for fiscal year 2023, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

~~((32))~~ (33) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

~~((33))~~ (34) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((34))~~ (35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

~~((35))~~ (36) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling

and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

~~((36))~~ (37) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

~~((37))~~ (38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

~~((38))~~ (39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) ~~((social and recovery measures and))~~ managed care organization performance measures. The

authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

~~((39))~~ (40) \$3,377,000 of the general fund—state appropriation for fiscal year 2022 and \$5,177,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by

December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

~~((40))~~ (41)(a) \$100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created

under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

((41)) (42) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these

services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the general fund—federal appropriation (CRSSA) may

be used for the authority's administrative costs associated with services funded in this subsection (~~((41))~~) (42).

~~((42))~~ (43) \$3,109,000 of the general fund—state appropriation for fiscal year 2022 and \$3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

~~((43))~~ (44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((44))~~ (45) \$19,000,000 of the general fund—federal appropriation (CRSSA) and \$1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not

covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

~~((45))~~ (46) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

~~((46))~~ (47) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—

state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund—state appropriation for fiscal year 2022 and \$440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((47))~~ (48) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

~~((48))~~ (49) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

~~((49))~~ (50) \$1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and

workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

~~((50))~~ (51) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling

services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

~~((51))~~ (52) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

~~((52))~~ (53) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

~~((53) \$1,762,000)~~ (54) \$881,000 of the general fund—~~(federal)~~ state appropriation ~~((is))~~ for fiscal year 2022 and \$881,000 of the general fund—state for fiscal year 2023 are provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

~~((54))~~ (55) \$250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as coresponders with law enforcement, and as

part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

~~((55))~~ (56) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

~~((56))~~ (57) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ

mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

~~((57))~~ (58) \$17,399,000 of the general fund—state appropriation for fiscal year 2023 and \$33,631,000 of the general fund—federal appropriation are provided solely to implement a 7 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2023. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 7 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(59) ~~((114,000))~~ \$1,307,000 of the general fund—state appropriation for fiscal year 2022, ~~((114,000))~~ \$5,217,000 of the general fund—state appropriation for fiscal year 2023, and ~~((228,000))~~ \$6,524,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 62 beds by the end of fiscal year 2022 and to 72 beds by the end of fiscal year 2023. The rates are increased by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

~~((58))~~ (60) \$117,000 of the general fund—state appropriation for fiscal year 2022, ~~((117,000))~~ \$251,000 of the general fund—state appropriation for

fiscal year 2023, and ~~(((\$168,000))~~ \$265,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

~~(((\$59)) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely to support actuarial work required for the authority to develop behavioral health comparison rates.~~

~~(((\$60)))~~ (61) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal

year 2024 and beyond by December 31, 2022.

~~(((\$61)))~~ (62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

~~(((\$62)))~~ (63) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

~~(((\$63)))~~ (64) \$5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

~~(((\$64)))~~ (65) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to

reduce isolation and help consumers and families understand the services available in their communities.

~~((65))~~ (66) \$13,374,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$12,474,000))~~ \$15,474,000 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$12,731,000))~~ \$13,743,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2023 and \$1,012,000 of the general fund—federal appropriation are provided solely to increase capacity for mobile crisis services in King county. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

~~((66) \$42,987,000))~~ (67) \$29,674,000 of the general fund—state appropriation for fiscal year 2022, \$57,253,000 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$80,040,000))~~ \$66,158,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health

services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term

inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

~~((67))~~ (68)(a) \$31,000,000 of the ~~((general fund federal appropriation (CSRF)))~~ coronavirus state fiscal recovery fund-federal appropriation is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

~~((69))~~ (69)(a) \$375,000 of the general fund—state appropriation for fiscal year ~~((2021))~~ 2022 and \$375,000 of the general fund—state appropriation for fiscal year ~~((2022))~~ 2023 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and

youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

~~((69))~~ (70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

~~((70))~~ (71) \$260,000 of the general fund—state appropriation for fiscal year 2022, \$3,028,000 of the general fund—state appropriation for fiscal year 2023, and \$3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of habilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.

~~((71))~~ (72) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

~~((72))~~ (73) No more than ~~((1,535,000))~~ \$1,991,000 of the general fund—federal appropriation and ~~((810,000))~~ \$1,147,000 of the general

fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((73))~~ (74) \$396,000 of the general fund—state appropriation for fiscal year 2022, \$329,000 of the general fund—state appropriation for fiscal year 2023, and \$3,153,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

~~((74))~~ (75)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation.

The work group must include representatives from:

- (i) The department of health;
- (ii) The office of the governor;
- (iii) The Washington workforce training and education board;
- (iv) The Washington council for behavioral health;
- (v) Licensed and certified behavioral health agencies; and
- (vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

~~((75))~~ (76) \$343,000 of the general fund—state appropriation for fiscal year 2022, \$344,000 of the general fund—state appropriation for fiscal year 2023, and \$687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

~~((76))~~ (77) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

~~((77))~~ (78) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support substance use disorder family navigators across the state.

~~((78))~~ (79) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

~~((79))~~ (80) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$63,000 of the general fund—state appropriation for fiscal year 2023, and \$198,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). ~~((If the bill is~~

~~not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(80))~~ (81) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

~~((81))~~ (82) \$71,000 of the general fund—state appropriation for fiscal year 2022, \$66,000 of the general fund—state appropriation for fiscal year 2023, and \$136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(82))~~ (83) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

~~((83))~~ (84) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to

include a mental health professional on the team of personnel responding to emergencies.

~~((84))~~ (85) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

~~((85))~~ (86) \$26,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(86))~~ (87) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(87) \$2,834,000)~~ (88) \$349,000 of the general fund—state appropriation for fiscal year 2022, \$1,849,999 of the general fund—state appropriation for fiscal year 2023, and ~~(((\$1,813,000))~~ \$942,000 of the general fund—federal appropriation are provided solely for the authority to contract for services at two distinct 16 bed programs in a facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to

assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(89) \$189,000 of the general fund—state appropriation for fiscal year 2022, \$1,619,000 of the general fund—state appropriation for fiscal year 2023, and \$1,809,000 of the general fund—federal appropriation are provided solely for health information technology necessary to amend the medicaid transformation waiver and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(90) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$956,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

(91) \$38,230,000 of the general fund—state appropriation for fiscal year 2022 and \$18,188,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules. Of these amounts, \$19,938,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for belated claims for services that were rendered prior to fiscal year 2022.

(92) \$5,010,000 of the general fund—state appropriation for fiscal year 2023 and \$990,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm

reduction services and supplies, including but not limited to distributing naloxone, fentanyl, and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power. The authority should prioritize funds for naloxone distribution for programs or settings that are least likely to be able to bill medicaid.

(93) \$2,382,000 of the general fund—state appropriation for fiscal year 2023 and \$6,438,000 of the general fund—federal appropriation are provided solely for a transition to bundled payment arrangement methodology for opioid treatment providers. Within these amounts, providers will receive a rate increase through the new methodology and the authority must direct medicaid managed care organizations, to the extent allowed under federal medicaid law, to adopt a value based bundled payment methodology in contracts with opioid treatment providers. This increase is effective January 1, 2023.

(94) \$2,387,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support the creation of a bridge period for individuals also enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(95) \$1,574,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a program to provide medical respite care for individuals with behavioral health needs. The program must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The program must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and

health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractor, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(96) \$2,110,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a regional landlord liaison program which provides financial and other support to landlords who are willing to rent to tenants with behavioral health needs using rental assistance to mitigate damages that are not attributable to normal wear and tear that may be caused by tenants.

(97) \$490,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a master leasing incentive program with specific emphasis on *Trueblood* programs. The authority shall also create a toolkit for use by landlords serving special populations. The authority and department of commerce shall collaborate on this effort.

(98) \$664,000 of the general fund—state appropriation for fiscal year 2023 and \$154,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(99) \$6,027,000 of the general fund—state appropriation for fiscal year 2023 and \$2,009,000 of the general fund—federal appropriation are provided solely to create and expand access to no barrier, and low-barrier programs using

a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort. The authority and department of commerce shall collaborate on this effort and must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 31, 2022.

(100) \$775,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create a bridge program and implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(101) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$200,000 of the general fund—state appropriation for fiscal year 2023, and \$400,000 of the general fund—federal appropriation are provided solely for the authority to contract for a behavioral health comparison rate study. The study must be conducted to examine provider resources involved in developing individual covered behavioral health services and to establish benchmark payment rates that reflect the reasonable and necessary costs associated with the delivery of behavioral health services. The study must include an evaluation of actual medicaid managed care organization payment rates to the benchmark rates and summarize the results of this evaluation. The study must be conducted in a manner so that the benchmark comparison rates are incorporated into a full behavioral health fee schedule that can be used for assessing the costs associated with expansion of services, rate increases, and medicaid managed care plan state directed payments. The authority must provide a preliminary report on the study to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(102) \$382,000 of the general fund—state appropriation for fiscal year 2023 and \$254,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2023 and \$192,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the

authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(103) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with a consultant to develop a Washington state behavioral health service delivery guide. The guide must include, but is not limited to, information on the service modalities, facilities, and providers that make up Washington's behavioral health delivery system. The authority must consult with behavioral health stakeholders and is permitted to enter into a data sharing agreement necessary to facilitate the production of the guide. The authority must publish the guide for the public and submit the guide to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(104) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to conduct a study on involuntary treatment access barriers related to transportation issues. The study must assess: Challenges ambulance companies and emergency responders have in billing medicaid for involuntary transportation services; whether current transportation rates are a barrier to access and if so what type of increase is needed to address this; and the possibility of creating a specialized type of involuntary transportation provider. The authority must also modify the current unavailable detention facilities report to identify whether the reason a bed was not available was due to: Transportation issues; all beds being full at the facility; staffing shortages; inability of facilities with available beds to meet

the behavioral needs of the patient; inability of facilities with available beds to meet the medical needs of the patient; or other specified reasons. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with findings and recommendations from the study by December 31, 2022.

(105) \$763,000 of the general fund—state appropriation for fiscal year 2023 and \$199,000 of the general fund—federal appropriation are provided solely for implementing two psychiatric outreach to the homeless projects established in section 5(2), chapter 311, Laws of 2021 (ESB 5476). One of the sites must be located in eastern Washington and one of the sites must be located in western Washington.

(106) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to increase contracts for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). Of these amounts:

(a) \$2,000,000 must be allocated to increase funding for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties; and

(b) \$3,000,000 must be allocated to increase funding for all of the regional behavioral health administrative services organizations proportionate to their current allocation of funding pursuant to section 22(1), chapter 311, Laws of 2021.

(107) \$5,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs

associated with creating coresponder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2022.

(b) \$2,213,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Whatcom county to establish an alternative response base station. Within these amounts: \$1,477,000 is provided solely for facility renovation and equipment; \$149,000 is provided solely for acquisition of an alternative response transport vehicle; and \$587,000 is provided for operating expenses, including personnel, maintenance, and utility expenses.

(108) \$42,000,000 of the general fund—state appropriation for fiscal year 2023 and \$58,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages and impacts of the COVID-19 public health emergency. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers that serve medicaid eligible individuals. The authority shall distribute funding under this subsection no later than July 1, 2022. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations.

(c) Providers must use the funding for immediate workforce retention and recruitment needs or costs incurred due to the COVID-19 public health emergency.

(d) Up to 10 percent of a provider's allocation may be used for one-time efforts to modernize behavioral health agencies' information system infrastructure or other improvements to workplace conditions, with the explicit goal of assisting with workforce retention and recruitment. Eligible investments include, but are not limited to, modernization and capacity building of electronic health records, claims and billing systems, human resources data systems, and data storage and data exchange systems.

(e) By March 31, 2023, the authority must submit a report to the office of financial management and the appropriate committees of the legislature that includes detail on how the funds were used for the purposes established in (c) and (d) of this subsection.

(109) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used to develop, refine, and pilot a new, advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must

pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(110) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$300,000 of the general fund—federal appropriation are provided on a one-time basis solely for the authority to explore the development and implementation of a sustainable, alternative payment model for comprehensive community behavioral health services. The study must identify options and considerations for implementing the certified community behavioral health clinic model within Washington state; provide actuarial analysis on the costs for implementing these options, including opportunities for leveraging federal funding; and develop recommendations to the legislature on a pathway for statewide implementation. Funding must be used to secure actuarial expertise; conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being CCBHC success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a preliminary report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and preliminary cost estimates by December 31, 2022.

(111) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to develop an integrative cultural healing model to be implemented and managed by the Confederated Tribes of the Colville Reservation. For the purposes of this subsection, "integrative cultural healing model" means a behavioral health model developed for and by tribal and urban-based Native American partners in eastern Washington. Grant funds must be used for staff costs for implementing the model; acquisition of cultural tools, materials, and other group facilitation

supplies; securing access to outdoor environments in traditional places of gathering foods, medicines, and materials; salaries for training time; and stipends, travel, and mileage reimbursement to support the participation of local elders or knowledge keepers.

(112) \$1,135,000 of the general fund—state appropriation for fiscal year 2023 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff.

(113) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and

persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(114) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to conduct a study and provide data regarding challenges to receiving behavioral health services in rural communities. The study by the authority must review timely access to behavioral health services in rural areas including: (a) Designated crisis responder response times; (b) the availability of behavioral health inpatient and outpatient services; (c) wait times for hospital beds; and (d) the availability of adult and youth mobile crisis teams. The study must include recommendations on strategies to improve access to behavioral health services in rural areas in the short-term as the state works to develop and implement the recommendations of the crisis response improvement strategy committee established in chapter 302, Laws of 2021. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with a summary of the data, findings, and recommendations by December 1, 2022.

(115) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local

communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(116) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the authority to provide a one-time grant to a nonprofit organization to establish a program to provide pro bono counseling and behavioral health services to uninsured individuals with incomes below 300 percent of the federal poverty level. The grantee must have experience in leveraging local and philanthropic funding to coordinate pro bono health care services within Washington. The authority must provide the funding pursuant to an appropriate agreement for documented capacity-building to begin providing pro bono counseling and behavioral health services no later than April 1, 2023. The agreement must require the grantee to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

(117) \$2,148,000 of the general fund—state appropriation for fiscal year 2023 and \$499,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in four regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these

amounts, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(118) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a licensed youth residential psychiatric substance abuse and mental health agency located in Clark and Spokane counties for reopening evaluation and treatment units, increasing staff capacity, treating patients with cooccurring substance use and acute mental health disorders, and expanding outpatient services for young adults ages 18 through 24.

(119) \$4,377,000 of the general fund—state appropriation for fiscal year 2023 and \$919,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(120) \$257,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1800 (behavioral health/minors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(121) \$115,000 of the general fund—state appropriation for fiscal year 2023 and \$218,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(122) \$1,596,000 of the general fund—state appropriation for fiscal year 2023 and \$684,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1865 (certified peer specialists). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(123) \$563,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the children and youth behavioral health work group to consider and develop longer term

strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers and meet the requirements of Second Substitute House Bill No. 1890 (children behavioral health).

(124) \$427,000 of the general fund—state appropriation for fiscal year 2023 and \$183,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(125) \$759,000 of the general fund—state appropriation for fiscal year 2023 and \$759,000 of the general fund—federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(126) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

Sec. 216. 2021 c 334 s 216 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2022) (~~(\$2,946,000)~~)

\$3,214,000

General Fund—State Appropriation (FY 2023) (~~(\$2,966,000)~~)

\$3,535,000

General Fund—Federal Appropriation (~~(\$2,572,000)~~)

\$2,642,000

TOTAL APPROPRIATION (~~(\$8,484,000)~~)

\$9,391,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund—state appropriation for fiscal year 2022

and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 217. 2021 c 334 s 217 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State

Appropriation \$10,000

Accident Account—State Appropriation (~~(\$24,093,000)~~)

\$24,735,000

Medical Aid Account—State Appropriation (~~(\$24,090,000)~~)

\$24,733,000

TOTAL APPROPRIATION (~~(\$48,193,000)~~)

\$49,478,000

The appropriations in this section are subject to the following conditions and limitations: \$12,000 of the accident account—state appropriation and \$10,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (worker safety pandemic response). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 218. 2021 c 334 s 218 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2022) (~~(\$34,677,000)~~)

\$38,833,000

General Fund—State Appropriation (FY 2023) (~~(\$34,509,000)~~)

\$44,779,000

General Fund—Private/Local Appropriation (~~(\$5,961,000)~~)

\$8,013,000

Death Investigations Account—State
 Appropriation (~~(\$1,216,000)~~)

\$1,598,000

Municipal Criminal Justice Assistance
 Account—State

Appropriation \$460,000

Washington Auto Theft Prevention
 Authority Account—

State Appropriation \$7,167,000

Washington Internet Crimes Against
 Children Account—

State Appropriation \$2,270,000

24/7 Sobriety Account—State
 Appropriation \$20,000

TOTAL APPROPRIATION
 (~~(\$84,010,000)~~)

\$103,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) (~~(\$1,504,000)~~) \$3,393,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,513,000)~~) \$5,317,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing (~~(five)~~) nine and one-half additional statewide basic law enforcement trainings in (~~(each)~~) fiscal year 2022 and 13.5 additional statewide basic law enforcement trainings in fiscal year 2023. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law

enforcement academy class of fewer than 30 students.

(4) (~~(\$429,000 of the general fund—state appropriation for fiscal year 2022 and \$429,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account)~~) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) (~~(\$5,000,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$5,000,000)~~) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2022 and \$899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court—Western District, Cause No. 14-cv-01178-MJP.

(7) (~~(\$1,216,000)~~) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund—state appropriation for fiscal year 2022 and \$1,986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(16) \$474,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$31,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(20) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(22) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(23) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(24) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to support an instructor to teach a model use of force and deescalation tactics training to local peace officers across the state. The goal is to establish and disseminate a standard use of force training program that is uniform throughout the state for currently employed peace officers.

(25) \$291,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to provide training to limited authority Washington peace officers as defined in RCW 10.93.020(6).

(a) For fiscal year 2023, the criminal justice training commission must admit up to 30 limited authority Washington peace officers to the basic law enforcement academy from among officers of the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and office of insurance commissioner. Allocation of the training slots among the agencies must be based on the earliest application date to the commission for attendance to the basic law enforcement academy. Training does not need to commence within six months of employment. Each limited authority Washington law enforcement agency shall reimburse the commission for the actual cost of training its officers.

(b) For fiscal year 2023, the criminal justice training commission must admit up to 30 limited authority Washington peace officers to the basic law enforcement equivalency academy from among officers of the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and office of insurance commissioner. Allocation of the training slots among the agencies must be based on the earliest application date to the commission for attendance to the basic law enforcement equivalency academy. Training does not need to commence within six months of employment. Each limited authority Washington law enforcement agency shall reimburse the criminal justice training commission for the actual cost of training its officers.

(26) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the criminal justice training commission to provide funding to local law enforcement agencies to support law enforcement wellness programs. Of these amounts:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to local law enforcement agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The Washington association of sheriffs and police chiefs shall work in consultation with a member from the Washington state fraternal order of police and the Washington council of police and sheriffs on the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer, 911 operator or dispatcher, and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical

fitness, nutrition, and other behavioral health and wellness supports.

(27) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body-worn cameras; (iii) costs associated with public records requests for body-worn camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

Sec. 219. 2021 c 334 s 219 (uncodified) is amended to read as follows:

FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS

General Fund—State Appropriation (FY 2022) (~~(\$7,063,000)~~)

\$8,487,000

General Fund—State Appropriation (FY 2023) (~~(\$12,657,000)~~)

\$15,621,000

TOTAL APPROPRIATION
(~~(\$19,720,000)~~)

\$24,108,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (establishing an office of independent investigations), to create an office within the office of the governor for the purposes of investigating deadly force incidents involving peace officers. (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 220. 2021 c 334 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2022) (~~(\$13,752,000)~~)

\$11,967,000

General Fund—State Appropriation (FY 2023) (~~(\$15,492,000)~~)

\$20,288,000

General Fund—Federal Appropriation
(~~(\$11,876,000)~~)

\$20,839,000

Asbestos Account—State Appropriation
(~~(\$573,000)~~)

\$589,000

Electrical License Account—State Appropriation (~~(\$56,707,000)~~)

\$58,295,000

Farm Labor Contractor Account—State Appropriation \$28,000

Worker and Community Right to Know Fund—State

Appropriation (~~(\$1,000,000)~~)

\$1,038,000

Construction Registration Inspection Account—State

Appropriation (~~(\$28,947,000)~~)

\$29,710,000

Public Works Administration Account—State

Appropriation (~~(\$9,352,000)~~)

\$11,213,000

Manufactured Home Installation Training Account—

State Appropriation (~~(\$395,000)~~)

\$413,000

Accident Account—State Appropriation
(~~(\$366,060,000)~~)

\$378,295,000

Accident Account—Federal Appropriation (~~(\$16,047,000)~~)

\$16,061,000

Medical Aid Account—State Appropriation (~~(\$366,663,000)~~)

\$375,848,000

Medical Aid Account—Federal Appropriation (~~(\$3,608,000)~~)

\$3,614,000

Plumbing Certificate Account—State Appropriation (~~(\$3,316,000)~~)

\$3,414,000

Pressure Systems Safety Account—State Appropriation (~~(\$4,582,000)~~)

\$4,712,000

TOTAL APPROPRIATION
(~~(\$898,398,000)~~)

\$936,324,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$8,551,000)~~) \$5,247,000 of the accident account—state appropriation and (~~(\$8,551,000)~~) \$5,247,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation

information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

- (i) Business readiness;
- (ii) Change readiness;
- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and
- (B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the (~~reporting data provided each quarter~~) project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must

identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to

prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account—state appropriation and \$876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) \$2,849,000 of the construction registration inspection account—state appropriation, \$152,000 of the accident account—state appropriation, and \$31,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) (~~(\$4,380,000)~~) (a) \$4,044,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$336,000 of the medical aid account—state appropriation is provided solely for the maintenance and operation of the provider credentialing project.

(8) \$530,000 of the accident account—state appropriation and \$94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers

and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account—state appropriation and \$184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) ~~(((\$825,000))~~ \$1,228,000 of the accident account—state appropriation and ~~(((\$620,000))~~ \$217,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$760,000 of the general fund—state appropriation for fiscal year 2022 and \$1,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$367,000 of the accident account—state appropriation and \$366,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$1,626,000 of the accident account—state appropriation and \$288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(18) \$298,000 of the accident account—state appropriation and \$53,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker

protections). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) \$584,000 of the accident account—state appropriation and \$584,000 of the medical aid account—state appropriation are provided solely for costs associated with staff overtime affiliated with the state emergency operations center. Prior to utilizing these funds, the department of labor and industries must collaborate with the military department to determine if any overtime costs may be eligible for reimbursement from the federal emergency management agency.

(22) \$961,000 of the accident account—state appropriation and \$169,000 of the medical aid account—state appropriation are provided solely for enhancements to the apprenticeship

registration and tracking computer system to align data collection with federal regulations and to create functionality that allows for web-based document uploading. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(23) \$350,000 of the accident account—state appropriation and \$350,000 of the medical aid account—state appropriation are provided solely for the completion of the licensing and certification administrators IT project to meet the implementation requirements of chapter 277, Laws of 2020 (SHB 2409). This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(24) \$897,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(25) \$821,000 of the public works administration account—state appropriation is provided solely to expand capacity to investigate and enforce prevailing-wage complaints.

(26) \$794,000 of the public works administration account—state appropriation is provided solely for planning and requirements gathering to make system improvements to the prevailing wage program information technology system. Of the amount in this subsection, \$300,000 is for two permanent information technology developers to maintain the system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(27) \$2,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to modernize the technology and remote learning infrastructure within existing state registered apprenticeship programs. Grant applications must include a plan to sustain the investment over time. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(28) \$4,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to upgrade apprenticeship program equipment to better replicate conditions on the job during the training of apprentices. The grant program is limited to state registered apprenticeship programs. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(29) \$205,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to start conducting a four-year retention study of state registered apprentices. The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees beginning June 30, 2023.

(30) \$2,726,000 of the accident account—state appropriation and \$482,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1868 (health care staffing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(31) \$454,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(32) \$6,000,000 of the driver resource center fund nonappropriated account—state appropriation, \$313,000 of the accident account—state appropriation, and \$57,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 221. 2021 c 334 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022) (~~(\$3,966,000)~~)

\$4,174,000

General Fund—State Appropriation (FY 2023) (~~(\$3,791,000)~~)

\$4,269,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation \$10,000

TOTAL APPROPRIATION (~~(\$7,767,000)~~)

\$8,453,000

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2022) (~~(\$8,121,000)~~)

\$8,185,000

General Fund—State Appropriation (FY 2023) (~~(\$7,878,000)~~)

\$9,060,000

General Fund—Federal Appropriation (~~(\$4,412,000)~~)

\$9,116,000

General Fund—Private/Local Appropriation (~~(\$4,959,000)~~)

\$6,730,000

Veteran Estate Management Account—Private/Local

Appropriation \$717,000

TOTAL APPROPRIATION (~~(\$26,087,000)~~)

\$33,808,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$449,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) \$300,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$300,000)~~ \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington, in fiscal year 2022 and for four veterans service officers in fiscal year 2023. In fiscal year 2023 two veterans service officers must be located in eastern Washington, and two must be located in western Washington.

(d) \$677,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(e) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity that provides accredited peer support training for both veterans and community service members. The funding provided in this subsection is in addition to the department's existing appropriation for its in-house peer support program. No later than June 30, 2023, the department must report to the legislature regarding the number of peer supporters trained pursuant to the contract under this subsection.

(4) (~~INSTITUTIONAL SERVICES~~) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2022) (~~\$10,991,000~~)

\$16,276,000

General Fund—State Appropriation (FY 2023) (~~\$12,510,000~~)

\$19,546,000

General Fund—Federal Appropriation (~~\$108,522,000~~)

\$110,588,000

General Fund—Private/Local Appropriation (~~\$21,794,000~~)

\$18,632,000

TOTAL APPROPRIATION (~~\$153,817,000~~)

\$165,042,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022) \$85,000

General Fund—State Appropriation (FY 2023) \$101,000

General Fund—Federal Appropriation \$710,000

TOTAL APPROPRIATION \$896,000

Sec. 222. 2021 c 334 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2022) ((\$99,870,000))	<u>\$184,000</u>
<u>\$242,995,000</u>	Biotoxin Account—State Appropriation ((\$1,675,000))
General Fund—State Appropriation (FY 2023) ((\$96,638,000))	<u>\$1,707,000</u>
<u>\$319,109,000</u>	Model Toxics Control Operating Account—State
General Fund—Federal Appropriation ((\$569,921,000))	Appropriation ((\$7,555,000))
<u>\$577,229,000</u>	<u>\$7,750,000</u>
General Fund—Private/Local Appropriation ((\$234,627,000))	Medical Test Site Licensure Account—State
<u>\$246,875,000</u>	Appropriation ((\$3,187,000))
Hospital Data Collection Account—State Appropriation ((\$428,000))	<u>\$3,239,000</u>
<u>\$472,000</u>	Secure Drug Take-Back Program Account—State
Health Professions Account—State Appropriation ((\$146,975,000))	Appropriation ((\$299,000))
<u>\$154,395,000</u>	<u>\$1,433,000</u>
Aquatic Lands Enhancement Account—State	Youth Tobacco and Vapor Products Prevention Account—
Appropriation ((\$633,000))	State
<u>\$635,000</u>	Appropriation ((\$3,222,000))
Emergency Medical Services and Trauma Care Systems	<u>\$3,232,000</u>
Trust Account—State Appropriation ((\$10,053,000))	Dedicated Marijuana Account—State Appropriation
<u>\$10,082,000</u>	(FY 2022) ((\$10,538,000))
Safe Drinking Water Account—State Appropriation ((\$5,976,000))	<u>\$10,584,000</u>
<u>\$7,137,000</u>	Dedicated Marijuana Account—State Appropriation
Drinking Water Assistance Account—Federal	(FY 2023) ((\$10,562,000))
Appropriation ((\$16,759,000))	<u>\$11,427,000</u>
<u>\$20,638,000</u>	Public Health Supplemental Account—Private/Local
Waterworks Operator Certification Account—State	Appropriation ((\$3,619,000))
Appropriation ((\$1,978,000))	<u>\$3,667,000</u>
<u>\$1,996,000</u>	Accident Account—State Appropriation ((\$348,000))
Drinking Water Assistance Administrative Account—State	<u>\$360,000</u>
Appropriation ((\$1,604,000))	Medical Aid Account—State Appropriation ((\$53,000))
<u>\$1,620,000</u>	<u>\$55,000</u>
Site Closure Account—State	<u>Statewide 988 Behavioral Health Crisis Response Line</u>
Appropriation ((\$180,000))	Account—State
	Appropriation
	<u>\$10,200,000</u>

TOTAL	APPROPRIATION
(\$1,226,700,000)	
<u>\$1,637,021,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until ~~((the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute))~~ the department submits a report to the appropriate committees of the legislature that describes the general condition of the school and health safety concerns identified through school plan reviews, environmental health and safety inspections, and complaint investigations conducted by local health jurisdictions. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall

work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. ~~((The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.))~~

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.) ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of

Engrossed Second Substitute Senate Bill No. 5052 (health equity zones). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(12) ((\$73,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(13))~~ \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(14) \$1,333,000))~~ (13) \$873,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$1,117,000))~~ \$1,577,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of ~~((Engrossed Second Substitute Senate Bill No. 5141))~~ chapter 314, Laws of 2021 (env. justice task force recs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(15))~~ (14) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(16) \$74,000 of the general fund—state appropriation for fiscal year 2022 and \$74,000 of the general fund—federal appropriation are))~~ (15) \$187,000 of the health professions account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(17))~~ (16) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute

resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

~~((18))~~ (17) \$492,000 of the general fund—state appropriation for fiscal year 2022 and \$492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

~~((19))~~ (18) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

~~((20))~~ (19) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and

improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2022, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

~~((21))~~ (20)(a) ~~(\$200,000)~~ \$65,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and

outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

~~((22))~~ (21) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to:

(i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

~~((23))~~ (22) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(24))~~ (23) \$332,000 of the general fund—state appropriation for fiscal year 2022 and \$1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii)

provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

~~((25))~~ (24) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(26))~~ (25) \$832,000 of the general fund—local appropriation and \$554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(27))~~ (26) \$21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(28))~~ (27) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (28) \$97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(30)~~ \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$98,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). ~~If the bill is not enacted by June 30, 2021, the~~

~~amounts provided in this subsection shall lapse.~~

~~(31))~~ (29) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(32)~~ ~~\$596,000~~) (30) \$2,188,000 of the general fund—state appropriation for fiscal year 2022, ~~(((\$58,000))~~ \$1,488,000 of the general fund—state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ \$2,000,000 of the amounts provided in the general fund—state appropriation in this subsection is provided solely for assistance to 37 rural hospitals that are required to comply with the provisions under the bill.

~~((33))~~ (31) \$71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(34))~~ (32) \$2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(35))~~ (33) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(36))~~ (34) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards). ~~((If the bill is not enacted~~

~~by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(37)) (35) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(38)) (36) \$301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(39)) (37) \$22,000 of the general fund—state appropriation for fiscal year 2022 and \$78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(40)) (38) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(41)) (39) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.~~

~~((42)) (40) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to~~

inefficiencies and make recommendations for improvement.

~~((43)) (41) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.~~

~~((44)) (42) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.~~

~~((45)) (43) \$500,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$500,000)~~ \$725,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.~~

~~((46)) (44) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through~~

education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

~~((47))~~ (45) \$2,122,000 of the general fund—state appropriation for fiscal year 2022 and \$2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

~~((48))~~ (46) \$2,325,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

~~((49))~~ (47) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

~~((50))~~ (48) \$474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((51))~~ (49) \$1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((52))~~ (50) \$627,000 of the general fund—state appropriation for fiscal year 2022 and \$627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers

with insurers, health care providers, and public health systems.

~~((53))~~ (51) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

~~((54))~~ (52) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

~~((55))~~ (53) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(54) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(55) Within the amounts appropriated in this section, the Washington nursing commission will continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

(56) \$33,296,000 of the general fund—federal appropriation (CRF) is provided solely for COVID-19 response activities including staffing, increased travel, equipment, and grants to local health jurisdictions and tribes, and to manage hospital capacity issues. This funding expires December 31, 2021.

(57) \$777,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(58) \$48,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(59) \$445,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1865 (certified peer specialists). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(60) \$88,000 of the general fund—state appropriation for fiscal year 2023 and \$44,000 of the hospital data collection account—state appropriation are provided solely for implementation of Substitute House Bill No. 1616 (charity care). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(61) \$73,000 of the model toxics control account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1694 (chemicals/consumer products). If the

bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(62) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1141 (death w/dignity act access). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(63) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1675 (dialysate & dialysis devices). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(64) \$166,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct an oral health equity assessment. The department must use available data and community needs assessments to identify unmet oral health needs and develop recommendations to advance positive oral health outcomes, while reducing inequities, through increased access to community water fluoridation. The department must consult with the state office of equity and may collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. The department must submit the oral health equity assessment report and recommendations to the appropriate committees of the legislature by June 30, 2023.

(65) \$532,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to create a program within the office of drinking water to offer engineering assistance to nonfluoridated water systems with over 5,000 connections. The program shall assist water systems to plan for future community water fluoridation.

(66) \$74,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1881 (birth doulas). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(67) \$40,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(68) \$94,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1877 (health prof. expired certs). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(69) \$44,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1739 (hospital policies/pathogens). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(70) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(71) \$45,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1852 (prescription drug labels). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(72) \$243,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(73) \$701,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1508 (sanitary control of shellfish). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(74) \$129,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1759 (school websites/drug info.). If the bill is not enacted by June 30, 2022, the amount provided in this section shall lapse.

(75) \$552,000 of the health professions account—state appropriation is provided solely for implementation of

chapter 203, Laws of 2021 (long-term services/emergency).

(76)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with the department of environmental and occupational health sciences within the University of Washington to develop a report to the legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the department of environmental and occupational health sciences shall collaborate with other school of public health programs within the University of Washington, the department of health, and the department of ecology.

(b) The report shall include:

(i) A review of policies and regulations in other states pertaining to environmental health in K-12 schools;

(ii) Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;

(iii) A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and

(iv) Recommendations for next steps for policies and standards in Washington schools.

(c) The report is due by December 31, 2022.

(77) \$914,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grant funding to establish school-based health centers and to provide behavioral health capacity to existing school-based health centers. The department shall grant funding for the following purposes: (a) Planning a school-based health center; (b) startup costs associated with setting up a school-based health center; and (c) ongoing costs of operating a school-based health center. \$100,000 of the amount provided in this subsection is provided solely for a statewide nonprofit organization to provide training and technical assistance to school-based health centers.

(78) \$122,186,000 of the general fund—state appropriation for fiscal year 2022 and \$176,072,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for support of the ongoing statewide effort to control the spread of COVID-19 through the administration of vaccines, diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, disease surveillance, public communications, and operational and informational technology support.

(79) \$680,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a stipend program for licensed nurses to receive reimbursement of up to \$2,500 to cover eligible expenses incurred in order to complete the training necessary to become a certified sexual assault nurse examiner.

(80) \$408,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a grant program for hospitals to obtain the services of a certified sexual assault nurse examiner from other sources if the hospital does not have those services available internally.

(81) \$15,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for tobacco, vapor product, and nicotine control, cessation, treatment and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(82) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a one-time contract with the Yakima neighborhood health services to increase the number of certified and licensed health professionals practicing in community health centers serving low-income and rural populations. The amounts provided in this subsection must be used to support faculty, training, and scholarship costs for a newly established, one-year advanced registered nurse practitioner (ARNP) residency program in Yakima.

Sec. 223. 2021 c 334 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. To the extent that transfers under this section are insufficient to fund actual expenditures made as a response to the COVID-19 pandemic, the department may transfer state appropriations that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2022) (~~(\$77,278,000)~~)

\$81,529,000

General Fund—State Appropriation (FY 2023) (~~(\$79,651,000)~~)

\$90,298,000

General Fund—Federal Appropriation
\$400,000

TOTAL APPROPRIATION
(~~(\$157,329,000)~~)

\$172,227,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,135,000 of the general fund—state appropriation for fiscal year 2022

and \$1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund—state appropriation for fiscal year 2022 and \$17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). (~~If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(e) \$197,000 of the general fund—state appropriation for fiscal year 2022

and \$187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(f)(i) \$779,000 of the general fund—state appropriation for fiscal year 2022 and \$817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f)(i) of this subsection, \$680,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(g) \$1,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(h) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$223,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(i) \$12,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) ~~((~~\$602,497,000~~))~~

	<u>\$484,524,000</u>
General Fund—State Appropriation (FY 2023) ((\$605,877,000))	
	<u>\$628,672,000</u>
General Fund—Federal Appropriation ((\$1,300,000))	
	<u>\$1,393,000</u>
<u>General</u>	<u>Fund—Private/Local</u>
<u>Appropriation</u>	<u>\$335,000</u>
Washington Auto Theft Prevention Authority Account—	
State Appropriation	\$4,343,000
TOTAL	APPROPRIATION
	((\$1,214,017,000))
	<u>\$1,119,267,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with

existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2022 and \$501,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(e) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(f) Within amounts appropriated in this act, the department shall designate one PREA (federal prison rape elimination act) coordinator position at each of the department's prison facilities. At a minimum, each PREA coordinator position is responsible for developing and implementing PREA policies; developing and coordinating procedures to track incidents of sexual misconduct; coordinating and tracking reports of sexual misconduct allegations to law enforcement and prosecutors; developing and implementing a system to audit facility compliance with PREA policies and applicable laws; and overseeing monitoring of PREA compliance of private and nondepartment public entities

contracted for offender confinement and supervision.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022) (~~(\$248,374,000)~~)

\$168,716,000

General Fund—State Appropriation (FY 2023) (~~(\$274,412,000)~~)

\$221,656,000

TOTAL APPROPRIATION
(~~(\$522,786,000)~~)

\$390,372,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. ~~((A contract rate increase may not exceed five percent each year.))~~ The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. ~~((If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.))~~

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) \$1,124,000 of the general fund—state appropriation for fiscal year 2022 and \$523,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased costs

associated with the relocation of leased facilities. The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(g) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by July 1, 2022.

(h) \$2,521,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(i) \$1,810,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022) ~~((\$7,324,000))~~
\$9,183,000

General Fund—State Appropriation (FY 2023) ~~((\$7,539,000))~~
\$8,639,000

TOTAL APPROPRIATION
~~((\$14,863,000))~~
\$17,822,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022) ~~((\$58,651,000))~~
\$57,752,000

General Fund—State Appropriation (FY 2023) ~~((\$52,702,000))~~
\$50,325,000

TOTAL APPROPRIATION
~~((\$111,353,000))~~
\$108,077,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$21,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) \$4,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(c) \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022) ~~((\$77,046,000))~~
\$74,223,000

General Fund—State Appropriation (FY 2023) ~~((\$77,596,000))~~

	<u>\$83,829,000</u>
General Fund—Federal Appropriation	<u>\$215,000</u>
TOTAL	APPROPRIATION
	((\$154,642,000))
	<u>\$158,267,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund—state appropriation for fiscal year 2022 and \$3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) \$1,001,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023

are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(f) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department of corrections to collaborate with the Washington state board for community and technical colleges and the department of licensing to develop a prerelease commercial driving license training pilot program.

(g) \$655,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(h) \$1,168,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to expand library services to incarcerated individuals in adult correctional facilities. The department of corrections must work in conjunction with the Washington state library to provide additional library materials, collections, and one additional library staff position at each of the nine institutional library service branches located throughout the state. Library materials and collections include but are not limited to Washington state newspapers, current consumer medical information, and other current reference collections that will support the department's reentry efforts in supporting the recovery and personal growth of incarcerated individuals.

(i) \$320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections

center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification, including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator programs is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and that tracks outcomes of the parenting navigator program. A preliminary report must be submitted to the legislature by June 30, 2023, with the expectation that a final report be funded in the 2023-2025 fiscal biennium budget and submitted by December 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department's review and preliminary report on the effectiveness of the parent navigator program.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022) (~~(\$174,184,000)~~)

\$141,483,000

General Fund—State Appropriation (FY 2023) (~~(\$175,599,000)~~)

\$194,881,000

General Fund—Federal Appropriation \$1,400,000

General Fund—Private/Local Appropriation \$2,000

TOTAL APPROPRIATION (~~(\$351,183,000)~~)

\$337,766,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(c) Within amounts appropriated in this act, the department of corrections must prepare a report on and an analysis of its medical staffing.

(i) The report must identify barriers relating to incarcerated individuals receiving timely treatment.

(ii) The report must specifically include a chart that shows:

(A) The incarcerated population caseloads from fiscal year 2019 through the first quarter of fiscal year 2023. The incarcerated caseloads must be shown by each of the department's individual 12 institutions;

(B) The number of funded health care staff at each institution, by major position type that includes, but is not limited to, physicians, psychologists, psychiatrists, registered nurses, supervising nursing staff, medical assistants, patient service representatives, medical directors, clinical pharmacists, and medical adjudicators;

(C) The caseloads for health care staff that shows the ratio of each medical staff position referenced in (c)(ii)(B) of this subsection to incarcerated individuals by institution;

(D) The number of funded medical staffing vacancies referenced in (c)(ii)(B) of this subsection by institution and quarter in fiscal year

2022 through the first quarter of fiscal year 2023; and

(E) A staffing model that shows the number of additional health care staff needed by position referenced in (c)(ii)(B) of this subsection for each institution.

(iii) The department must submit a final report to the appropriate committees of the legislature by October 30, 2022.

Sec. 224. 2021 c 334 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2022) (~~(\$3,534,000)~~)

\$4,908,000

General Fund—State Appropriation (FY 2023) (~~(\$3,573,000)~~)

\$5,917,000

General Fund—Federal Appropriation (~~(\$25,544,000)~~)

\$25,507,000

General Fund—Private/Local Appropriation \$60,000

TOTAL APPROPRIATION (~~(\$32,711,000)~~)

\$36,392,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to consult with a food service architect to determine the feasibility and cost of remodels to select cafes owned by entrepreneurs participating in the business enterprise program, and to prepare a report that includes the results, recommendations, cost, and potential funding sources that could be used to assist with remodels. The report is due to the governor and appropriate legislative committees by November 1, 2021.

(2) \$70,000 of the general fund—state appropriation is provided solely for the department to provide individualized training to its blind, visually-

impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant and create a report that identifies new or expanded enterprise opportunities for blind individuals, potential revenue sources, and new needs and methods for preparing individuals to effectively manage these enterprises. The report is due to the governor and appropriate legislative committees by June 30, 2023.

(4) \$1,093,000 of the general fund—state appropriation for fiscal year 2022 and \$1,962,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to remodel and upgrade equipment for select cafes owned by entrepreneurs participating in the business enterprise program to help them adjust to the changing needs of dining caused by the COVID-19 pandemic.

Sec. 225. 2021 c 334 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2022) (~~(\$1,757,000)~~)

\$19,094,000

General Fund—State Appropriation (FY 2023) (~~(\$2,834,000)~~)

\$30,873,000

General Fund—Federal Appropriation (~~(\$382,529,000)~~)

\$336,216,000

General Fund—Private/Local Appropriation (~~(\$36,416,000)~~)

\$36,893,000

Unemployment Compensation Administration Account—

Federal Appropriation (~~(\$420,315,000)~~)

\$437,332,000

Administrative Contingency Account—State

Appropriation (~~(\$26,636,000)~~)

\$26,819,000

Employment Service Administrative Account—State

Appropriation ((~~\$60,926,000~~))
\$66,843,000

Family and Medical Leave Insurance
 Account—State

Appropriation ((~~\$139,697,000~~))
\$142,440,000

Workforce Education Investment
 Account—State

Appropriation ((~~\$7,400,000~~))
\$7,401,000

Long-Term Services and Supports Trust
 Account—State

Appropriation ((~~\$32,265,000~~))
\$35,902,000

Coronavirus State Fiscal Recovery
 Fund—Federal

Appropriation ((~~\$168,745,000~~))
\$34,840,000

Unemployment Insurance Relief
 Account—State

Appropriation \$500,000,000

TOTAL APPROPRIATION
 ((~~\$1,779,520,000~~))
\$1,674,653,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) ((~~\$30,458,000~~)) \$34,095,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is provided for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act. The appropriations in this subsection include sufficient funding to implement chapter 1, Laws of 2022 (long-term care/delay) and chapter 2, Laws of 2022 (long-term care/exemptions).

(3) ((Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.)) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for an actuarial analysis of the paid family and medical leave program. By November 1, 2022, and November 1, 2023, the department must provide a report summarizing the actuarial analysis to the governor and the legislature. The report must also include:

(a) A program spending plan for the subsequent two fiscal years that includes a forecast of premiums collected, estimated benefits paid, and expected premium rates;

(b) A summary of program participant demographics for claimants who collected benefits in the previous year, including: Age, county of residence, gender identity, racial or ethnic identity, and income level. The summary must identify any trends among demographic groups or statistically significant differences between groups; and

(c) Data related to claimants' application for and use of other sources of paid leave coverage, including employer-provided leave, insurance benefits, or other sources.

(4) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program

web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided for the department to implement chapter 2, Laws

of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).

(9)(a) \$875,000 of the general fund—state appropriation for fiscal year 2022, \$875,000 of the general fund—state appropriation for fiscal year 2023, and \$7,385,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for career connect learning grants to sector intermediaries. Up to five percent of the amount in this subsection may be used by the department for administrative expenses associated with the sector intermediary grant program.

(10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate

legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) (~~(\$41,456,000)~~) \$15,646,000 of the ((general fund federal appropriation (ARPA) and)) general fund—state appropriation for fiscal year 2022, \$15,642,000 of the general fund—state appropriation for fiscal year 2023, \$2,684,000 of the general fund—federal appropriation (CRF), and \$13,063,000 of the unemployment compensation administration account—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) (~~(\$22,346,000)~~) \$3,766,000 of the ((general fund federal appropriation (ARPA) is)) general fund—state appropriation for fiscal year 2022, and \$18,580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) (~~(\$5,768,000)~~) \$6,223,000 of the ((general fund federal appropriation (ARPA)) unemployment compensation administration account—federal appropriation is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud and cases are investigated in a timely manner.

(c) (~~(\$4,465,000)~~) \$1,527,000 of the ((general fund federal appropriation (ARPA) is)) general fund—state appropriation for fiscal year 2022 and

\$2,938,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

(d) (~~(\$400,000 of the general fund—federal appropriation (ARPA) is provided solely for translation of documents and letters and other improvements to ensure customer ease of access.~~

~~(e))~~ \$4,477,000 of the ((general fund federal appropriation (ARPA)) general fund—state appropriation for fiscal year 2022 is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(~~(f)~~) (e) \$1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(~~(g)~~) (f) \$1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(~~(h) \$4,000,000)~~ (g) \$6,840,000 of the ((general fund federal appropriation (ARPA) for fiscal year 2022)) unemployment compensation administration account—federal appropriation is provided solely for the department to ((translate notices)) implement the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity

initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) \$10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund—state appropriation for fiscal year 2022, \$1,874,000 of the general fund—state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(16) \$90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(17) \$5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system). ~~((If the bill is not enacted by July 1, 2021, the amount provided in this subsection shall lapse.))~~

(18) ~~((\$168,745,000))~~ \$34,840,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((Of the amount provided in this subsection, at least 95 percent is provided solely for grants and assistance awarded by the department pursuant to the bill. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(19) \$500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~ The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(21) \$1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(22) \$10,571,000 of the ~~((general fund))~~ unemployment compensation administration account—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(24) \$1,691,000 of the general fund—state appropriation for fiscal year 2022 and \$3,049,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to temporarily hire additional staff during the COVID-19 pandemic if existing resources are not sufficient to manage unemployment insurance program claims and backlogs. Prior to hiring additional staff under this subsection, the department must consult with the office of financial management.

(25) \$4,843,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other

federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(26) \$6,208,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided, and outcome metrics for program participants related to progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1, 2022, and June 1, 2023, that includes an analysis of the program, a summary of the quarterly data collected, and associated recommendations for program delivery.

(27) \$140,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

Sec. 226. 2021 c 334 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL

(1)(a) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management.

However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. ~~((The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.))~~

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

Sec. 227. 2021 c 334 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH,
AND FAMILIES—CHILDREN AND FAMILIES
SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) (~~(\$389,597,000)~~)

\$375,696,000

General Fund—State Appropriation (FY 2023) (~~(\$403,209,000)~~)

\$453,865,000

General Fund—Federal Appropriation (~~(\$475,829,000)~~)

\$485,253,000

General Fund—Private/Local Appropriation \$2,824,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$5,500,000

TOTAL APPROPRIATION (~~(\$1,276,959,000)~~)

\$1,323,138,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$453,000)~~) \$722,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(a) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship family constellations, and for a contract with an organization with expertise in implementing the hub home model with fidelity to provide technical assistance to hub home families and the department.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support long-term implementation of the hub home model, including integrating the hub home model within the department's current and future service array and multiyear expansion planning. The department shall submit a preliminary report to the governor and appropriate legislative committees by December 1, 2022, and a final report to the governor and appropriate legislative committees by June 30, 2023, that details its progress and plans for long-term implementation of the hub home model.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of

financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$539,000 of the general fund—state appropriation for fiscal year 2022, \$540,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the

department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be

established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund—state appropriation for fiscal year 2022, \$6,195,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—(~~federal~~) state appropriation for fiscal year 2023 are provided solely for the department to contract with one or

more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the (~~general fund federal~~ ~~appropriation (ARPA/CSFRF)~~) coronavirus state fiscal recovery fund—federal appropriation is provided solely for one-time \$250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund—state appropriation for fiscal year 2023 and \$153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$219,000 of the general fund—state appropriation for fiscal year 2022, \$208,000 of the general fund—state appropriation for fiscal year 2023, and \$295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(27) ((\$29,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Second Substitute House Bill No. 1127 (COVID 19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(28))~~ \$451,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

~~((29))~~ (28) \$326,000 of the general fund—state appropriation for fiscal year 2022, \$326,000 of the general fund—state appropriation for fiscal year 2023, and \$148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(30))~~ (29) \$499,000 of the general fund—state appropriation for fiscal year 2022, ~~((499,000))~~ \$824,000 of the general fund—state appropriation for fiscal year 2023, and ~~((310,000))~~ \$410,000 of the general fund—federal appropriation are provided solely to expand the family connections program in two areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the two expansion sites, the

department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

~~((31))~~ (30) \$25,000 of the general fund—state appropriation for fiscal year 2023 and \$25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(32))~~ (31) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(32) \$1,513,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a new behavioral rehabilitation services facility in Vancouver.

(33) \$449,000 of the general fund—state appropriation for fiscal year 2022, \$1,203,000 of the general fund—state appropriation for fiscal year 2023, and \$353,000 of the general fund—federal appropriation are provided solely for the department to revise and update its policies, procedures, and the state Title IV-E plan to reflect that it is appropriate to only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(34) \$800,000 of the general fund—state appropriation for fiscal year 2023 and \$200,000 of the general fund—federal appropriation are provided solely for the department to contract for a workload study of the duties of child welfare employees. The workload study must include but is not limited to an evaluation of workload impacts resulting from chapter 211, Laws of 2021 (child abuse allegations); the federal family first prevention services act; the online foster parent portal; and the changes in the application of the federal and state Indian child welfare acts as required by

the state supreme court decisions in *In re Dependency of G.J.A.* and *In re Dependency of Z.J.G. and M.E.J.G.* The staff addressed in the workload study must include, at a minimum, all child welfare case-carrying workers including, but not limited to, child protective services workers; child and family welfare services workers; child welfare licensing staff including staff who work on foster care assessment, safety, and monitoring; and child protective services licensing workers. The department must submit a report describing the workload study and its results to the governor and appropriate legislative committees no later than June 30, 2023.

(35) Within the amounts provided in this section, sufficient funding is provided for the department to contract with a community organization to administer monthly stipends to young adults who were impacted by the federal moratorium that prohibited states from discharging them from extended foster care due to age through September 30, 2021, and young adults who age out of extended foster care between October 1, 2021, and June 30, 2023. To the extent feasible, the organization must administer the monthly stipends at consistent amounts per young adult each month.

(36) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract for a systems assessment of state and federally funded services and benefits for young adults enrolled in or exiting extended foster care and make recommendations to improve the continuum of supports for the extended foster care population to support successful transitions to independent adulthood.

(a) The systems assessment must include, but is not limited to, the following:

(i) A survey of state and federally funded services and benefits, and the utilization of such services and benefits, including but not limited to economic services, housing programs and payment vouchers, independent living programs, educational supports, and access to postsecondary opportunities, including vocational training and placement programs, legal services, navigation assistance, and peer mentoring. The survey must examine how these services and benefits contribute to

a continuum of supports for young adults enrolled in extended foster care and those who have exited since September 2021;

(ii) A young adult needs assessment, including collecting data on young adults enrolled in extended foster care and those who have exited since September 2021. The needs assessment must also gauge young adults' awareness of and ability to access the available services and benefits;

(iii) Identification of gaps or redundancies within the existing array of state and federally funded programs serving the extended foster care population;

(iv) Identification of funding sources or programs that could be used to address any gaps in the array of services and benefits available; and

(v) An assessment of the various data systems currently used or capable of being used to report on the young adult population served by the extended foster care program. The data assessment must include a discussion of any system limitations and recommendations to support future data tracking of outcomes for this population.

(b) The department and contractor must engage with state agencies administering relevant programs, contracted organizations serving the extended foster care population, and young adults currently in extended foster care and those who have exited since September 2021 to conduct the systems assessment. A status update must be submitted to the governor and appropriate fiscal and policy committees of the legislature by November 30, 2022. A final report must be submitted to the governor and appropriate fiscal and policy committees by June 30, 2023.

(37) \$492,000 of the general fund—state appropriation for fiscal year 2023 and \$133,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(38) \$5,537,000 of the general fund—state appropriation for fiscal year 2022, \$22,150,000 of the general fund—state appropriation for fiscal year 2023, and

\$6,078,000 of the general fund—federal appropriation are provided solely to, effective April 1, 2022, increase the hourly rate for contracted visitation providers to \$35.89, implement standards regarding quality enhancement and Indian child welfare act compliance in visitation contracts, and reimburse visitation providers for mileage travelled between zero and 60 miles. It is the intent of the legislature that contracted visitation providers use funding provided in this subsection to provide an hourly wage of at least \$20.00 for visitation workers.

(39) \$767,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the child welfare housing assistance pilot program authorized in RCW 74.13.802.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(41) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to establish and implement two play-and-learn groups for families in Grays Harbor county.

(42) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to contract with a clinic that treats prenatal substance exposure in children up to age 13 and that primarily serves families from Snohomish and King counties. It is the intent of the legislature that the department's contract with the clinic prioritize children for services who are at risk of being removed from their family home, who were recently reunified with their family following an out-of-home placement, who have experienced multiple out-of-home placements and are at risk of additional placements, and any other priority populations identified by the department.

(43) \$1,926,000 of the general fund—state appropriation for fiscal year 2022, \$7,704,000 of the general fund—state appropriation for fiscal year 2023, and \$3,745,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid to contracted behavioral rehabilitation services facilities to \$16,861.91 per

youth, effective April 1, 2022. It is the intent of the legislature that contracted facilities use funding provided in this subsection to provide an hourly wage of at least \$25.00 to direct care workers.

(44) \$650,000 of the general fund—state appropriation for fiscal year 2022, \$2,598,000 of the general fund—state appropriation for fiscal year 2023, and \$1,263,000 of the general fund—federal appropriation are provided solely to increase the monthly rate paid for contracted behavioral rehabilitation services therapeutic foster care to \$10,126.92 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that funding provided in this subsection is provided to increase pass-through payments to therapeutic foster care homes.

Sec. 228. 2021 c 334 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2022) (~~(\$127,325,000)~~)

\$123,463,000

General Fund—State Appropriation (FY 2023) (~~(\$129,690,000)~~)

\$126,893,000

General Fund—Federal Appropriation (~~(\$3,464,000)~~)

\$694,000

General Fund—Private/Local Appropriation (~~(\$1,787,000)~~)

\$166,000

Washington Auto Theft Prevention Authority Account—

State Appropriation \$196,000

TOTAL APPROPRIATION (~~(\$262,462,000)~~)

\$251,412,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$331,000 of the general fund—state appropriation for fiscal year 2022 and \$331,000 of the general fund—state appropriation for fiscal year 2023 are~~

~~provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.~~

(2)) \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the ((juvenile justice)) programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

((3)) (2) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

((4)) (3)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to

implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts

shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

~~((45) \$1,352,000))~~ (4) \$645,000 of the general fund—state appropriation for fiscal year 2022 and ~~(((\$1,352,000))~~ \$645,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

~~((46) \$283,000 of the general fund—state appropriation for fiscal year 2022 and \$283,000 of the general fund state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.~~

~~(7))~~ (5) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—

state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

~~((+8))~~ (6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

~~((+9))~~ (7) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

~~((+10))~~ (8) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

~~((+11))~~ (9) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

~~((+12))~~ (10)(a) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

~~((+13))~~ (11) \$128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((+14))~~ (12) \$122,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~((+15))~~ (13) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

~~((+16))~~ (14) Within existing resources, the department shall evaluate the Martin hall juvenile detention

facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

(15) \$711,000 of the general fund—state appropriation for fiscal year 2022 and \$848,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2050 (parent pay/child detention). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(16) The department of children, youth, and families—juvenile rehabilitation must cease operation of the Naselle youth camp by June 30, 2023. It is the intention of the legislature after the closure to transfer management of the Naselle youth camp land and facilities to the department of natural resources and develop the facilities into an outdoor school. The department must assist the department of natural resources and the office of the superintendent of public instruction with the report on the use of the Naselle youth camp for an outdoor school as needed pursuant to section 310 of this act.

(17)(a) The block grant oversight committee, as defined in RCW 13.40.511, shall work in collaboration with the Washington state institute for public policy, the University of Washington's evidence-based practice institute, and the children and family and early learning divisions of the department of children, youth, and families to develop recommendations for the expansion of community juvenile accountability programs funded through juvenile court block grant funding provided by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The committee's recommendations shall include consideration of the expansion of:

(i) Block grant funding to community juvenile programs that provide services to juveniles assessed as low risk;

(ii) Block grant funding to community juvenile programs that provide services that are not solely focused on reducing recidivism;

(iii) Available block grant funding needed to complete evaluations of programs such that more programs may be

evaluated to be classified as evidence-based; and

(iv) Classifications used by the Washington state institute for public policy to demonstrate the effectiveness of programs provided by juvenile court.

(b) The block grant oversight committee must report its findings and recommendations to the appropriate committees of the legislature by November 1, 2022.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the juvenile rehabilitation administration to contract with a peer navigator program that currently mentors and assists with the needs of justice-involved youth and young adults who are from the city of Federal Way and who are currently residing at the Green Hill school. The mentorship program must provide peer coaching and support by aiding in the personal and professional development of incarcerated youth and young adults through life skills, job readiness, youth leadership, and results-based projects.

(19) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$156,000 of the general fund—state appropriation for fiscal year 2023 are provided for two juvenile education-security staff positions for juvenile rehabilitation's GED education programs. One education-security position must be located at the Echo Glen children's center to assist with the open doors program and one education-security position must be located at the Green Hill school. The goal of the education-security positions is to provide dependable, daily education opportunities for students participating in the GED programs located at the respective institutional facilities. The education-security positions are responsible for providing daily escort to and from the classroom for students attending school and for providing classroom management during the period while students are attending classes.

Sec. 229. 2021 c 334 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2022) ((~~\$289,936,000~~))

\$327,631,000

General Fund—State Appropriation (FY 2023) (~~(\$348,787,000)~~)

\$427,291,000

General Fund—Federal Appropriation (~~(\$1,066,945,000)~~)

\$1,070,049,000

General Fund—Private/Local Appropriation (~~(\$86,000)~~)

\$96,000

Education Legacy Trust Account—State Appropriation (~~(\$28,127,000)~~)

\$28,155,000

Home Visiting Services Account—State Appropriation (~~(\$23,966,000)~~)

\$25,529,000

Home Visiting Services Account—Federal Appropriation \$29,776,000

Washington Opportunity Pathways Account—State

Appropriation \$80,000,000

Workforce Education Investment Account—State

Appropriation \$8,482,000

TOTAL APPROPRIATION (~~(\$1,876,105,000)~~)

\$1,997,009,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$80,273,000)~~) \$82,040,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$119,932,000)~~) \$132,308,000 of the general fund—state appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account—state appropriation, \$80,000,000 of the opportunity pathways account—state appropriation, and \$25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and (~~(15,912)~~) 16,000 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$14,930,000 of the general fund—state appropriation for fiscal year 2023 and \$14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) Of the amounts provided in this subsection, \$1,358,000 of the general fund—state appropriation for fiscal year 2022 and \$4,612,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide early childhood education and assistance program services during summer 2022.

(d) Of the amounts provided in this subsection, \$409,000 of the general fund—state appropriation for fiscal year 2022 and \$859,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a quality support rate for the early childhood education and assistance program.

(e) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund

child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) (~~(\$20,110,000)~~) \$39,723,000 of the general fund—state appropriation in fiscal year 2022, (~~(\$45,757,000)~~) \$82,187,000 of the general fund—state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account—state appropriation, \$283,375,000 of the general fund—federal appropriation, \$59,893,000 of the general fund—federal appropriation (CARES), (~~(\$65,482,000)~~) \$98,723,000 of the general fund—federal appropriation (CRRSA), and (~~(\$111,252,000)~~) \$153,814,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for

needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$42,562,000 of the general fund—federal appropriation (ARPA) and \$2,785,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of an agreement reached between the governor and the service employees international union local 925 for a cost of care rate enhancement for family child care providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 939 of this act.

(d) \$73,627,000 of the general fund—state appropriation for fiscal year 2023,

\$59,893,000 of the general fund—federal appropriation (CARES), \$65,925,000 of the general fund—federal appropriation (CRRSA), and \$99,918,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working child care connections program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) \$28,759,000 of the general fund—federal appropriation (CARES), \$11,993,000 of the general fund—federal appropriation (CRRSA), and \$35,979,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) \$73,627,000 of the general fund—state appropriation for fiscal year 2023, \$31,134,000 of the general fund—federal appropriation (CARES), \$40,195,000 of the general fund—federal appropriation (CRRSA), and \$45,476,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers based on the 2021 market rate survey beginning January 1, 2023. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) \$3,930,000 of the general fund—federal appropriation (CRRSA) and \$4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) \$6,726,000 of the general fund—federal appropriation (CRRSA) and \$10,633,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to

households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund—federal appropriation (CRRSA) and \$982,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

~~((d) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:~~

~~(i) Families applying for or receiving temporary assistance for needy families (TANF);~~

~~(ii) TANF families curing sanction;~~

~~(iii) Foster children;~~

~~(iv) Families that include a child with special needs;~~

~~(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full time student in a high school that has a school sponsored on site child care center;~~

~~(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;~~

~~(vii) Families that received subsidies within the last thirty days and:~~

~~(A) Have reapplied for subsidies; and~~

~~(B) Have household income of 60 percent of the state median income or below; and~~

~~(viii) All other eligible families.)~~

(e) Funding provided in this subsection is sufficient for the department to pay licensed providers for child care subsidy payments based on a child's enrollment rather than attendance from April 1, 2022, through June 30, 2022. Licensed providers may still receive subsidy payment based on enrollment when:

(i) The provider temporarily closes their child care setting due to a COVID-19 outbreak; and

(ii) The child's family remains eligible for subsidy and the provider is authorized care.

The department will not make subsidy payments to providers who close for reasons not related to the pandemic.

(f) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund—state appropriation for fiscal year 2022

and \$871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) \$5,899,000 of the general fund—state appropriation for fiscal year 2022 and \$8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund—state appropriation for fiscal year 2022 and \$3,719,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services. ~~((If the bill is not enacted by June 30,~~

~~2021, the amounts provided in this subsection (9)(b) shall lapse.)~~

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) \$7,355,000 of the general fund—state appropriation for fiscal year 2022, \$11,126,000 of the general fund—state appropriation for fiscal year 2023, \$11,032,000 of the general fund—federal appropriation (CRRSA), and \$9,632,000 of

the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund—state appropriation for fiscal year 2022, \$2,535,000 of the general fund—state appropriation for fiscal year 2023, and \$4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund—federal appropriation (CRRSA) and \$1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund—state appropriation for fiscal year 2022, \$656,000 of the general fund—state appropriation for fiscal year 2023, and \$3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) \$773,000 of the general fund—state appropriation for fiscal year 2022, ~~(\$773,000)~~ \$958,000 of the general fund—state appropriation for fiscal year 2023, \$1,500,000 of the general fund—federal appropriation (CRRSA), and \$900,000 of the general fund—federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund—federal appropriation (CRRSA) and \$495,000 of the general fund—federal appropriation (ARPA) are provided solely

for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund—state appropriation for fiscal year 2022, \$1,075,000 of the general fund—state appropriation for fiscal year 2023, \$3,597,000 of the general fund—federal appropriation (CRRSA), and \$2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund—state appropriation for fiscal year 2022 and \$2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund—state appropriation for fiscal year 2022 and \$265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20)(a) \$2,771,000 of the home visiting account—state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019

report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22)(a) \$390,600,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) \$27,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation

services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

(A) Rent or mortgage payments;

(B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;

(C) Child care for historically disadvantaged populations;

(D) Child care during the summer months;

(E) Child care during nonstandard hours;

(F) Child care for school-age children;

(G) Outreach to families who may have stopped attending due to cost;

(H) Mental health supports for children and employees;

(I) Broadband access for child care providers that care for school-age children; and

(J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

(a) Translation of department materials;

(b) Outreach to community organizations serving multilingual children and families regarding department programs;

(c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and

legislature by September 1, 2022. The report must include the following recommendations:

(a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;

(b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;

(c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and

(d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

~~(25) ((\$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute House Bill No. 1127 (COVID 19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(26))~~ \$5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

~~((27))~~ (26)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into

the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((28))~~ (27) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

~~((29))~~ (28) \$900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

(29) \$260,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement an infant and early childhood mental health consultation initiative to

support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(30) \$640,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

Sec. 230. 2021 c 334 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022) (~~(\$171,339,000)~~)

\$189,004,000

General Fund—State Appropriation (FY 2023) (~~(\$171,554,000)~~)

\$196,236,000

General Fund—Federal Appropriation (~~(\$194,079,000)~~)

\$186,505,000

General Fund—Private/Local Appropriation (~~(\$394,000)~~)

\$456,000

Education Legacy Trust Account—State
Appropriation \$180,000

Home Visiting Services Account—State
Appropriation (~~(\$458,000)~~)

\$468,000

Home Visiting Services Account—
Federal Appropriation \$380,000

TOTAL APPROPRIATION
(~~(\$538,384,000)~~)

\$573,229,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2)(a) \$1,000 of the general fund—state appropriation for fiscal year 2022, \$1,000 of the general fund—state appropriation for fiscal year 2023, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(b) \$6,000 of the general fund—state appropriation for fiscal year 2023 and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 937 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical

dependency or substance use disorder treatment.

(4) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state

appropriation for fiscal year 2023, and \$5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$6,532,000 of the general fund—state appropriation for fiscal year 2022, \$7,385,000 of the general fund—state appropriation for fiscal year 2023, and \$6,083,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for

providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act

requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund—state appropriation for fiscal year 2022, \$717,000 of the general fund—state appropriation for fiscal year 2023, and \$223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(15) \$848,000 of the general fund—state appropriation for fiscal year 2022, \$848,000 of the general fund—state appropriation for fiscal year 2023, and \$384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to expand its housing pilot to two additional sites. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(b) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—federal appropriation are provided solely for the extraordinary litigation expenses of the attorney general's office related to the case of *D.S., et al. v. DCYF*, United States district court western district of Washington case no. 2:21-cv-00111-BJR.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to

contract with a nonprofit organization to provide culturally relevant support services to children and families when a child is removed from their parents due to potential abuse or neglect as defined in RCW 26.44.020(1). The nonprofit organization must have experience providing culturally relevant support services to children and families through daycare, the early childhood education and assistance program, and department of social and health services contracted services.

(18) \$65,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(19) \$664,000 of the general fund—state appropriation for fiscal year 2023 and \$120,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 2034 (juvenile records). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$341,000 of the general fund—state appropriation for fiscal year 2023 and \$85,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(21) \$26,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2068 (imagination library). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to partner with the department of commerce to codesign community-based family reconciliation services to assess and stabilize youth and families in crisis through primary prevention services. The codesign team shall include youth and families with lived experience, tribes, child welfare professionals, community-

based providers, and representatives from state and local agencies, including the department of social and health services, the health care authority, the office of the superintendent of public instruction, the employment security department, and juvenile court administrators. The codesign team must develop a community-based family reconciliation services program model that addresses entry points to services, program eligibility, utilization of family assessments, provision of concrete economic supports, referrals to and utilization of in-home services, and the identification of trauma-informed and culturally responsive practices. Preliminary recommendations from the codesign team must be submitted to the governor and appropriate legislative committees no later than December 1, 2022, with the annual family reconciliation services data required under RCW 13.32A.045.

PART III

NATURAL RESOURCES

Sec. 301. 2021 c 334 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2022) \$752,000

General Fund—State Appropriation (FY 2023) (~~(\$820,000)~~)
\$821,000

General Fund—Federal Appropriation \$32,000

General Fund—Private/Local Appropriation (~~(\$1,354,000)~~)
\$1,355,000

TOTAL APPROPRIATION
 (~~(\$2,958,000)~~)
\$2,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because

the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 302. 2021 c 334 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2022) (~~(\$47,364,000)~~)
\$45,030,000

General Fund—State Appropriation (FY 2023) (~~(\$39,868,000)~~)
\$63,995,000

General Fund—Federal Appropriation (~~(\$98,760,000)~~)
\$100,217,000

General Fund—Private/Local Appropriation (~~(\$26,999,000)~~)
\$27,292,000

Reclamation Account—State Appropriation (~~(\$4,286,000)~~)
\$4,369,000

Flood Control Assistance Account—State Appropriation (~~(\$4,066,000)~~)
\$4,127,000

Aquatic Lands Enhancement Account—State Appropriation \$150,000

State Emergency Water Projects Revolving Account—
 State Appropriation \$40,000

Waste Reduction, Recycling, and Litter Control
 Account—State Appropriation (~~(\$26,666,000)~~)

\$28,714,000

State Drought Preparedness and
Response Account—State

Appropriation \$204,000

State and Local Improvements Revolving
Account—Water

Supply Facilities—State Appropriation
\$186,000

Water Rights Tracking System Account—
State

Appropriation \$48,000

Site Closure Account—State
Appropriation \$582,000

Wood Stove Education and Enforcement
Account—State

Appropriation ((~~\$567,000~~))

\$575,000

Worker and Community Right to Know
Fund—State

Appropriation ((~~\$1,968,000~~))

\$2,007,000

Water Rights Processing Account—State
Appropriation \$39,000

Water Quality Permit Account—State
Appropriation ((~~\$46,578,000~~))

\$48,797,000

Underground Storage Tank Account—
State Appropriation ((~~\$3,876,000~~))

\$4,105,000

Biosolids Permit Account—State
Appropriation ((~~\$2,594,000~~))

\$2,667,000

Hazardous Waste Assistance Account—
State

Appropriation ((~~\$7,389,000~~))

\$7,566,000

Radioactive Mixed Waste Account—State
Appropriation ((~~\$22,281,000~~))

\$23,025,000

Air Pollution Control Account—State
Appropriation ((~~\$4,135,000~~))

\$4,257,000

Oil Spill Prevention Account—State
Appropriation ((~~\$6,446,000~~))

\$6,878,000

Air Operating Permit Account—State
Appropriation ((~~\$4,786,000~~))

\$4,907,000

Wastewater Treatment Plant Operator
Certification

Account—State Appropriation
\$552,000

Oil Spill Response Account—State
Appropriation \$7,076,000

Model Toxics Control Operating
Account—State

Appropriation ((~~\$293,123,000~~))

\$295,857,000

Model Toxics Control Operating
Account—Local

Appropriation \$499,000

Voluntary Cleanup Account—State
Appropriation \$344,000

Paint Product Stewardship Account—
State

Appropriation \$140,000

Dedicated Marijuana Account—State
Appropriation

(FY 2022) ((~~\$270,000~~))

\$284,000

Dedicated Marijuana Account—State
Appropriation

(FY 2023) ((~~\$276,000~~))

\$290,000

Water Pollution Control Revolving
Administration

Account—State Appropriation
((~~\$4,566,000~~))

\$5,378,000

Clean Fuels Program Account—State
Appropriation \$382,000

Climate Investment Account—State
Appropriation ((~~\$5,139,000~~))

\$7,138,000

TOTAL APPROPRIATION
((~~\$652,245,000~~))

\$697,717,000

The appropriations in this section are
subject to the following conditions and
limitations:

(1) (~~(\$910,000 of the model toxics control operating account state appropriation is))~~ \$455,000 of the general fund—state appropriation for fiscal year 2022 and \$455,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(2) \$2,024,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process an increased workload of clean water act certification requests and to process all United States army corps of engineers permitted projects in Washington within the sixty-day processing requirement, should it be implemented.

(3) Within the amounts appropriated in this section, the department must adopt rules to implement the provisions of RCW 88.40.025.

(4) \$739,000 of the general fund—state appropriation for fiscal year 2022 and \$363,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1050 (fluorinated gases). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$2,277,000 of the general fund—state appropriation for fiscal year 2022, \$897,000 of the general fund—state appropriation for fiscal year 2023, and \$382,000 of the clean fuels program account—state appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(6) \$262,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(7) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with

the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(8) (~~(\$204,000 of the model toxics control operating account state appropriation is))~~ \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$14,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(10) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. Of the amounts provided in this subsection:

(a) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for preparation and filing of adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department will not file an adjudication in water resource inventory area 1 prior to June 1, 2023; and

(b) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Whatcom county to support a collaborative process among local water users and water right holders that can complement water rights

adjudication in the Nooksack (water resources inventory area 1) watershed. Funding is provided for facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland.

(12) (~~(\$242,000)~~) \$178,000 of the model toxics control operating account—state appropriation is provided solely for an equipment cache grant for the Jamestown S'Klallam Tribe for a new response vehicle.

(13) \$398,000 of the model toxics control operating account—state appropriation is provided solely for consumer product testing data validation services to support increases to the agency's product testing program.

(14) \$2,305,000 of the model toxics control operating account—state appropriation is provided solely to increase the department's capacity to test for toxics in children's products and other general consumer goods, to implement needed policy changes resulting from product testing, to communicate results to the public, and to conduct a feasibility study to add an inorganics component to the plan for new laboratory space at the department's headquarters building in Lacey, Washington.

(15) \$497,000 of the general fund—state appropriation for fiscal year 2022 and \$497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide grants to conservation organizations and certain tribes for the purpose of coordination, monitoring, and research related to Puget Sound kelp conservation and recovery. Of the amounts provided in this subsection the department shall distribute grants as follows: \$175,000 each fiscal year to the Northwest Straits commission; \$72,000 each fiscal year to the Lower Elwha Klallam Tribe; \$100,000 each fiscal year to the Samish Indian Nation; and \$150,000 each fiscal year to the Puget Sound Restoration Fund.

(16) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of

polychlorinated biphenyls in the Spokane river.

(17) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(18) \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with the Guemes island planning advisory committee to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(20) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to San Juan county for

a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(21) \$146,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with landowners, state agencies, and others to analyze the water quality of Deep lake.

(22) \$195,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out an assessment of potential hazards of 6PPD (CAS 793-24-8) and other chemicals or chemical classes and breakdown products used as anti-oxidants and/or antiozonants in tires and submit a technical memo to the appropriate committees of the legislature by December 1, 2021.

(23) \$523,000 of the model toxics control operating account—state appropriation is provided solely for the department to work with the department of transportation, University of Washington-Tacoma, and Washington State University-Puyallup to identify priority areas affected by 6PPD or other related chemicals toxic to aquatic life from roads and transportation infrastructure and on best management practices for reducing toxicity. This includes developing a standard method for the laboratory measurement of 6PPD-quinone and related chemicals. The department will submit a report to the appropriate committees of the legislature by November 1, 2022.

(24) \$1,090,000 of the general fund—state appropriation for fiscal year 2022 and \$1,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a database, monitoring program, and laboratory assessment method regarding polychlorinated biphenyls (PCB). ~~((Within))~~ Of the amount provided in this subsection, \$440,000 is provided to enhance the environmental information management database; \$1,200,000 is provided to create a long-term statewide PCB monitoring program; and \$540,000 is provided for developing a PCB specific laboratory method for conducting analysis. The department must coordinate with the department of fish and wildlife

on the implementation of this subsection and for recommending PCB clean-up projects for legislative funding in subsequent appropriations.

(25) \$847,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste, & litter). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(26) ~~((\$11,716,000))~~ \$11,068,000 of the general fund—state appropriation for fiscal year 2022, ~~((\$6,284,000))~~ \$7,788,000 of the general fund—state appropriation for fiscal year 2023, and ~~((\$5,139,000))~~ \$6,589,000 of the climate investment account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(27) \$95,000 of the general fund—state appropriation for fiscal year 2022, \$105,000 of the general fund—state appropriation for fiscal year 2023, \$61,000 of the waste reduction, recycling, and litter control account—state appropriation, \$231,000 of the water quality permit account—state appropriation, \$31,000 of the hazardous waste assistance account—state appropriation, \$31,000 of the oil spill prevention account—state appropriation, and \$983,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(28) \$43,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(29) \$52,000 of the general fund—state appropriation for fiscal year 2022,

\$52,000 of the general fund—state appropriation for fiscal year 2023, \$8,000 of the reclamation account—state appropriation, \$8,000 of the flood control assistant account—state appropriation, \$32,000 of the waste reduction, recycling, and litter control account—state appropriation, \$4,000 of the worker and community right-to-know account—state appropriation, \$120,000 of the water quality permit account—state appropriation, \$10,000 of the underground storage tank account—state appropriation, \$6,000 of the bio solids permit account—state appropriation, \$18,000 of the hazardous waste assistance account—state appropriation, \$52,000 of the radioactive mixed waste account—state appropriation, \$10,000 of the air pollution control account—state appropriation, \$20,000 of the oil spill prevention account—state appropriation, \$12,000 of the air operating permit account—state appropriation, \$514,000 of the model toxics control operating account—state appropriation, and \$80,000 of the water pollution control revolving administration account—state appropriation are provided solely for the department to maintain and license the new eHub system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(30) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to enter into a contract with a qualified third party to develop standards that provide a framework for assessing the quality of volume, validity, and durability of potential future carbon dioxide removal projects. The resulting product should be adequate to allow in-state entities to analyze proposed carbon removal project for conformity with state carbon reduction laws, rules, and goals. The selected vendor should build upon previously completed analyses by the state of Washington and the federal government.

(31) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to:

(a) Develop recommendations and implement actions under existing authority to modify the process for the review of water banks to ensure that key information is made available to the

public. The changes should consider requirements such as:

(i) A description of a proposed banking and operations plan, including the needs and customers the bank intends to serve, the geographic area to be served, the portfolio of available mitigating rights and their allowed uses, any anticipated change in use of available mitigating rights, any limitations the bank intends to impose in offering water rights for use, and anything else the department deems necessary to promote transparency and the public interest;

(ii) Reporting requirements that include any changes in the intended customers or needs being serviced by the bank, any change in the geographic area to be served, any anticipated change in the use of available mitigating rights, any change in limitation the banks intends to impose in offering water right for use, and any other change the department deems necessary to promote transparency and the public interest; and

(iii) Reporting requirements for publishing each change and providing notice to pertinent parties and soliciting public comment.

(b) The department must build off its work directed under chapter 357, Laws of 2020 to refine recommendations on improving the state's framework for water banking, water trust, and water right transfers. Recommendations should address issues of private investment in water banking and the merits of incentives and regulations pertaining to the out-of-basin transfer of water rights. In refining its recommendations, the department shall consult with tribes and consider input from stakeholders with expertise in water banking.

(c) By December 31, 2021, the department shall update the appropriate committees of the legislature on its progress on refining policy recommendations under this section, including any recommended statutory changes, and on the status of the pilot grant program established under subsection (32) of this section.

(d) By December 1, 2022, the department shall submit a report to the appropriate committees of the legislature on work conducted pursuant to this section and on the pilot grant program established under this section. The report should include but is not

limited to a summary of water banking activity funded including success and challenges, a summary of outcomes of the pilot grant program, a summary of actions taken under current authority, and policy recommendations. The policy recommendations may also come in the form of agency request legislation.

~~(32) ((\$4,500,000 of the general fund state appropriation for fiscal year 2022 and \$4,500,000 of the general fund state appropriation for fiscal year 2023 are provided solely for the department to administer the pilot grant program for water banking strategies to meet water needs as described in this section. Within available appropriations, grants must be awarded to qualified applicants according to (c) of this subsection. Grant awards must be limited to not more than \$2,000,000 per applicant.~~

~~(a) Grant awards may only be used for:~~

~~(i) Development of water banks in rural counties as defined in RCW 82.14.370(5) that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. A major watershed has the same meaning as shoreline of the state in RCW 90.58.030(2)(f)(v) (A) and (B);~~

~~(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and~~

~~(iii) Activities necessary to facilitate the creation of a water bank.~~

~~(b) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include but are not limited to agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.~~

~~(c) To be qualified for these funds, an applicant must also show:~~

~~(i) That the applicant has sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;~~

~~(ii) That the applicant has secured a valid interest to purchase a water right;~~

~~(iii) That the water rights appear to be adequate for the intended use;~~

~~(iv) That the applicant agrees to have one third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife; and~~

~~(v) That the applicant is a public entity or a participant in a public/private partnership with a public entity.~~

~~(33)) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to:~~

~~(a) Establish and administer a pilot grant program for implementing water banking strategies to meet local water needs;~~

~~(b) Review water banking grant applications submitted under this section, including evaluation of water right suitability; and~~

~~(c) Develop and finalize water banking agreements, trust water right agreements, and other necessary legal instruments with entities selected to receive grants under this section.~~

~~((34)) (33) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to designate a regional clean air agency to convene a stakeholder group to assess and develop recommendations for reducing and mitigating air quality impacts in the form of noxious odors resulting from asphalt plants in the Puget Sound region. The stakeholder group should include representatives from the asphalt industry, cities within a county in the region in which an asphalt plant is located, the Puget Sound clean air agency, local and state health departments, research institutions, and a community or environmental organization representative with expertise in air pollution, toxicology, or other relevant fields. The recommendations must address steps needed for asphalt production facilities to develop odor control plans and best management practices to reduce noxious odors that negatively impact neighboring residents, businesses and persons utilizing publicly owned recreational facilities. A report containing recommendations must be submitted to the~~

appropriate committees of the legislature by December 1, 2021.

(34) \$233,000 of the model toxics control operating account—state appropriation and \$100,000 of the oil spill prevention account—state appropriation are provided solely for additional staff to develop and implement new area contingency plans related to spill response in Washington state.

(35) \$1,642,000 of the model toxics control operating account—state appropriation and \$115,000 of the underground storage tank account—state appropriation are provided solely for additional staff to meet environmental protection agency underground storage tank site inspection requirements and oversee the cleanup of known contaminated leaking underground storage tank sites in Washington.

(36) \$1,800,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for implementation of the food waste reduction act of 2019, chapter 255 Laws of 2019, through a series of food waste reduction campaigns, in addition to continuing to invest in litter prevention campaigns to address the state's ongoing litter problem.

(37) \$1,382,000 of the model toxics control operating account—state appropriation is provided solely to develop methods and analyze 6PPD compounds in water and sediment, establish baseline monitoring data, and fund projects to identify best management practices and treatment devices that remove 6PPD from stormwater.

(38) \$1,322,000 of the model toxics control operating account—state appropriation is provided solely for the department to complete a full safer alternatives assessment of the 6PPD compounds used in tires. The assessment shall incorporate and evaluate toxicity data of alternatives on Coho and other species. Of the amounts provided in this subsection, \$246,000 of the model toxics control operating account—state appropriation is provided to support materials science expertise and collection of industry data necessary to evaluate feasibility of alternatives. The department shall provide a completed assessment to the governor's office, office of financial management, and the appropriate committees of the

legislature, and, if the department finds safer alternatives exist, include recommended regulatory, policy, or legislative actions to advance safer alternatives.

(39) \$4,000,000 of the model toxics control operating account—state appropriation is provided solely for grants to local stormwater municipalities for expanding capacity to address stormwater management needs and meeting new municipal stormwater permit requirements, including stormwater management action planning to ensure that capital stormwater retrofit projects and other local stormwater management actions are prioritized, planned, and scheduled for construction or implementation.

(40) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to establish a permit assistance unit to facilitate the timely and efficient processing of permits for low carbon energy facilities and projects.

(41) \$1,378,000 of the general fund—state appropriation for fiscal year 2023 and \$549,000 of the climate investment account—state appropriation is provided solely for the department to increase air quality monitoring in overburdened communities as directed under RCW 70A.65.020(1).

(42) \$557,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for coordinating regulatory efforts to address temperature and other water quality issues associated with dams on the Columbia and Snake rivers, and for additional staff to assist with hydropower relicensing and license implementation.

(43) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to update the department's database of shoreline aerial photos to assist state agencies, local governments, and tribes in managing marine and freshwater shorelines throughout the state.

(44) \$164,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop standardized channel migration zone mapping methodology and to offer support for tribes, counties, and local jurisdictions to refine existing channel

migration zone maps with local information.

(45) \$901,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to identify the technologies, methodologies, datasets, and resources needed to refine and maintain the accuracy of the national hydrography dataset for Washington in order to better monitor the health of riparian buffers.

(46) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to administer grants for specific best management practices that are eligible under the centennial clean water program, with a priority for those projects that protect and restore riparian zones along the state's rivers and streams. Grants funded in this subsection must focus on improving water quality and salmon habitat in priority-impaired watersheds based on the department of fish and wildlife's riparian guidance, clean water act 303(d) listing for temperature-impaired streams, regional recovery plan priorities, and stocks limiting fisheries.

(47) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for flood prevention in the Nooksack basin. Of this amount:

(a) \$500,000 is provided solely to grant to Whatcom county to:

(i) Integrate Nooksack basin (WRIA 1) floodplain projects with mutually beneficial water resource and riparian habitat management actions that address climate change and extreme weather events; and

(ii) Support Whatcom county's floodplain integrated planning (FLIP) team planning, technical review, local solutions, and projects development.

(b) \$250,000 is provided solely for the department to lead facilitation and technical support for the Nooksack river international task force, which is a long-standing cross-border task force focused on developing and evaluating alternatives for managing flooding from the Nooksack river in Whatcom county and British Columbia.

(48) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to recommend one or more draft structures

for nutrient credit trading that could be used to efficiently and quickly achieve nutrient discharge reductions for point source dischargers covered under the Puget Sound nutrient general permit. By June 30, 2023, the department must submit a report to the appropriate committees of the legislature consistent with RCW 43.01.036 that summarizes the draft structure or structures and describes a tribal consultation and a stakeholder engagement process to solicit feedback on the draft structure or structures and any necessary statutory changes and funding.

(49) \$243,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed House Bill No. 1964 (alternative energy decomm.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(50) \$203,000 of the model toxics control operating account—state appropriation and \$87,000 of the oil spill prevention account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1691 (oil spills/financial resp.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(51) \$355,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1694 (chemicals/consumer products). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(52) \$449,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1663 (landfill methane emissions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(53) \$1,603,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(54) \$4,232,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to

federally recognized tribes for consultation on spending decisions from accounts created in the climate commitment act, chapter 316, Laws of 2021 (E2SSB 5126), as described in Engrossed Substitute House Bill No. 1753 (climate funding/tribes).

(55) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a hydrologic analysis of the causes of flooding on and around Sprague Lake, including stream flows between Sprague Lake and Cow Creek during high water events. The department may contract with a third party to complete the analysis, and the department must collaborate with the department of fish and wildlife in overseeing the analysis. The department must report the results of the analysis to the appropriate committees of the legislature by June 30, 2023.

Sec. 303. 2021 c 334 s 303 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

General Fund—Federal Appropriation
 ((~~\$638,000~~))
\$754,000

Pollution Liability Insurance Agency Underground

Storage Tank Revolving Account—State
 Appropriation \$957,000

Pollution Liability Insurance Program Trust Account—

State Appropriation
 ((~~\$1,392,000~~))
\$1,398,000

TOTAL APPROPRIATION
 ((~~\$2,987,000~~))
\$3,109,000

Sec. 304. 2021 c 334 s 304 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2022) ((~~\$29,059,000~~))
\$29,604,000

General Fund—State Appropriation (FY 2023) ((~~\$29,036,000~~))

\$36,745,000

General Fund—Federal Appropriation
 ((~~\$7,058,000~~))

\$7,111,000

Winter Recreation Program Account—State

Appropriation ((~~\$3,303,000~~))

\$4,897,000

Millersylvania Park Current Account—State

Appropriation \$5,000

ORV and Nonhighway Vehicle Account—State

Appropriation ((~~\$369,000~~))

\$379,000

Snowmobile Account—State
 Appropriation ((~~\$5,645,000~~))

\$5,671,000

Aquatic Lands Enhancement Account—State

Appropriation \$367,000

Parks Renewal and Stewardship Account—State

Appropriation ((~~\$125,451,000~~))

\$139,503,000

Parks Renewal and Stewardship Account—Private/Local

Appropriation \$420,000

TOTAL APPROPRIATION
 ((~~\$200,708,000~~))

\$224,702,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) ~~((\$406,000))~~ \$514,000 of the general fund—state appropriation for fiscal year 2022, ~~((\$322,000))~~ \$663,000 of the general fund—state appropriation for fiscal year 2023, and ~~((\$89,000))~~ \$249,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia.

(4) ~~((\$272,000))~~ \$80,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$272,000))~~ \$464,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than ~~((January))~~ April 1, 2022.

(7) \$7,900,000 of the general fund—state appropriation for fiscal year 2022 and \$7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$757,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to address needs identified in the "2017 vulnerability assessment" conducted by the climate impacts group.

(10) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$705,000 of the general fund—state appropriation for 2023 are provided solely for the commission to dedicate resources to government-to-government consultations with Indian tribes and implement executive order 21-02, archaeological and cultural resources.

(11)(a) \$160,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors,

such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(12) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the commission. Allowable uses include, but are not limited to, general maintenance of facilities and grounds, equipment, and construction materials, and maintenance of trails and trailheads, restrooms, campgrounds, picnic sites, water access areas, signs, kiosks, and access roads. The commission is encouraged to partner with nonprofit organizations in the maintenance of public lands and to partner with Washington tribes to respectfully and sustainably care for their ancestral lands in public ownership.

Sec. 305. 2021 c 334 s 305 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2022) (~~(\$4,119,000)~~)

\$4,272,000

General Fund—State Appropriation (FY 2023) (~~(\$3,655,000)~~)

\$54,396,000

General Fund—Federal Appropriation (~~(\$3,716,000)~~)

\$4,285,000

General Fund—Private/Local Appropriation \$24,000

Aquatic Lands Enhancement Account—State

Appropriation (~~(\$320,000)~~)

\$378,000

Firearms Range Account—State Appropriation \$37,000

Recreation Resources Account—State Appropriation (~~(\$3,999,000)~~)

\$4,196,000

NOVA Program Account—State Appropriation (~~(\$1,444,000)~~)

\$1,465,000

Youth Athletic Facility Nonappropriated Account—

State Appropriation \$181,000

TOTAL APPROPRIATION (~~(\$17,495,000)~~)

\$69,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically

underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with:
 (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(4) \$200,000 of the general fund—federal appropriation, \$12,000 of the general fund—private/local appropriation, and (~~(\$112,000)~~) \$116,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the

firearms range grant program as described in RCW 79A.25.210.

(6) (~~(\$3,999,000)~~) \$4,196,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) (~~(\$1,444,000)~~) \$1,465,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund—state appropriation for fiscal year 2022 and \$1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of

Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund—state appropriation for fiscal year 2022 and \$345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

(14) \$139,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to implement the

governor's salmon recovery strategy update by convening the natural resources sub-cabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to provide recommendations on establishing a dedicated funding source for salmon recovery. The office shall consult with the office of financial management when developing the recommendations. The recommendations shall include prioritized options of long-term, reliable funding for salmon recovery, a cost and feasibility analysis of each recommendation, a legal analysis of proposed recommendations, and a summary of input received, including consultation with Indian tribes. The office shall submit a final report to the appropriate committees of the legislature and the office of financial management by June 30, 2023.

(16) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to provide a grant to the Spokane Tribe of Indians for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.

(17)(a) \$50,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and implement a statewide, competitive riparian habitat conservation grant program to protect and restore habitat with a focus on acquiring and restoring riparian habitat to fully functioning healthy conditions.

(b) The office shall administer the amounts provided in this subsection separately from state salmon recovery funding board and federal pacific coastal

salmon recovery funds for lead entity salmon recovery projects.

(c) The office shall establish criteria for the issuance of the grants, including whether nonstate matching funds are required. To be eligible for funding under this program, a project must be within the department of fish and wildlife's riparian watershed maps and consistent with the department's best available science standards. The board shall prioritize funding for riparian restoration projects in watersheds prioritized by the department of fish and wildlife, in consultation with regional salmon recovery boards, lead entity watersheds, and tribes, and where progress goals established by the department have not been met.

(d) The office must provide a progress report, including trends in amount and condition of riparian habitat in the salmon and riparian atlas.

(e) The office may retain a portion of the funds provided in this subsection for the administration of the grants. The portion of the funds retained for administration may not exceed 4.12 percent of the amounts provided in this subsection.

(f) Of the amounts provided in this subsection, \$350,000 is provided solely to convene a technical work group to develop a project list for riparian projects and any related policies, procedures, and criteria. The work group must include experts from the department of fish and wildlife, department of ecology, Puget Sound partnership, and recreation and conservation office. Projects must be subject to screening to prioritize projects or watersheds based on the department of fish and wildlife's riparian guidance, clean water act 303(d) listing for temperature-impaired streams, regional recovery plan priorities, and stocks limiting fisheries. The office must solicit input from tribes on the project selection criteria. To be eligible, a project must come from the following programs: The salmon recovery funding board, Puget Sound acquisition and restoration, the estuary and salmon restoration program, the Washington coast restoration and resiliency initiative, and floodplains by design. The office of financial management must allot project funds to the recreation and conservation office based upon the technical work group list for riparian projects.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for motorized and nonmotorized boater education and outreach on Lake Union, with a specific goal of preventing boat and airplane conflicts on the lake during peak recreation season, given the provisions of United States coast guard navigation rules that seaplanes must in general keep well clear of other vessels. The office may grant funding to local or federal government agencies or nonprofit organizations. The office must publish a publicly available summary report by June 30, 2023, on funding recipients, uses of the funding, and the successes and failures of programs funded. Funding provided in this subsection may not be used to preclude or restrict public use of Lake Union, including recreational, commercial, or tribal use of the waters of the state.

Sec. 306. 2021 c 334 s 306 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2022) (~~(\$2,686,000)~~)

\$2,732,000

General Fund—State Appropriation (FY 2023) (~~(\$2,728,000)~~)

\$3,040,000

TOTAL APPROPRIATION (~~(\$5,414,000)~~)

\$5,772,000

Sec. 307. 2021 c 334 s 307 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2022) (~~(\$10,859,000)~~)

\$11,188,000

General Fund—State Appropriation (FY 2023) (~~(\$10,797,000)~~)

\$37,010,000

General Fund—Federal Appropriation \$2,482,000

General Fund—Private/Local Appropriation \$100,000

Public Works Assistance Account—State
Appropriation \$8,450,000

Model Toxics Control Operating
Account—State

Appropriation \$1,110,000

TOTAL APPROPRIATION
~~((\$33,798,000))~~
\$60,340,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 and \$100,000 of the general fund—private/local appropriation ((is)) are provided solely for the sustainable farms and fields program created in RCW 89.08.615 to provide technical assistance, education, and outreach to promote carbon storage and reduce greenhouse gas emissions. Grant funds may be used to promote cover crops, cost-share opportunities such as purchases of equipment, seeds, soil amendments, and development of conservation plans that increase carbon storage and reduce greenhouse gas emissions.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining

agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) \$8,450,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$1,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to develop a riparian plant propagation program of native trees and shrubs to implement riparian restoration projects that meet riparian zone requirements established by the department of fish and wildlife.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission, in collaboration with the department of agriculture, conservation districts, counties, and tribes, to provide grants to advance research and monitoring on the effectiveness of existing and new riparian habitat restoration on agricultural lands, better understand gaps in salmon recovery, and provide accountability on investments and programs.

(10) \$400,000 of the general fund state—appropriation for fiscal year 2023 is provided solely for the commission to:

(a) Participate in riparian buffer and agriculture and natural resources work led by the department of fish and wildlife with other state agencies and federally recognized tribes, including the riparian ecosystems assessment in section 308 of this act; and

(b) Contract with the Washington state academy of sciences to provide a report on the status of state-funded agriculture and conservation programs, including plans for future growth and steps to balance policy, science, and finances for sustainable agriculture and conservation industries in Washington.

(11) \$7,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

(12) \$8,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for incentives to increase riparian habitat on agricultural land not enrolled in the conservation reserve enhancement program and nonagricultural land. Potential incentives include a true commodity buffer program, an adapted commodity buffer program, and a small landowner program.

(13)(a) \$125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide a grant to the King county conservation district for a pilot program to reduce the impacts of artificial lighting on or near the water (on-water lighting) on the behavior of salmon and other aquatic life in Lake Sammamish. The grant funding may be used for:

(i) Supporting local efforts to develop a model ordinance to reduce on-water lighting impacts on salmon for new and existing construction;

(ii) Education and outreach on the impacts of on-water lighting;

(iii) Development of methods to reduce the impacts of on-water lighting; and

(iv) A contract with the United States geologic survey to conduct a baseline survey of artificial light levels, including light location and intensity

along the Lake Sammamish nearshore, artificial light hotspots, and a survey report.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the use of the funding in this subsection and the resulting reductions in on-water lighting.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2051 (agricultural disaster assist). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(15) \$6,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the voluntary stewardship program, including grants to counties to implement projects to enhance critical areas.

(16) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the commission to grant to the Washington resource conservation and development council to complete a community wildfire protection plan.

Sec. 308. 2021 c 334 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2022) (~~(\$89,387,000)~~)

\$100,640,000

General Fund—State Appropriation (FY 2023) (~~(\$87,617,000)~~)

\$137,006,000

General Fund—Federal Appropriation (~~(\$130,092,000)~~)

\$132,108,000

General Fund—Private/Local Appropriation (~~(\$62,539,000)~~)

\$63,796,000

ORV and Nonhighway Vehicle Account—State

Appropriation (~~(\$646,000)~~)

\$664,000
 Aquatic Lands Enhancement Account—
 State
 Appropriation ((~~\$12,240,000~~))
\$12,204,000
 Recreational Fisheries Enhancement
 Account—State
 Appropriation ((~~\$3,300,000~~))
\$3,326,000
 Warm Water Game Fish Account—State
 Appropriation ((~~\$2,779,000~~))
\$3,435,000
 Eastern Washington Pheasant
 Enhancement Account—
 State Appropriation ((~~\$675,000~~))
\$865,000
 Limited Fish and Wildlife Account—
 State
 Appropriation ((~~\$32,825,000~~))
\$38,984,000
 Special Wildlife Account—State
 Appropriation ((~~\$2,891,000~~))
\$2,901,000
 Special Wildlife Account—Federal
 Appropriation \$518,000
 Special Wildlife Account—
 Private/Local Appropriation
 ((~~\$3,634,000~~))
\$3,662,000
 Wildlife Rehabilitation Account—State
 Appropriation \$661,000
 Ballast Water and Biofouling
 Management Account—
 State Appropriation \$10,000
 Regional Fisheries Enhancement
 Salmonid Recovery
 Account—Federal Appropriation
 \$5,001,000
 Oil Spill Prevention Account—State
 Appropriation ((~~\$1,163,000~~))
\$1,199,000
 Aquatic Invasive Species Management
 Account—State
 Appropriation \$1,037,000

Model Toxics Control Operating
 Account—State
 Appropriation ((~~\$2,969,000~~))
\$2,973,000
 Fish, Wildlife, and Conservation
 Account—State
 Appropriation ((~~\$75,023,000~~))
\$74,107,000
 Oyster Reserve Land Account—State
 Appropriation \$524,000
 TOTAL APPROPRIATION
 ((~~\$515,531,000~~))
\$585,621,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). ((~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~))

(2) \$29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). ((~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~))

(3) \$534,000 of the general fund—state appropriation for fiscal year 2022 and \$472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ((~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~))

(4) \$1,777,000 of the general fund—state appropriation for fiscal year 2022 and \$1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault

Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) \$330,000 of the general fund—state appropriation for fiscal year 2022 and \$330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) (~~(\$467,000)~~) \$3,139,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) (~~(\$378,000)~~) \$555,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$378,000)~~) \$558,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 and 2021-2023 fiscal (~~(biennium)~~) biennia.

(12) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to

implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund—state appropriation for fiscal year 2022 and \$603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

~~((19))~~ (18) \$518,000 of the general fund—state appropriation for fiscal year 2022 and \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

~~((20))~~ (19) \$271,000 of the general fund—state appropriation for fiscal year 2022 and \$271,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales—protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

~~((21))~~ (20) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities

provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

~~((22))~~ (21) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca, outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

~~((23))~~ (22) \$315,000 of the general fund—state appropriation for fiscal year 2022 and \$315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

~~((24))~~ (23) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the

legislature by December 31, 2022, and a final report by June 30, 2023.

~~((25))~~ (24) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the

collaborative may be included in the report specified in (c) of this subsection.

~~((26))~~ (25) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

~~((27))~~ (26) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28))~~ (27) \$21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (28) \$44,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((30))~~ (29) \$132,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((31))~~ (30) \$600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

~~((32))~~ (31) \$155,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

~~((33) \$1,682,000))~~ (32) \$841,000 of the fish, wildlife and conservation account—state appropriation ~~((is)),~~ \$430,000 of the general fund—state appropriation for fiscal year 2022, and \$411,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

~~((34))~~ (33) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—

state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

~~((35))~~ (34) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

~~((36))~~ (35) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

~~((37))~~ (36) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

(37) \$407,000 of the general fund—state appropriation for fiscal year 2022 and \$664,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the department to implement executive order 21-02, archaeological and cultural resources.

(38) \$313,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform forage fish spawning surveys in Puget Sound.

(39) \$294,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(40) \$3,418,000 of the general fund—state appropriation for fiscal year 2023 and \$100,000 of the limited fish and wildlife account—state appropriation are provided solely to increase the department's ability to manage impacts from increased public recreation on department-owned or managed lands and water access sites.

(41) \$402,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide technical assistance and permitting guidance on solar facility proposals with the intent of limiting impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.

(42) \$1,297,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to increase technical assistance to local jurisdictions to better integrate salmon recovery plans into growth management comprehensive plans and critical areas ordinances.

(43) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to improve salmon population data analysis, improve salmon abundance modeling, better manage salmon fisheries policy, and collaborate with tribal comanagers on fisheries allocations.

(44) \$3,802,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational salmon and steelhead harvest in freshwater streams and rivers

in Puget Sound and along the Washington coast.

(45) \$2,116,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from the ocean and Puget Sound.

(46) \$994,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from commercial fisheries.

(47) \$226,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a marine fisheries compliance liaison to collaborate with other law enforcement partners on commercial and recreational fisheries issues.

(48) \$1,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance.

(49) \$372,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop and implement a mobile-based electronic catch record card system for statewide marine and freshwater fisheries.

(50) \$852,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes.

(51) \$4,283,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to develop a monitoring and evaluation program for salmon and steelhead hatcheries in western Washington with the goal to improve survival of hatchery fish to adult returns and adaptively manage hatchery programs to better achieve management goals, including rebuilding natural populations for conservation purposes and increasing fishing opportunities.

(52) \$2,392,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct fish in/fish out monitoring for the purposes of measuring freshwater systems salmon productivity for purposes of salmon recovery.

(53) \$1,685,000 of the general fund—state appropriation for fiscal year 2023 and \$295,000 of the limited fish and

wildlife account are provided solely to monitor recreational shellfish harvest in Puget Sound.

(54) \$710,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to monitor recreational Dungeness crab harvest along the Washington coast.

(55) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to complete a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(56) \$494,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to participate in hydropower licensing efforts for the purposes of mitigating impacts to salmon and other fish and wildlife species as a result of new or renewing federal and nonfederal hydropower facilities.

(57) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities,

counties, ports, the department of ecology, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of needs to assess progress made toward achieving net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social cobenefits.

(58) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assess the status of current riparian ecosystems, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(59) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for removal efforts for invasive bullfrogs and habitat preservation for species threatened by the bullfrogs, including the western pond

turtle, Oregon spotted frog, and northern leopard frog.

(60) \$95,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for research on shell disease in western pond turtles.

(61) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands and to partner with Washington tribes to respectfully and sustainably care for their ancestral lands in public ownership.

(62) \$60,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(63) \$2,070,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(64) \$39,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(65) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 309. 2021 c 334 s 309 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2022) (~~(\$5,592,000)~~)

\$5,612,000

General Fund—State Appropriation (FY 2023) (~~(\$5,464,000)~~)

\$8,060,000

General Fund—Federal Appropriation (~~(\$12,701,000)~~)

\$22,200,000

Aquatic Lands Enhancement Account—State

Appropriation \$1,437,000

Model Toxics Control Operating Account—State

Appropriation \$1,295,000

TOTAL APPROPRIATION (~~(\$26,489,000)~~)

\$38,604,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2023-2025 capital and operating budget requests related to Puget Sound recovery and restoration.

(3) \$304,000 of the general fund—state appropriation for fiscal year 2022 and \$272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to develop and implement an action plan that advances diversity, equity, and inclusion and environmental justice in Puget Sound recovery efforts.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to perform coordination and

monitoring related to Puget Sound kelp conservation and recovery.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to implement shipping noise-reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington Maritime Blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range in Washington state. Washington Maritime Blue will support a quiet sound advisory committee that should include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

(6) \$393,000 of the general fund—state appropriation for fiscal year 2022 and \$295,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) \$2,576,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to update local watershed salmon recovery chapters to reflect best available science on a regular basis, support scientific investigations to advance salmon recovery, increase collaboration and address barriers to Puget Sound salmon recovery, integrate data on salmon recovery into the Puget Sound online reporting platform, and track progress across the region.

Sec. 310. 2021 c 334 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2022) ~~((\$134,520,000))~~

\$219,398,000

General Fund—State Appropriation (FY 2023) ~~((\$153,194,000))~~

\$112,317,000

General Fund—Federal Appropriation ~~((\$42,668,000))~~

\$52,398,000

General Fund—Private/Local Appropriation ~~((\$3,161,000))~~

\$3,175,000

Forest Development Account—State Appropriation ~~((\$53,180,000))~~

\$56,505,000

ORV and Nonhighway Vehicle Account—State

Appropriation ~~((\$7,063,000))~~

\$7,230,000

Surveys and Maps Account—State Appropriation ~~((\$2,131,000))~~

\$2,192,000

Aquatic Lands Enhancement Account—State

Appropriation ~~((\$8,641,000))~~

\$8,914,000

Resource Management Cost Account—State Appropriation ~~((\$108,931,000))~~

\$113,379,000

Surface Mining Reclamation Account—State

Appropriation ~~((\$4,141,000))~~

\$4,220,000

Disaster Response Account—State Appropriation ~~((\$23,110,000))~~

\$23,111,000

~~((Contract Harvesting Revolving~~

~~Nonappropriated Account—State~~

~~Appropriation \$186,000))~~

Forest and Fish Support Account—State Appropriation ~~((\$11,182,000))~~

\$11,370,000

Aquatic Land Dredged Material Disposal Site Account—

State Appropriation \$404,000

Natural Resources Conservation Areas
Stewardship

\$4,097,000

Account—State Appropriation
(~~(\$46,000)~~)

\$285,000

Forest Fire Protection Assessment
Nonappropriated

Account—State Appropriation
\$191,000

State Forest Nursery Revolving
Nonappropriated

Account—State Appropriation
\$75,000

Access Road Revolving Nonappropriated
Account—State

Appropriation \$233,000

Forest Practices Application Account—
State

Appropriation (~~(\$1,978,000)~~)

\$2,036,000

Air Pollution Control Account—State
Appropriation (~~(\$895,000)~~)

\$903,000

Forest Health Revolving
Nonappropriated Account—

State Appropriation \$240,000

Model Toxics Control Operating
Account—State

Appropriation (~~(\$21,407,000)~~)

\$14,492,000

Wildfire Response, Forest Restoration,
and Community

Resilience Account—State
Appropriation \$87,107,000

NOVA Program Account—State
Appropriation (~~(\$779,000)~~)

\$795,000

Derelict Vessel Removal Account—State
Appropriation (~~(\$1,997,000)~~)

\$6,301,000

Community Forest Trust Account—State
Appropriation \$52,000

Agricultural College Trust Management
Account—State

Appropriation (~~(\$3,171,000)~~)

Natural Resources Federal Lands
Revolving

Nonappropriated Account—State
Appropriation \$16,000

TOTAL APPROPRIATION
(~~(\$583,592,000)~~)

\$731,436,000

The appropriations in this section are
subject to the following conditions and
limitations:

(1) \$1,857,000 of the general fund—
state appropriation for fiscal year 2022
and \$1,857,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for the department to
carry out the forest practices adaptive
management program pursuant to RCW
76.09.370 and the May 24, 2012,
settlement agreement entered into by the
department and the department of ecology.
Scientific research must be carried out
according to the master project schedule
and work plan of cooperative monitoring,
evaluation, and research priorities
adopted by the forest practices board.

(2) (~~(\$55,791,000)~~) \$43,316,000 of the
general fund—state appropriation for
fiscal year 2022 and (~~(\$74,632,000)~~)
\$87,107,000 of the (~~general fund state
appropriation for fiscal year 2023~~)
wildfire response, forest restoration,
and community resilience account—state
appropriation are provided solely for the
implementation of Second Substitute
House Bill No. 1168 (long-term forest
health). (~~If the bill is not enacted by
June 30, 2021, the amounts provided in
this subsection shall lapse.~~)

(3) \$873,000 of the general fund—
state appropriation for fiscal year 2022
and \$1,816,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for the implementation of
Engrossed Second Substitute House Bill
No. 1216 (urban and community forestry).
(~~If the bill is not enacted by June 30,
2021, the amounts provided in this
subsection shall lapse.~~)

(4) \$176,000 of the forest development
account—state appropriation, \$164,000 of
the aquatic lands enhancement account—
state appropriation, \$377,000 of the
resource management cost account—state
appropriation, and \$22,000 of the
agricultural college trust management
account—state appropriation are provided

solely for the implementation of Substitute House Bill No. 1355 (noxious weeds). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$12,000 of the aquatic lands enhancement account—state appropriation and \$10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund—state appropriation for fiscal year 2022 and \$1,515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) (~~(\$20,668,000)~~) \$116,940,000 of the general fund—state appropriation for fiscal year 2022, \$20,668,000 of the general fund—state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed. The amounts provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(9) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(10) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(11) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$448,000 of the general fund—state appropriation for fiscal year 2022 and \$448,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage

stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(13) \$185,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(14) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(15) \$569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(16) \$925,000 of the general fund—state appropriation for fiscal year 2022 and \$779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(17) \$77,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, \$82,000 of the forest development account—state appropriation, \$10,000 of the ORV and nonhighway vehicle account—state appropriation, \$19,000 of the aquatic lands enhancement account—state appropriation, \$189,000 of the resource management cost account—state appropriation, \$7,000 of the surface mining reclamation account—state appropriation, \$9,000 of the forest and fish support account—state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$45,000 of the access road revolving nonappropriated account—state appropriation, \$26,000 of the forest health revolving nonappropriated account—state appropriation, and \$9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(18) \$466,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$125,000)~~) \$189,000 of the general fund—state appropriation for fiscal year 2023, (~~(\$364,000)~~) \$404,000 of the forest development account—state appropriation, \$254,000 of the aquatic lands enhancement account—state appropriation, (~~(\$754,000)~~) \$836,000 of the resource management cost account—state appropriation, \$27,000 of the surface mining reclamation account—state appropriation, (~~(\$186,000 of the contract harvesting revolving nonappropriated account state appropriation,)~~) \$148,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$188,000 of the access road revolving nonappropriated account—state appropriation, \$214,000 of the forest health revolving nonappropriated account—state appropriation, and \$16,000

of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(19)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(20) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and

conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

(21) \$112,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(22) \$407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to

implement the rule effective October 1, 2022.

(23) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

(25) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

(26) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

(27) \$2,336,000 of the general fund—state appropriation for fiscal year 2022 and \$1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is~~

~~not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(28) ~~((~~\$180,000~~))~~ \$36,000 of the general fund—state appropriation for fiscal year 2022 and ~~((~~\$4,000~~))~~ \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(29) ~~((~~\$34,000~~))~~ \$180,000 of the general fund—state appropriation for fiscal year 2022 and ~~((~~\$8,000~~))~~ \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(30) \$1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

(31) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual

neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

(32) \$134,000 of the general fund—state appropriation for fiscal year 2022 and \$134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

(33) \$442,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5126) (climate commitment act).

(34) \$3,481,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to collect and refresh statewide lidar data on a 10-year cycle.

(35) \$680,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to improve performance of the forest practices adaptive management program by implementing recommendations made by the state auditor's office in its January 2021 performance audit of the program.

(36) \$450,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a targeted analysis of the current and projected impact from drought and opportunities for drought resilience on department owned and managed uplands and agricultural lands.

(37) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to hire a watershed steward to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.

(38) \$2,090,000 of the forest development account—state appropriation, \$1,695,000 of the resource management cost account—state appropriation, and \$115,000 of the agricultural college trust management account are provided solely for the department to complete silvicultural work in western Washington.

(39)(a) \$10,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a pilot project to improve salmon habitat across the department's aquatic, commercial, industrial, and agricultural lands. Of the amount provided in this subsection:

(i) \$4,000,000 is provided solely to improve nearshore habitat by accelerating restoration of state-owned aquatic lands; and

(ii) \$6,000,000 is provided solely to improve riparian function, including riparian planting and riparian set-asides on state-owned lands.

(b) The department must consult with federally recognized tribes and partner with relevant state agencies and local governments in implementing this pilot.

(c) The department must provide a report on the cost, monitoring, and effectiveness of investments in salmon habitat improvements to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(40)(a) \$1,261,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide grants to counties impacted by the long-term conservation strategy for the marbled murrelet, adopted by the board of natural resources on December 3, 2019, as an amendment to the 1997 state trust lands habitat conservation plan. The department must pay, by December 31, 2022, an amount to be distributed as follows:

- (i) Clallam county \$623,182
- (ii) Grays Harbor county \$7,176
- (iii) Jefferson county \$69,141
- (iv) King county \$517
- (v) Lewis county \$1,868
- (vi) Mason county \$5,309
- (vii) Pacific county \$212,885
- (viii) Skagit county \$70,067
- (ix) Snohomish county \$65,805
- (x) Wahkiakum county \$156,978
- (xi) Whatcom county \$47,650

(b) Funding distributed to counties under (a) of this subsection must be used by the counties in accordance with RCW 79.64.110(1)(a) (ii) and (iii).

(41) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the department, in coordination with the office of the superintendent of public instruction, for recommendations on the development of an outdoor school at the site of the Naselle youth camp. The department must consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. The department must submit a final report to the appropriate committees of the legislature by December 31, 2022.

(42) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands and to partner with Washington tribes to respectfully and sustainably care for their ancestral lands in public ownership.

(43) \$4,284,000 of the derelict vessel removal account—state appropriation is provided solely for implementation of House Bill No. 1700 (derelict vessel removal). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of establishing demonstration areas for wildfire ready neighbors, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.

Sec. 311. 2021 c 334 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2022) (~~(\$21,046,000)~~)

\$59,038,000

General Fund—State Appropriation (FY 2023) (~~(\$20,632,000)~~)

\$85,667,000

General Fund—Federal Appropriation
 ((~~\$35,878,000~~))
\$40,537,000

General Fund—Private/Local
 Appropriation \$193,000

Aquatic Lands Enhancement Account—
 State
 Appropriation ((~~\$2,692,000~~))
\$2,712,000

Water Quality Permit Account—State
 Appropriation \$73,000

Model Toxics Control Operating
 Account—State
 Appropriation ((~~\$9,410,000~~))
\$9,448,000

Dedicated Marijuana Account—State
 Appropriation
 (FY 2022) ((~~\$621,000~~))
\$628,000

Dedicated Marijuana Account—State
 Appropriation
 (FY 2023) ((~~\$627,000~~))
\$1,424,000

Northeast Washington Wolf-Livestock
 Management
 Nonappropriated Account—State
 Appropriation \$952,000

Coronavirus State Fiscal Recovery
 Fund—Federal
 Appropriation \$90,000,000

TOTAL APPROPRIATION
 ((~~\$182,124,000~~))
\$290,672,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation ((~~is~~)), \$31,793,000 of the general fund—state appropriation for fiscal year 2022, and \$43,045,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations

that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5)(a) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe

the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) (~~(\$203,000)~~) \$4,936,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$203,000)~~) \$938,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) (~~(\$6,105,445)~~) \$6,605,445 of the general fund—state appropriation for fiscal year 2022, (~~(\$6,105,905)~~) \$23,230,000 of the general fund—state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) \$952,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000 for fiscal year 2022 and fiscal year 2023. Funds from the grant program must

be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for \$320,000 for fiscal year 2022 and fiscal year 2023 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and

leaves the United States near Danville, Washington.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) (~~(\$119,000)~~) \$323,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$25,000)~~) \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(13) \$78,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$24,000)~~) \$276,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(14) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is

unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund—state appropriation for fiscal year 2022 and \$168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund—state appropriation for fiscal year 2022 and \$1,832,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) (~~(\$152,000)~~) \$156,000 of the general fund—state appropriation for fiscal year 2022 (~~(+)~~) and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(18) \$366,000 of the general fund—state appropriation for fiscal year 2022 and \$366,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the department's emergency management planning responsibilities related to agricultural systems, radiological preparedness and response, foodborne outbreaks, food security, and other emergency management responsibilities.

(19) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the state conservation commission, conservation districts, counties, and tribes, to design and conduct research on the effectiveness of existing and new riparian habitat restoration on agricultural lands.

(20) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for rulemaking for a voluntary marijuana certification program that is consistent with the department's existing organics program, as authorized by chapter 317, Laws of 2017 (ESSB 5131).

(21) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers.

(22) \$81,000 of the general fund—state appropriation for fiscal year 2022 and \$139,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a hemp in food task force and a hemp commission task force.

(a) Of the amounts provided in this subsection, \$75,000 in fiscal year 2022 and \$125,000 in fiscal year 2023 are for a hemp in food task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The department must provide staff support for the task force and contract for relevant scientific expertise. The department must report to the appropriate committees of the legislature with recommendations for the regulation of hemp in food by December 1, 2022.

(b) Of the amounts provided in this subsection, \$6,000 in fiscal year 2022 and \$14,000 in fiscal year 2023 are for a hemp commission task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations, including the hemp industry. The department must provide staff support for the task force. The department must report to the appropriate committees of the legislature with recommendations for the creation of a commodity commission for hemp by December 1, 2022.

(23) \$790,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$301,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 312. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2023) \$1,176,000

Energy Facility Site Evaluation Council Account—

Private/Local Appropriation
\$13,116,000

TOTAL APPROPRIATION \$14,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$208,000 of the general fund—state appropriation for fiscal year 2023 and \$8,333,000 of the energy facility site evaluation council account—private/local appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1812 (energy facility site council). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(2)(a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the council to contract with a national research laboratory to:

(i) Evaluate Washington's current and future electric grid resilience and reliability based on current and projected electric energy production, ability to produce energy in-state, reliance on energy production outside of the state, and energy grid interdependence with other western states;

(ii) Identify key grid resilience and reliability challenges that could emerge under multiple future scenarios given adoption of new energy technologies, changes in residential and industrial energy demand, and changes in energy production and availability from both in and out-of-state sources;

(iii) Study the impact to the future electric grid resulting from the growth of the information technology sector, including the impact of increased data center energy demand from the tax exemptions provided in RCW 82.08.986;

(iv) Review and incorporate existing models, data, and study findings to ensure a duplication of efforts does not

occur and to highlight modeling gaps related to regional grid resilience planning;

(v) Convene an advisory group to inform scenario development and review results, which may include representatives from the Washington State University Pacific northwest national laboratory advanced grid institute, energy facility site evaluation council, department of commerce, utilities and transportation commission, relevant legislative committees, energy producers, utilities, labor, environmental organizations, tribes, and communities at high risk of rolling blackouts and power supply inadequacy; and

(vi) Develop recommendations for enhancing electric grid reliability and resiliency for Washington that includes considerations of affordability, equity, and federal funding opportunities.

(b) The energy facility site evaluation council shall report findings and recommendations to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

PART IV

TRANSPORTATION

Sec. 401. 2021 c 334 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2022) (~~(\$2,901,000)~~)

\$3,009,000

General Fund—State Appropriation (FY 2023) (~~(\$2,585,000)~~)

\$3,208,000

Architects' License Account—State Appropriation (~~(\$1,263,000)~~)

\$1,347,000

Real Estate Commission Account—State Appropriation (~~(\$13,532,000)~~)

\$14,279,000

Uniform Commercial Code Account—State Appropriation (~~(\$3,121,000)~~)

\$3,204,000

Real Estate Education Program Account—State

Appropriation \$276,000

Real Estate Appraiser Commission
Account—State

Appropriation ~~((\$1,876,000))~~

\$1,969,000

Business and Professions Account—
State Appropriation ~~((\$23,882,000))~~

\$25,373,000

Real Estate Research Account—State
Appropriation \$415,000

Firearms Range Account—State
Appropriation \$74,000

Funeral and Cemetery Account—State
Appropriation \$27,000

Landscape Architects' License
Account—State

Appropriation ~~((\$80,000))~~

\$88,000

Appraisal Management Company Account—
State

Appropriation ~~((\$256,000))~~

\$264,000

Concealed Pistol License Renewal
Notification

Account—State Appropriation
\$140,000

Geologists' Account—State
Appropriation \$149,000

Derelict Vessel Removal Account—State
Appropriation \$33,000

TOTAL APPROPRIATION
~~((\$50,583,000))~~

\$53,855,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$140,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$9,000 of the general fund—state appropriation for fiscal year 2023, \$13,000 of the architects' license

account—state appropriation, \$121,000 of the real estate commission account—state appropriation, \$22,000 of the uniform commercial code account—state appropriation, \$16,000 of the real estate appraiser commission account—state appropriation, and \$227,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) The department shall inventory all business and professions fees and associated accounts including identification of all fees paid into each account, the amount and timing of the last fee increase, the estimated expenditures necessary to administer each fee based program, and the projected fee changes necessary to ensure positive account balances for each business and professions program account. The projection should include the period beginning with the 2021-2023 fiscal biennium through the 2025-2027 biennium. A report to the governor and legislature is due December 1, 2021.

(4) \$157,000 of the uniform commercial code account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5355 (wage liens). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$267,000 of the real estate commission account—state appropriation is provided solely to implement Substitute Senate Bill No. 5378 (real estate broker renewal). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$808,000 of the general fund—state appropriation for fiscal year 2022 and \$551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued implementation of the legacy firearms system until the modernization project is completed.

(7) \$28,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1107 (nonresident vessel permit provisions). ~~((If the bill is not enacted by June 30, 2021, the amount~~

~~provided in this subsection shall lapse.))~~

(8) \$30,000 of the architects' license account—state appropriation, \$297,000 of the real estate commission account—state appropriation, \$50,000 of the real estate appraiser commission account—state appropriation, and \$514,000 of the business and professions account—state appropriation are provided solely for implementation of House Bill No. 1399 (professional licensure/convictions). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$537,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 402. 2021 c 334 s 402 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation (FY 2022) ~~((\$59,974,000))~~

\$66,664,000

General Fund—State Appropriation (FY 2023) ~~((\$60,590,000))~~

\$64,420,000

General Fund—Federal Appropriation ~~((\$16,707,000))~~

\$16,734,000

General Fund—Private/Local Appropriation \$3,091,000

Death Investigations Account—State Appropriation ~~((\$7,906,000))~~

\$8,645,000

County Criminal Justice Assistance Account—State

Appropriation ~~((\$4,533,000))~~

\$4,589,000

Municipal Criminal Justice Assistance Account—State

Appropriation ~~((\$1,637,000))~~

\$1,665,000

Fire Service Trust Account—State Appropriation \$131,000

Vehicle License Fraud Account—State Appropriation \$119,000

Disaster Response Account—State Appropriation ~~((\$8,500,000))~~

\$12,500,000

Fire Service Training Account—State Appropriation ~~((\$12,297,000))~~

\$12,701,000

Model Toxics Control Operating Account—State

Appropriation ~~((\$567,000))~~

\$581,000

Fingerprint Identification Account—State

Appropriation ~~((\$12,617,000))~~

\$12,685,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) ~~((\$2,423,000))~~

\$2,419,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) ~~((\$2,423,000))~~

\$2,419,000

Washington Internet Crimes Against Children Account—

State Appropriation \$1,000,000

TOTAL APPROPRIATION ~~((\$194,515,000))~~

\$210,363,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$8,500,000))~~ \$12,500,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) ~~\$2,423,000~~ of the dedicated marijuana account—state appropriation for fiscal year 2022 and ~~((~~\$2,423,000~~))~~ \$2,560,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(3) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund—state appropriation for fiscal year 2022, \$356,000 of the general fund—state appropriation for fiscal year 2023, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) ~~((~~\$700,000~~))~~ \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being

taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) \$316,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(10) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(11) \$2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(12) \$1,334,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$2,373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for facility and staff costs associated with construction

of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

(a) A detailed list of expenditures so far;

(b) A detailed list of expenditure yet to be made before the completion of the project;

(c) An updated project timeline with expected end date; and

(d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. Prior to the purchase of the DNA technology and forensic services for the pilot program, the Washington state patrol must submit a plan to the legislature no later than December 31, 2021, that addresses the following operational issues of the program:

(a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;

(b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and

(c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

(15) \$94,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for implementation of Substitute House Bill No. 2057 (state patrol workforce). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$191,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1725 (missing indigenous persons). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$330,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

PART V

EDUCATION

Sec. 501. 2021 c 334 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2022) (~~(\$31,237,000)~~)

\$31,948,000

General Fund—State Appropriation (FY 2023) (~~(\$30,769,000)~~)

\$38,406,000

General Fund—Federal Appropriation \$105,917,000

General Fund—Private/Local Appropriation \$8,060,000

Washington Opportunity Pathways Account—State

Appropriation (~~(\$265,000)~~)

\$7,265,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) \$520,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) \$533,000

Performance Audits of Government Account—State

Appropriation \$213,000

Workforce Education Investment	
Account—State	
Appropriation	((\$3,812,000))
	<u>\$7,412,000</u>
Elementary and Secondary School	
Emergency Relief III	
Account—Federal	Appropriation
((\$4,631,000))	
	<u>\$7,116,000</u>
TOTAL	APPROPRIATION
((\$185,957,000))	
	<u>\$207,390,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) ((~~\$14,470,000~~)) \$15,181,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$14,486,000~~)) \$17,157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other

sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation

science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(x) Within amounts provided in this subsection (1)(a), \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a climate science curriculum staff position within the office of the superintendent of public instruction and to integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(xi) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1833 (school meals/electronic info).

(xii) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1834 (student absences/mental health).

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to

support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be

coordinated through the financial literacy public-private partnership.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(t) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to enter into a contract to assess the feasibility, specifications, integration, and cost estimates for full development and implementation of the apportionment system.

(u) \$70,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

(v) Within funds appropriated in this section, and in addition to the annual reports to the school for the blind and the Washington state school for the deaf and hard of hearing youth required from school districts (RCW 72.40.060), educational service districts, and the office of the superintendent of public instruction (RCW 72.40.070) reporting the number of youth aged from three to 21 years who are visually or hearing impaired, the office of the superintendent shall collect information from school districts on the following:

(i) For the purposes of being able to properly serve students with a blind/low-vision or deaf or hard of hearing "impairment" as identified in chapter 392-172A WAC with basic language access needs, these students must be specifically identified in reports. This must also include those students who may not be served under the special education state administrative code but may be served under section 504 of the Americans with disabilities act. Reporting must be complete and note all known students with an identified vision and/or hearing loss, regardless of that disability determination status being considered primary, secondary, etc. or being included as part of the special education category of multiple disabilities, as well as those students served on 504 plans;

(ii) The number of school staff assigned to an individual student who is visually impaired or deaf or hard of hearing, or both;

(iii) The number of these staff members who are acting as educational interpreters and whether they have passed the educational interpreter performance test and their score; and

(iv) The number of educational interveners and whether they have passed the educational interpreter performance test and their score.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022

and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206,

Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and

resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(h) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to convene a work group to identify crisis response protocols, trainings, and approved curricula to address the continuum of challenging behaviors precrisis, crisis, and postcrisis.

(i) The office must provide stipends for work group members who represent families and individuals with lived experiences to compensate for time and travel to meetings.

(ii) The members of the work group must include:

(A) A representative from the department of children, youth, and families with expertise on inclusion, equitable access, trauma-informed practices, and relational safety in education settings;

(B) An organization representing youth with intellectual and developmental disabilities;

(C) An individual representing youth with communication disorders, specifically nonspeaking youth;

(D) An individual from the educational opportunity gap oversight and accountability committee;

(E) An organization working to improve inclusive practices in Washington that works with families and communities;

(F) One member of an organization representing youth in foster care;

(G) One member from an organization representing youth experiencing homelessness;

(H) At least two students or young adults who have lived experience with restraint and isolation;

(I) A student or young adult who is a survivor of the school-to-prison pipeline;

(J) A representative of the protection and advocacy agency of Washington;

(K) A representative from a no-public agency school or educational service district-managed school for students with challenging behaviors;

(L) A paraeducator who has experience working in a self-contained behavior program;

(M) A teacher who has experience working in a self-contained behavior program; and

(N) A principal who has a behavior program located in their school building.

(iii) A member may fulfill or represent more than one of the designations in (ii) of this subsection (3)(h).

(iv) The office and the work group must make meeting notices public and allow for public comment at each work group meeting. The office and the work group must solicit input from families, youth, and community-based organizations engaging with families and students with disabilities and organizations working to eliminate the school-to-prison pipeline. The office may solicit input from other groups or add additional members.

(v) At a minimum, the work group must:

(A) Identify trauma-informed strategies, approaches, and curriculum for supporting students in distress and with challenging behaviors that prioritize relational safety;

(B) Create a list of approved crisis-response protocols and deescalation techniques for schools that are trauma-informed and prioritize relational safety;

(C) Recommend elements needed to improve access to mental health supports for students with disabilities;

(D) Identify building-based strategies to enhance fidelity to multitiered systems of support and student behavior plans for students with challenging behaviors;

(E) Identify building-based strategies to track and reduce or eliminate restraint and isolation use, centering an equity lens based on school, program, and placement-level disproportionality data; and

(F) Identify best practices for implementation of the strategies identified in (A) through (E) of this subsection (3)(h)(v), with recommendations for district-based compliance and tracking mechanisms.

(vi) The work group must submit recommendations to the education committees of the legislature, the office of the governor, and the office of the education ombuds by December 1, 2022.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school

administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state appropriation for fiscal year 2023, and \$1,053,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and \$533,000 of the dedicated marijuana account—state appropriation for fiscal

year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214

(K-12 safety & security serv.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(t) \$35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(u) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(v) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(w) \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation is provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(y) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(z) \$553,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

(aa)(i) \$76,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:

(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;

(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;

(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening

allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;

(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2022-23 school year;

(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and June 1, 2023; and

(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.

(ii) When collecting and analyzing information required under (i) of this subsection (4)(aa), the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

(iii) The office and the department must submit the report to the appropriate committees of the legislature by June 30, 2023.

(bb) \$3,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract for regional multitiered systems of support (MTSS) implementation specialists during the 2022-23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students exacerbated by the pandemic. Funding may also be used for the specialists to provide MTSS training and technical assistance to help school districts and educational service districts connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

(cc) \$367,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(dd) \$7,000,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small districts with less than 800 enrolled students located in urban and suburban areas and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

Sec. 502. 2021 c 334 s 502 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

General Fund—State Appropriation (FY 2022) \$3,001,000

General Fund—State Appropriation (FY 2023) (~~(\$5,003,000)~~)

\$5,366,000

Washington Opportunity Pathways Account—State

Appropriation \$322,000

TOTAL APPROPRIATION (~~(\$8,326,000)~~)

\$8,689,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the general fund—state appropriation for fiscal year 2022 and \$138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for the following: Continuation of the mastery-based learning work group (chapter 252, Laws of 2019), expansion of ongoing pathways research, and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2022.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$3,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites for the purpose of addressing learning recovery and other educational issues related to COVID-19. The funds must be used for grants to school districts, professional development of school district staff, and implementation support provided by the state board of education. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. Grants for mastery-based learning may be made in partnership with private matching funds.

(3) \$263,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board of

education for a community engagement coordinator position within the state board of education. Funding provided in this subsection may also be used for contracts for partner organizations, including community-based and nonprofit organizations, to support the engagement coordinator.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board of education to identify, develop, or purchase a school climate survey tool or other assessment options, and work with the office of the superintendent of public instruction and school districts to develop a statewide implementation plan, and report back on progress to the governor and education committees of the legislature by June 30, 2023.

Sec. 503. 2021 c 334 s 503 (uncodified) is amended to read as follows:

FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD

General Fund—State Appropriation (FY 2022) \$16,868,000

General Fund—State Appropriation (FY 2023) (~~(\$19,203,000)~~)

\$21,375,000

TOTAL APPROPRIATION (~~(\$36,071,000)~~)

\$38,243,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,693,000 of the general fund—state appropriation for fiscal year 2022 and \$1,725,000 of the general fund—state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of

the general fund—state appropriation for fiscal year 2022 and up to \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$622,000 of the general fund—state appropriation for fiscal year 2022 and \$622,000 of the general fund—state appropriation for fiscal year 2023 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$13,499,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$16,076,000)~~) \$17,535,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection:

(a) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop an online course to train educators on effective community, family, and student engagement.

(b) \$12,587,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$15,414,000)~~) \$16,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection

are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2020-21 and 2021-22 school years. Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$54,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute House Bill No. 1028 (residency teacher cert.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$63,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop standards for two specialty endorsements in computer science, one in elementary computer science and one in secondary computer science. The professional educator standards board shall consult with the superintendent of public instruction to confirm that the specialty endorsements reflect the appropriate content necessary to teach computer science in the classroom, as defined by the office of the superintendent of public instruction with industry input. The computer science specialty endorsements must be available to all certificated teachers who hold a valid license and who demonstrate sufficient content knowledge in computer science.

(8) \$187,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5044 (schools/equity training). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$700,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the board to administer grants to reimburse school districts for professional development activities of up to \$2,000 per employee or contracted staff service provider in the role of educational interpreter who are training to meet standards in RCW 28A.410.271. Funding provided in this subsection may be used for:

(a) Professional development, training, or mentoring services;

(b) Paid time to attend training or mentoring opportunities;

(c) Compensation for substitutes to enable educational interpreters to access professional development, training, or mentoring services during the instructional day without interrupting service to students;

(d) Courses offered at institutions of higher education located in Washington and designed to improve professional skills to meet the educational needs of students who are deaf or hard of hearing;

(e) Assessment fees for initial submission or assessment retakes to meet or exceed standards in RCW 28A.410.271(3)(a) and (b); and

(f) Other activities as defined by the Washington professional educator standards board in consultation with the Washington center for deaf and hard of hearing youth and associations representing school administrators and educational interpreters.

(10) \$13,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 504. 2021 c 334 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2022) ~~((\$9,852,652,000))~~

\$9,543,666,000

General Fund—State Appropriation (FY 2023) ~~((\$9,550,695,000))~~

\$9,217,962,000

Education Legacy Trust Account—State Appropriation ~~((\$1,398,115,000))~~

\$1,616,115,000

TOTAL APPROPRIATION ~~((\$20,801,462,000))~~

\$20,377,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across

each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22	2022-23
	0	School Year	School Year
Grade K		17.00	17.00

1	Grade	17.00	17.00
2	Grade	17.00	17.00
3	Grade	17.00	17.00
4	Grade	27.00	27.00
s 5-6	Grade	27.00	27.00
s 7-8	Grade	28.53	28.53
s 9-12	Grade	28.74	28.74

determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.500	0.500	0.500

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by Second Substitute House Bill No. 1664 (schools/support funding), and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as

	2021-22	2022-23
	School	School
	Year	Year
Career and Technical Education	3.07	((3.07)) <u>3.35</u>
Skill Center	3.41	((3.41)) <u>3.69</u>

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
Skill Center students	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual

average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by ~~((12.52))~~ 12.58 percent in the 2021-22 school year and ~~((11.96))~~ 11.91 percent in the 2022-23 school year for career and technical education students, and ~~((17.86))~~ 17.92 percent in the 2021-22 school year and ~~((17.26))~~ 17.22 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and ~~((22.71))~~ 22.98 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and ~~((22.75))~~ 22.80 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in ~~((section 942 of this act))~~ section 934 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	((168.10)) <u>\$173.59</u>
Utilities and Insurance	\$382.70	((388.82)) <u>\$403.75</u>
Curriculum and Textbooks	\$151.22	((153.64)) <u>\$159.54</u>
Other Supplies	\$299.50	((303.29)) <u>\$316.73</u>
Library Materials	\$21.54	((21.89)) <u>\$21.97</u>
Instructional Professional Development for Certificated and Classified Staff	\$23.39	((23.76)) <u>\$24.67</u>
Facilities Maintenance	\$189.59	((192.62)) <u>\$200.02</u>
Security and Central Office	\$131.35	((133.45)) <u>\$138.57</u>
TOTAL MSOC/STUDENT NT FTE	\$1,340.13	((1,386.57)) <u>\$1,438.84</u>

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and (~~(\$1,610.92)~~) \$1,672.76 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and (~~(\$1,610.92)~~) \$1,672.76 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	((\$41.15)) <u>\$42.72</u>
Curriculum and Textbooks	\$44.18	((\$44.89)) <u>\$46.61</u>
Other Supplies	\$86.06	((\$87.43)) <u>\$90.79</u>
Library Materials	\$5.99	((\$6.09)) <u>\$6.32</u>
Instructional Professional Development for Certified and Classified Staff	\$7.36	((\$7.48)) <u>\$7.77</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$184.0	((\$187.04)) <u>\$194.21</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers and classified staff is based on (~~(four (4))~~):

(a) Four funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86 for the 2021-22 school year.

(b) Five funded substitute days per classroom teacher unit generated under subsection (2) of this section at a daily substitute rate of \$151.86 and two funded substitute days per classified staff units generated under subsection (4) of this section at a daily substitute rate of \$100.

(c) \$29,880,000 of the education legacy trust account—state appropriation is provided solely for a one-time allocation to school districts for substitute costs. Allocations must be distributed to school districts proportionate to the substitute allocations provided in (b) of this subsection. To receive increased funding in this subsection, a school district must have a pool of paid leave that is available to staff who become ill or need to quarantine due to COVID-19 and who have limited leave balances, with priority given to those with 10 days or less of available leave.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

(a) Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(b) To generate an allocation under this section, enrollments under uniform entry qualifications for kindergarten admission require an individualized decision by the district that is based upon the ability, or the need, or both, of an individual student as required in RCW 28A.225.160. Due to significant growth in exceptions provided under optional school district transitional kindergarten programs, and to ensure compliance with RCW 28A.225.160, the superintendent of public instruction must adopt rules for allocations under this section regarding exceptions to uniform entry qualifications for kindergarten admission for the 2022-23 school year. Rules established under the subsection must:

(i) Limit allocations for exceptions to uniform entry qualifications for kindergarten under this section only to students enrolled as individualized exceptions based upon the ability, or the need, or both, of an individual student;

(ii) Define full-time equivalent enrollments under exceptions to uniform entry qualifications for kindergarten that exceed a district's 2021-22 enrollments under exceptions as nonindividualized programmatic exceptions, which do not generate allocations under this section;

(iii) Allow school districts to fund nonindividualized programmatic

exceptions from local revenues as enrichments of the state's statutory program of basic education; and

(iv) Include a review no later than June 30, 2023, based on the Washington state institute for public policy report required in section 606(4)(n) of this act and any applicable statutory changes made subsequent to this act.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small

school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional

one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of ~~((1.2))~~ 1.6 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities) and Engrossed Second Substitute House Bill No. 1760 (dual credit program access). ~~((In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates~~

~~for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.))~~

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those

adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) (~~(\$27,806,000)~~) \$14,859,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(24) \$1,000,000 of the education legacy trust account—state appropriation is provided solely for enrollment stabilization allocations to the national youth challenge academy as defined in RCW 28A.150.310 for the 2021-22 school year. Amounts allocated under this subsection are not part of the state's program of basic education but may be used for any allowable cost within any of the programs funded under RCW 28A.150.310.

(25) \$62,980,000 of the general fund—state appropriation for fiscal year 2022 and \$187,120,000 of the education legacy trust account—state appropriation are provided solely for enrollment stabilization allocations required in section 523 of this act.

Sec. 505. 2021 c 334 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's

regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22	2022-23
	School Year	School Year
Certificated Instructional	\$68,937	(\$70,040) <u>\$72,728</u>
Certificated Administrative	\$102,327	(\$103,964) <u>\$107,955</u>
Classified	\$49,453	(\$50,244) <u>\$52,173</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~(February 1, 2021, at 5:17)~~ February 18, 2022, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and ~~((22.07))~~ 22.34 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and ~~((19.25))~~ 19.30 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

Sec. 506. 2021 c 334 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2022) ~~((\$102,094,000))~~

\$97,080,000

General Fund—State Appropriation (FY 2023) ~~((\$310,929,000))~~

\$582,350,000

TOTAL APPROPRIATION ~~((\$413,023,000))~~

\$679,430,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and ~~((1.6))~~ 5.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in Engrossed Substitute Senate Bill No. 5044 (schools/equity training).

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and ~~((22.07))~~ 22.34 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and ~~((19.25))~~ 19.30 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in (~~section 942 of this act~~) section 934 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, (~~\$1,032~~) \$1,026 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

Sec. 507. 2021 c 334 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2022) (~~(\$615,759,000)~~)

\$605,160,000

General Fund—State Appropriation (FY 2023) (~~(\$649,872,000)~~)

\$660,138,000

TOTAL APPROPRIATION
(~~(\$1,265,631,000)~~)

\$1,265,298,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) (~~(\$33,858,000)~~) \$29,745,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

(12) For the 2022-23 school year, funding levels in this section reflect substitute costs for bus operators based on two funded substitute days per estimated classified staff units generated under this section at a daily substitute rate of \$100.

(13) \$63,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1808 (pupil transportation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 508. 2021 c 334 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES

General Fund—State Appropriation (FY 2022) \$11,667,000

General Fund—State Appropriation (FY 2023) (~~(\$11,667,000)~~)

\$33,334,000

General Fund—Federal Appropriation (~~(\$551,378,000)~~)

\$573,247,000

TOTAL APPROPRIATION (~~(\$574,712,000)~~)

\$618,248,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in

Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4)(a) \$21,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under Substitute House Bill No. 1878 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate. If the bill is not enacted by June 30, 2022, the

amount provided in this subsection shall lapse.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$119,000)~~) \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement Substitute House Bill No. 1878 (schools/comm. eligibility).

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

(6) \$18,224,000 of the general fund—federal appropriation is provided solely for reimbursement of local education agencies expenditures for the acquisition of unprocessed or minimally processed domestic food products from the United States department of agriculture supply chain assistance funds authorized by the commodity credit corporation charter act of 2021.

(7) \$3,645,000 of the general fund—federal appropriation is provided solely for food assistance purchases of domestic local foods for distribution to schools from the United States department of agriculture local food for schools cooperative agreement program authorized by the commodity credit corporation charter act of 2021.

Sec. 509. 2021 c 334 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2022) (~~(\$1,455,154,000)~~)

\$1,464,854,000

General Fund—State Appropriation (FY 2023) (~~(\$1,537,069,000)~~)

<u>\$1,462,409,000</u>	
General Fund—Federal	Appropriation
\$571,229,000	
Education Legacy Trust Account—State	
Appropriation	\$54,694,000
Elementary and Secondary School	
Emergency Relief III	
Account—Federal	Appropriation
\$7,000,000	
TOTAL	APPROPRIATION
((\$3,625,145,000))	
<u>\$3,560,186,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement

the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ((~~\$63,338,000~~)) \$76,334,000 of the general fund—state appropriation for fiscal year 2022, ((~~\$82,671,000~~)) \$91,192,000 of the general fund—state appropriation for fiscal year 2023, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education

funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of ~~((\$931,000))~~ \$1,250,000 may be expended from the general fund—state appropriations to fund ~~((5.43 full time equivalent teachers and 2.1 full time equivalent aides at children's orthopedic hospital and medical center))~~ teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however,

carryover funds shall be expended in the special education program.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$87,000 of the general fund—state appropriation for fiscal year 2023, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$12,000,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

(15)(a) Within amounts provided in section 501(1)(a) of this act, the office of the superintendent of public instruction shall submit a report on districts receiving funding for services to students of preschool age with disabilities, as defined in RCW 28A.155.070, for the 2022-23 school year. The report must include data on revenues and expenditures for the special education programs offered in-district or with a provider, or for special education services offered in-home or outside of traditional preschool settings, including but not limited to:

(i) Revenues received by each district;

(ii) Expenditures by district by object, activity, and national center of education statistics codes;

(iii) Expenditures by district and by object, activity, and national center of education statistics codes for children in preschool programs offered by the district;

(iv) Expenditures by district and by object, activity, and national center of education statistics codes for children in preschool programs offered by other providers;

(v) Expenditures by district and by object, activity, and national center of education statistics codes for children receiving special education services in-home or outside of traditional preschool settings; and

(vi) Expenditures by category of disability for children in preschool settings offered by the district or other

providers, or for children receiving special education services in-home or outside of traditional preschool settings.

(b) The superintendent shall submit a preliminary report by June 30, 2023. It is the intent of the legislature that the superintendent submit a final report by December 1, 2023, and that funding for this purpose be provided in the 2023-2025 fiscal biennium operating budget.

Sec. 510. 2021 c 334 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2022) \$28,636,000

General Fund—State Appropriation (FY 2023) (~~(\$28,636,000)~~)

\$28,677,000

TOTAL APPROPRIATION (~~(\$57,272,000)~~)

\$57,313,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language

arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide

professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,150,000 of the general fund—state appropriation for fiscal year 2022 and \$2,150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 511. 2021 c 334 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2022) (~~(\$271,870,000)~~)

\$297,283,000

General Fund—State Appropriation (FY 2023) (~~(\$247,305,000)~~)

\$290,154,000

TOTAL APPROPRIATION
(~~(\$519,175,000)~~)

\$587,437,000

The appropriations in this section are subject to the following conditions and limitations: \$24,297,000 of the general fund—state appropriation for fiscal year 2022 and \$39,612,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enrollment stabilization local effort assistance funding as required in Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not

enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 512. 2021 c 334 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2022) (~~(\$17,779,000)~~)

\$14,074,000

General Fund—State Appropriation (FY 2023) (~~(\$19,481,000)~~)

\$13,897,000

TOTAL APPROPRIATION
(~~(\$37,260,000)~~)

\$27,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment

is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$3,157,000 of the general fund—state appropriation for fiscal year 2022 and \$3,613,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two full-time equivalent staff at the Echo Glen children's center and one full-time equivalent staff at the Green Hill academic school to support students transitioning from the Naselle youth camp school once it ceases operation, and to

support instruction in cohorts of students grouped by similar age and academic levels.

Sec. 513. 2021 c 334 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2022) (~~(\$33,262,000)~~)

\$31,926,000

General Fund—State Appropriation (FY 2023) (~~(\$33,711,000)~~)

\$32,209,000

TOTAL APPROPRIATION
(~~(\$66,973,000)~~)

\$64,135,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

Sec. 514. 2021 c 334 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation
 ((~~\$6,802,000~~))
\$9,802,000
 TOTAL APPROPRIATION
 ((~~\$6,802,000~~))
\$9,802,000

Sec. 515. 2021 c 334 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2022) ((~~\$137,813,000~~))
\$134,083,000
 General Fund—State Appropriation (FY 2023) ((~~\$141,081,000~~))
\$142,839,000
 General Fund—Federal Appropriation
 \$96,598,000
 General Fund—Private/Local Appropriation \$1,450,000
 Education Legacy Trust Account—State Appropriation \$1,638,000
 TOTAL APPROPRIATION
 ((~~\$378,580,000~~))
\$376,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) ((~~\$75,374,000~~)) \$71,644,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$78,547,000~~)) \$75,805,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of ((~~\$5,796~~)) \$6,019 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition

to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator

standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$10,500,000)~~) \$15,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

Sec. 516. 2021 c 334 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2022) (~~(\$228,658,000)~~)

\$217,022,000

General Fund—State Appropriation (FY 2023) (~~(\$233,390,000)~~)

\$218,054,000

General Fund—Federal Appropriation
\$102,242,000

TOTAL APPROPRIATION
(~~(\$564,290,000)~~)

\$537,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((1.77)) 1.89 percent for school year 2021-22 and ((1.76)) 1.88 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title

III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 517. 2021 c 334 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2022) ((\$446,816,000))	
	<u>\$449,472,000</u>
General Fund—State Appropriation (FY 2023) ((\$455,435,000))	
	<u>\$447,888,000</u>
General Fund—Federal Appropriation	\$533,481,000
TOTAL	APPROPRIATION
	((\$1,435,732,000))
	<u>\$1,430,841,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as

provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 518. 2021 c 334 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations
Per Annual Average Full-Time Equivalent Student

Basic Education Program	2021-22 School Year	2022-23 School Year
General Apportionment	((<u>\$9,415</u>)) <u>\$9,405</u>	((<u>\$9,671</u>)) <u>\$10,125</u>
Pupil Transportation	((<u>\$587</u>)) <u>\$623</u>	((<u>\$595</u>)) <u>\$643</u>
Special Education Programs	((<u>\$9,874</u>)) <u>\$9,976</u>	((<u>\$10,290</u>)) <u>\$10,838</u>
Institutional Education Programs	((<u>\$22,730</u>)) <u>\$26,347</u>	((<u>\$23,220</u>)) <u>\$27,790</u>
Programs for Highly Capable Students	\$611	((<u>\$623</u>)) <u>\$645</u>
Transition al Bilingual Programs	((<u>\$1,430</u>)) <u>\$1,442</u>	((<u>\$1,442</u>)) <u>\$1,509</u>
Learning Assistance Program	((<u>\$961</u>)) <u>\$964</u>	((<u>\$967</u>)) <u>\$1,019</u>

Sec. 519. 2021 c 334 s 519 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2022, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2022 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable programs; and learning assistance programs.

(5) The director of financial management shall notify the appropriate

legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 942 of this act))~~ section 934 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 942 of this act))~~ section 934 of this act.

~~((5))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 520. 2021 c 334 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State

Appropriation ~~(((\$140,838,000))~~
\$146,715,000

TOTAL APPROPRIATION
~~(((\$140,838,000))~~

\$146,715,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

(4) \$120,000 of the Washington opportunity pathways account—state appropriation is provided solely for a one-time allocation to charter schools for substitute costs to be distributed as provided in section 504(9)(c) of this act.

(5) \$662,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 523 of this act.

Sec. 521. 2021 c 334 s 521 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State	
Appropriation	\$23,000
Charter Schools Oversight Account—State	
Appropriation	((3,605,000))
	<u>\$3,843,000</u>
TOTAL	APPROPRIATION
	((3,628,000))
	<u>\$3,866,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under Engrossed Substitute Senate Bill No. 5044 (schools/equity training). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

Sec. 522. 2021 c 334 s 522 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2022)	((80,319,000))
	<u>\$80,507,000</u>
General Fund—State Appropriation (FY 2023)	((52,691,000))
	<u>\$83,057,000</u>
General Fund—Federal Appropriation	((989,995,000))
	<u>\$990,199,000</u>
Elementary and Secondary School Emergency Relief	
III—Federal	Appropriation
	((1,850,386,000))
	<u>\$1,850,527,000</u>
TOTAL	APPROPRIATION
	((2,973,391,000))
	<u>\$3,004,290,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through

six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and

aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2022 and \$527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials

necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$3,000,000)~~) \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund—state appropriation for fiscal year 2022 and \$5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and implementing the data sharing agreement

between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—

state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including

girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) (~~(\$750,000)~~) (a) \$788,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(b) Of the amounts provided in this subsection, \$38,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to contract with a Washington-based nonprofit organization that provides one-to-one mentoring through a volunteer-supported network for disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth

mentors, and for staff who provide services to youth and their families and are experiencing secondary trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting

requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 (~~and the general fund state appropriations in this section for fiscal year 2023 have been reduced by \$5,000~~) to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund—state appropriation for fiscal year 2022 and \$9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(25) \$199,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for

two regional conferences. (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(26) \$70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) (~~(\$150,000)~~) \$300,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$150,000)~~) \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for at least two cohorts of students each year in south King county during the summer months of 2021, 2022, and 2023. Students from the Highline school district and neighboring school districts in south King county are eligible for the program.

(29) \$255,000 of the general fund—state appropriation for fiscal year 2022 and \$255,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout

prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022 and ~~((~~\$800,000~~))~~ \$5,300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) \$20,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. The office must award grants to eligible school districts and outdoor education program providers starting in the 2022-23 school year. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection:

(a) \$195,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to implement Second Substitute House Bill No. 2078 (outdoor learning grant prg.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$7,903,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor learning grant program, which consists of two types of grants:

(i) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(ii) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(c) \$11,902,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(34) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.

(36) \$148,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to provide before and after-school programming to low-income elementary school students in the Tukwila school district. Funding in this subsection may be distributed to the Tukwila school district or to local before or after-school program providers that provide child care for low-income elementary school students in the school district.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Tacoma school district to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused career and technical education program in the south Puget Sound area. Funding must be used by the district to engage with the maritime industry in and around the port of Tacoma to conduct a workforce training gap analysis. The district must also coordinate with the office, the state

board of education, and the workforce training board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

(38) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with an organization to expand the senior support initiative that helps high school seniors in the Tacoma school district navigate their postsecondary pathway options. The organization may provide support to Tacoma school district seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma school district.

(39) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(40)(a) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to administer a pilot program to subsidize eligible dual or concurrent enrollment course costs for students who qualify for free or reduced-price meals and are participating in dual enrollment courses offered by one of three community colleges designated by the office and the state board of community and technical colleges. Eligible dual enrollment course programs include the running start and college in the high school programs. One of the community colleges must be located in a county with a population

greater than 125,000 but less than 150,000.

(b) The office must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per full-time equivalent student during the 2022-23 academic year. For eligible students who qualify for free or reduced-price meals and are enrolled in running start courses, the pilot program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(c) Any funds remaining after the office subsidizes the costs included in (b) of this subsection may be used to subsidize waived fees or transportation costs for eligible students who qualify for free or reduced-price meals and are enrolled in running start courses.

(d) The office must submit a preliminary report to the legislature by June 30, 2023, on the results of the pilot program. It is the intent of the legislature to provide funding for a final report due to the legislature by August 31, 2023.

(41) \$468,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to establish a workforce pilot program with the Vancouver school district that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, the office will collaborate with the nonprofit organization and the Vancouver school district to submit a report to the legislature with results of the workforce pilot program and recommendations for expanding the program.

(42) \$250,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(43) 50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed House Bill No. 1973 (school board recordings). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to implement a technology-based kindergarten readiness program.

(a) The office must award the contract on a competitive basis to a service provider that is a 501(c)(3) organization that has demonstrated previous success in conducting technology-based school readiness programs through independent, valid, and reliable evaluations. The office must require the organization to submit quarterly reports to the office regarding measures for student participation and academic growth over the course of the program.

(b) An organization awarded a contract under this subsection may be required to provide a total of \$500,000 in matching funds during the term of the contract.

(c) The office may define eligibility for participation in the technology-based kindergarten readiness program based on state need, such as: Children from low-socioeconomic status households; children in communities with high concentrations of English language learners; or children residing in rural and remote areas.

(d) For the purposes of this section, "technology-based kindergarten readiness program" is defined as a program that:

(i) Is designed to improve a child's transition into elementary education and contains content in reading, math, and science;

(ii) Meets the American academy of pediatrics recommendation of no more than one hour of screen time per day for preschool-age children;

(iii) Is aligned with Washington and nationally recognized early learning standards;

(iv) Is administered by a 501(c)(3) organization and provided in the student's home;

(v) Includes a parental engagement and involvement component, with support models provided in English, Spanish, and other languages as needed; and

(vi) Includes an evaluation component with measures for student academic growth over the course of the program.

(45) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection ~~((+33))~~ (45)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection ~~((+33))~~ (45)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) \$43,708,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to

nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (~~((33))~~) (45)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (~~((33))~~) (45)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate

literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (~~((33))~~) (45)(1) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office

of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) (~~(\$12,000,000)~~) \$12,141,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$79,485,000)~~) \$79,689,000 of the general fund—federal appropriation (CRRSA/ESSER), and \$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff

who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

NEW SECTION. Sec. 523. A new section is added to 2021 c 334 (uncodified) to read as follows: **2021-22 ENROLLMENT STABILIZATION**

(1) If a local education agency's combined state revenue generated in the 2021-22 school year is less than what its combined state revenue would be using the local education agency's budgeted 2021-22 annual average enrollment values used for December 2021 apportionment, then the superintendent of public instruction must provide a budgeted enrollment stabilization amount to the local education agency in the 2021-22 school year.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Combined state revenue" means the combined amount from the following allocations to local education agencies:

(i) General apportionment allocations as described in RCW 28A.150.260;

(ii) Special education allocations as described in RCW 28A.150.390. Allocations for special education enrollment above 2021-22 levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Learning assistance program allocations as described in RCW 28A.150.260(10)(a). Learning assistance program allocations based on 2019-20 enrollments must include the prior years' free or reduced price meal percentages used for allocations in the 2020-21 school year;

(iv) Transitional bilingual program allocations as described in RCW 28A.150.260(10)(b);

(v) Highly capable program allocations as described in RCW 28A.150.260(10)(c);

(vi) Career and technical education and skill centers allocations as described in RCW 28A.150.260 (4)(c), (7), and (9);

(vii) Allocations to support institutional education for residential schools as defined by RCW 28A.190.005 and of juveniles in detention facilities as identified by RCW 28A.190.010;

(viii) Dropout reengagement program allocations for eligible students under RCW 28A.175.100;

(ix) Alternative learning experience allocations as described in RCW 28A.232.020; and

(x) Running start allocations as described in RCW 28A.600.310.

(b) "Local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(c) "Budgeted enrollment stabilization amount" is equal to a local education agency's combined state revenue that would be generated using the local education agency's budgeted annual average enrollment values for the 2021-22 school year used for December 2021 apportionment minus its combined state revenue generated in the 2021-22 school year based on actual annual average enrollment values, if the difference is greater than zero, capped at the local education agency's proportional stabilization amount based on 2019-20 enrollment.

(c) "Proportional enrollment stabilization amount based on 2019-20 enrollment" for a local education agency is equal to the statewide net enrollment impact based on 2019-20 enrollment multiplied by its local education agency low enrollment impact based on 2019-20 enrollment divided by the statewide low

enrollment impact based on 2019-20 enrollment.

(d) "Local education agency low enrollment impact based on 2019-20 enrollment" is equal to a local education agency's combined state revenue that would be generated using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year minus its combined state revenue generated in the 2021-22 school year, if the difference is greater than zero.

(e) "Statewide low enrollment impact based on 2019-20 enrollment" is the sum of local education agency low enrollment impacts based on 2019-20 enrollment for all local education agencies.

(f) "Statewide net enrollment impact based on 2019-20 enrollment" is equal to the combined state revenue that would be generated statewide using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year minus the combined state revenue generated statewide in the 2021-22 school year.

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

PART VI

HIGHER EDUCATION

Sec. 601. 2021 c 334 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2022) (~~(\$742,558,000)~~)

\$745,785,000

General Fund—State Appropriation (FY 2023) (~~(\$768,651,000)~~)

\$804,957,000

Community/Technical College Capital Projects

Account—State Appropriation
\$22,436,000

Education Legacy Trust Account—State Appropriation (~~(\$159,208,000)~~)

\$159,394,000

Workforce Education Investment Account—State

Appropriation (~~(\$219,259,000)~~)
\$239,140,000
 TOTAL APPROPRIATION
 (~~(\$1,912,112,000)~~)
\$1,971,712,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$5,000,000 of the general fund—state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund—state appropriation for fiscal year 2022 and \$5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative

including, but not limited to, the following:

(i) Annual change in student achievement initiative funds by institution;

(ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;

(iii) Impact of guided pathways implementation on student achievement initiative awards; and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) (~~(\$20,759,000)~~) \$21,428,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$21,154,000)~~) \$21,920,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its

information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(18) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) \$6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in section 612(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(31) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(32) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(33) \$2,048,000 of the general fund—state appropriation for fiscal year 2022 and \$1,119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(34) \$15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(35) \$3,750,000 of the workforce education investment account—state appropriation is provided solely for a grant pool that would be available to all 34 community and technical colleges that offer commercial driving license trainings. The state board for community and technical colleges must collaborate with the department of corrections and the department of licensing to develop a prerelease commercial driving license pilot program.

(36) \$5,800,000 of the workforce education investment account—state appropriation is provided solely for grants for nursing programs to purchase or upgrade simulation laboratory equipment.

(37) \$7,018,000 of the workforce education investment account—state appropriation is provided solely for additional cybersecurity enrollments.

(38) \$205,000 of the workforce education investment account—state appropriation is provided solely for the cybersecurity center for excellence.

(39) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 is

provided solely for health care workforce grants for students.

(40) \$2,720,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support.

(41) In addition to the homeless student assistance pilot program sites funded in subsection (31) of this section, \$2,932,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the expansion of the program in RCW 28B.50.916 to all community colleges.

(42) \$3,072,000 of the workforce education investment account—state appropriation is provided solely for refugee education. The state board for community and technical colleges will expand existing programming to enable colleges and community-based organizations to build educational pathways that will address the specific and varied needs of Afghan refugees and connect refugees to other state resources.

(43) \$4,146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(44) \$3,760,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for nursing education, to increase the number of nursing slots and graduates, and to purchase two simulation vans.

(45)(a) \$75,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the state board in collaboration with the dental industry to report on strategies to support and transform the education and training of the dental hygiene and dental assistant professions.

(b) The report shall include, but is not limited to, recommendations on the following topics:

(i) Examining options to enhance workforce diversity;

(ii) Reducing barriers to entry; and

(iii) Proposing changes for education program sustainability.

(c) The state board must solicit input and collaborate on the report with a representative from a dental association, a representative from a hygienist association, an expert in dental hygiene education, a representative from the dental assistant profession, and a representative from the dental benefits industry.

(d) The report must be submitted to the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(46) \$30,000 of the general fund—state appropriation for fiscal year 2022 and \$243,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Renton Technical College to establish a pilot program to increase outreach and participation in running start and adult education programs. A report on participation rates and student engagement must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(47) \$146,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed House Bill No. 1687 (college bound scholar./gpa). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(48) \$170,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(49) \$36,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(50) \$1,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

Sec. 602. 2021 c 334 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2022) (~~(\$394,246,000)~~)

\$391,768,000

General Fund—State Appropriation (FY 2023) (~~(\$403,164,000)~~)

\$411,744,000

Aquatic Lands Enhancement Account—State

Appropriation \$1,619,000

University of Washington Building Account—State

Appropriation \$1,546,000

Education Legacy Trust Account—State Appropriation \$36,708,000

Economic Development Strategic Reserve Account—State

Appropriation \$3,094,000

Biotoxin Account—State Appropriation \$605,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) \$263,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) \$263,000

Accident Account—State Appropriation \$7,874,000

Medical Aid Account—State Appropriation \$7,468,000

Workforce Education Investment Account—State

Appropriation (~~(\$49,853,000)~~)

\$51,853,000

Geoduck Aquaculture Research Account—State

Appropriation \$15,000

TOTAL APPROPRIATION (~~(\$906,718,000)~~)

\$914,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$43,087,000)~~) \$44,474,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$43,905,000)~~) \$45,497,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2022

and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state,

that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13)(a) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) \$426,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) \$226,000 of the general fund—state appropriation for fiscal year 2022 and \$226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher

preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

(i) Provide healing support for individual hate crime victims and their communities;

(ii) Provide accountability processes for individuals who commit hate crimes;

(iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;

(iv) Repair interpersonal and communal relationships;

(v) Reduce hate crime offender recidivism; and

(vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$100,000)~~) \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program.

(42)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to marijuana use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund—state appropriation for fiscal year 2022 and \$143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the

statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund—state appropriation for fiscal year 2022 and \$64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51)(a) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of

Engrossed Second Substitute House Bill No. 1272 (health system transparency). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(53) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(54) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(55) \$24,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(56) \$69,000 of the general fund—state appropriation for fiscal year 2022 and \$69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(57) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(58) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill

No. 5227 (diversity, etc./higher education). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(59) \$422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(62) \$125,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$125,000)~~) \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over (~~(\$35,000)~~) \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(63) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for computer science expansion.

(64) \$1,250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(65) \$2,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for staffing and

operational expenditures related to the battery fabrication testbed.

(66) \$621,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for maintenance and operation costs for the Milgard hall at University of Washington—Tacoma.

(67) \$505,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(68) \$2,098,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(69) \$225,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for health workforce studies to develop a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall develop the program in consultation with dental stakeholders, including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. Information generated by the dental workforce reporting program shall be made available on the center's website in a deidentified, aggregate format.

(70) \$300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the institution to contract with a nonprofit organization to provide a report on the community inventory to help align the Washington park arboretum planning with the diverse needs and priorities of the community.

(71) \$1,242,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an increase in the number of nursing slots and graduates.

(72) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(73) \$1,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a \$2,500 monthly stipend to students during the 20-week training period of the business certificate program at the Bothell campus established in partnership with the MLK Gandhi empowerment initiative. The business certificate program must consist of two cohorts of 40 students.

(74) \$455,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the startup program within the school of computer science and engineering.

(75)(a) \$400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the colab for community and behavioral health policy to work in collaboration with the Latino center for health and allies in healthier systems for health & abundance in youth to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and adolescents in Washington. Community and lived experience stakeholders, representing communities of color, must make up over half of the team. The coalition's recommendations shall address:

(i) Expansion of clinical training for a lived experience workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The coalition must report its findings and recommendations to the appropriate committees of the legislature by December 15, 2022.

(76) \$122,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for sexual assault nurse examiner training.

(77) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(78) \$16,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(79)(a) \$200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct a study, in consultation with the department of health and with approval from the Washington state institutional review board, of the ability of Washington residents to make use of the rights established in chapter 70.245 RCW to achieve full access to the Washington death with dignity act. The institution and department of health shall enter into a signed data-sharing agreement for the purpose of the study. Data obtained in the course of this study is not subject to public disclosure. The study shall review the extent to which there are barriers to achieving full access to the Washington death with dignity act, including:

(i) A lack of awareness of the Washington death with dignity act and its provisions;

(ii) Burdens for qualified patients to meet the fifteen-day waiting period;

(iii) The effectiveness of pain control medication used during the fifteen-day waiting period;

(iv) Concerns that inhibit the participation of health care providers;

(v) Hospital, medical, hospice, and long-term care providers' policies that restrict the participation in and the distribution of information about provisions in chapter 70.245 RCW;

(vi) Limited geographic access to compounding pharmacies or other pharmacies that dispense medications under chapter 70.245 RCW;

(vii) Restrictions based on the requirement that the medications under chapter 70.245 RCW be self-administered;

(viii) Lack of insurance coverage for the services and medications necessary to participate in activities under chapter 70.245 RCW;

(ix) The need for improvements to the data collection system; and

(x) Any other barriers identified in the course of performing the study.

(b) By June 30, 2023, the institution shall report its findings, as well as any legislative or administrative policy recommendations, to the governor and the appropriate committees of the legislature under RCW 43.01.036. The report must protect the confidentiality of the subjects of any data that it receives while conducting its research, including the names of any qualifying patients and health care providers.

Sec. 603. 2021 c 334 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2022) (~~(\$245,660,000)~~)

\$246,465,000

General Fund—State Appropriation (FY 2023) (~~(\$251,842,000)~~)

\$256,886,000

General Fund—Federal Appropriation \$500,000

Washington State University Building Account—State

Appropriation \$792,000

Education Legacy Trust Account—State Appropriation \$33,995,000

Model Toxics Control Operating Account—State

Appropriation \$2,076,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) \$138,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) \$138,000

Workforce Education Investment Account—State

Appropriation \$29,680,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation \$331,000

TOTAL APPROPRIATION
(~~(\$565,152,000)~~)
\$571,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for a honey bee biology research position.

(7) (~~(\$30,628,000)~~) \$31,614,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$31,210,000)~~) \$32,341,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2022 and \$580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2022 and \$630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2022 and \$1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2022 and \$376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in

recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$215,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force

established in ~~((section 1002 of this act))~~ section 943 of this act.

(22)(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

(ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;

(iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and

(iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23)(a) \$331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:

(i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and

(ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(26) \$86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(27) \$101,000 of the general fund—state appropriation for fiscal year 2022 and \$101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(28) \$281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) \$224,000 of the general fund—state appropriation for fiscal year 2022 and \$221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health). (~~If the bill is not enacted by June 30, 2021, the amounts~~

~~provided in this subsection shall lapse.~~)

(31) \$1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(33) \$33,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(34) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(35) \$1,162,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(36) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state commission on pesticide registration to fund research to develop alternatives for growers currently using organophosphate pesticides.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for residential energy code education and support, including training, hotline support to the building industry, and informational material and web resources. The energy program shall engage stakeholders in a discussion of overall enforcement support and work to

identify workforce development needs and opportunities.

(38) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

(39) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1814 (community solar projects). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(40) \$108,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1117 (comp. planning/salmon). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(42) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1622 (sex. assault nurse education). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(43) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the center for sustainable infrastructure to develop recommendations for establishing a state agricultural symbiosis initiative that is designed to maximize economic value and minimize waste and pollution in the agriculture economy. Recommendations must be submitted to the appropriate committees of the legislature by June 30, 2023.

Sec. 604. 2021 c 334 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022) (~~(\$58,079,000)~~)

\$58,287,000

General Fund—State Appropriation (FY 2023) (~~(\$59,057,000)~~)

\$59,690,000

Education Legacy Trust Account—State Appropriation \$16,838,000

Workforce Education Investment Account—State

Appropriation (~~(\$5,210,000)~~)

\$6,812,000

TOTAL APPROPRIATION (~~(\$139,184,000)~~)

\$141,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) (~~(\$11,002,000)~~) \$11,356,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$11,211,000)~~) \$11,617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of

tenure-track positions created and hired.

(6) \$56,000 of the general fund—state appropriation for fiscal year ((2022)) 2023 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of

Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$548,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(17) \$1,054,000 of the workforce education investment account—state appropriation is provided solely for the implementation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students.

(18) \$218,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(19) \$43,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 605. 2021 c 334 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022) ~~(((\$59,896,000))~~

\$60,211,000

General Fund—State Appropriation (FY 2023) (~~(\$61,151,000)~~)

\$61,924,000

Central Washington University Capital Projects

Account—State Appropriation
\$76,000

Education Legacy Trust Account—State Appropriation \$19,076,000

Workforce Education Investment Account—State

Appropriation (~~(\$4,022,000)~~)

\$5,071,000

TOTAL APPROPRIATION
(~~(\$144,221,000)~~)

\$146,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$12,401,000)~~) \$12,800,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$12,636,000)~~) \$13,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for

institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two psychologists to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(13) \$131,000 of the general fund—state appropriation for fiscal year 2022 and \$131,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$613,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(16) \$293,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program.

(17) \$325,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(18) \$143,000 of the workforce education investment account—state appropriation is provided solely for the creation of an extended orientation program to help promote retention of underserved students.

(19) \$20,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for community collaborations to document and preserve the Roslyn cemetery.

Sec. 606. 2021 c 334 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2022) ~~((\$32,450,000))~~
\$32,116,000

General Fund—State Appropriation (FY 2023) ~~((\$32,068,000))~~
\$33,481,000

The Evergreen State College Capital Projects

Account—State Appropriation
 \$80,000

Education Legacy Trust Account—State Appropriation \$5,450,000

Workforce Education Investment Account—State

Appropriation \$3,906,000

TOTAL APPROPRIATION
~~((\$73,954,000))~~

\$75,033,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$3,772,000))~~ \$3,893,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$3,843,000))~~ \$3,983,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) ~~((\$3,207,000))~~ \$2,760,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$2,677,000))~~ \$3,444,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and \$937,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group established in section 959 of this act.

(d) \$25,000 of the amounts in fiscal year 2022 and \$40,000 of the amounts in fiscal year 2023 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in (~~section 1002 of this act~~) section 943 of this act.

(e)(i) (~~(\$90,000)~~) \$14,000 of the amounts in fiscal year 2022 and \$76,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, (~~2022~~) 2023, the institute must submit results from the study to the appropriate committees of the legislature.

(f) (~~(\$70,000)~~) \$124,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$130,000)~~) \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission,

and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) (~~(\$75,000)~~) \$7,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than (~~(June 30, 2022)~~) December 1, 2022.

(h)(i) (~~(\$175,000)~~) \$102,000 of the amounts in fiscal year 2022 and \$73,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h)(i)(A) and (B) of this subsection by (~~December 31,~~

~~2021~~) June 30, 2022, and a report on (h)(i)(C) of this subsection by (~~June 30, 2022~~) December 31, 2022.

(i) (~~(\$272,000)~~) \$15,000 of the amounts in fiscal year 2022 and (~~(\$98,000)~~) \$286,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(i) shall lapse.)~~)

(j) (~~(\$71,000)~~) \$48,000 of the amounts in fiscal year 2022 and (~~(\$66,000)~~) \$89,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(j) shall lapse.)~~)

(k)(i) (~~(\$150,000)~~) \$75,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, ((2021)) 2022.

(l) \$47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection (4)(l) shall lapse.))

(m) \$71,000 of the amounts in fiscal year 2022 and \$91,000 of the amounts in fiscal year 2023 are provided solely for implementation of chapter 314, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) (env. justice task force recs).

(n) \$125,000 of the amounts in fiscal year 2023 is provided solely for an evaluation of student participation in transitional kindergarten programs across the state. By December 31, 2023, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The number of children participating in transitional

kindergarten with an individualized education plan;

(vi) An analysis of how school districts select and prioritize children for enrollment in transitional kindergarten;

(vii) The differences in teacher preparation, certification, and classroom instruction for transitional kindergarten compared to the early childhood education and assistance program;

(viii) The identification of why school districts offer transitional kindergarten, the early childhood education and assistance program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and

(ix) The use of transitional kindergarten in other states in comparison to Washington state, and any outcome data available.

(o)(i) \$62,000 of the amounts for fiscal year 2023 is provided solely for a comprehensive study to assess specific needs of farmworkers in the state in order to help policymakers determine whether those needs are being met by state administered programs, policies, and statutes. The institute must consult with farmworker advocacy organizations, state agencies administering programs and policies impacting farmworkers, and nonprofit organizations that work directly with farmworkers.

(ii) As part of its information gathering, the institute must hear from farmworkers, either directly or through the nonprofit organizations, regarding farmworkers' experiences and working conditions. These personal, real-life experiences from farmworkers must be based on informal interviews or surveys conducted by Latino nonprofit organizations that have well-established connections and relationships with farmworkers.

(iii) The study must focus on needs related to health and safety in the workplace, payment of wages, and preventing harassment and discrimination of, and retaliation against, farmworkers for asserting their rights regarding health and safety standards, wage and hour laws, and access to services.

(iv) The study must include:

(A) An examination of how the relevant state agencies coordinate with each other and federal agencies in administrating and enforcing the various laws, policies, and programs, and of the agencies' education and outreach to farmworkers regarding farmworkers' rights and protections;

(B) A review of available data from, and research of, programs that are intended to increase health and safety outcomes for farmworkers and that are intended to provide farmworkers access to services and benefits; and

(C) Options on ways to improve agency coordination and the effectiveness of reviewed programs.

(v) It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by June 30, 2025, with a preliminary report submitted by December 1, 2023.

(p) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to

support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund—state appropriation for fiscal year 2022 and \$39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$158,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(15) \$142,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for student mental health and wellness.

(16) \$196,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for additional laboratory, art, and media lab sections.

(17) \$27,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 607. 2021 c 334 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022) (~~(\$83,910,000)~~)

\$84,400,000

General Fund—State Appropriation (FY 2023) (~~(\$85,554,000)~~)

\$87,362,000

Western Washington University Capital Projects

Account—State	Appropriation
\$1,424,000	

Education Legacy Trust Account—State Appropriation \$13,831,000

Workforce Education Investment Account—State	Appropriation	((\$6,698,000))
	<u>\$8,187,000</u>	

TOTAL	APPROPRIATION
((\$191,417,000))	

\$195,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$17,116,000)~~) \$17,667,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$17,441,000)~~) \$18,073,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) \$1,306,000 of the general fund—state appropriation for fiscal year 2022 and \$1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) \$886,000 of the general fund—state appropriation for fiscal year 2022 and \$886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental

health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund—state appropriation for fiscal year 2022 and \$530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$353,000 of the general fund—state appropriation for fiscal year 2022 and \$153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(18) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$769,000 of the workforce education investment account—state appropriation is provided solely for upgrading Cyber Range equipment and software.

(20) \$720,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at

addressing learning disruption due to the global pandemic.

(21) \$461,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for establishing a new masters program in nursing.

(22) \$113,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the registered nurse to bachelors in nursing program, to increase enrollment and align the program tuition with other state-supported undergraduate degrees.

(23) \$568,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(24) \$30,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a review of how existing homeowners' associations, condominium associations, associations of apartment owners, and common interest communities in Washington can incorporate accessory dwelling units. The review shall include an examination of the governing documents of these associations and communities to determine how accessory dwelling units are explicitly or implicitly restricted and what the overall impact is on the state's housing supply from such restrictions. By June 30, 2023, in compliance with RCW 43.01.036, the institution must submit a report detailing its findings to the appropriate committees of the legislature.

(25) \$66,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 608. 2021 c 334 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2022) (~~(\$7,667,000)~~)

\$7,773,000

General Fund—State Appropriation (FY 2023) (~~(\$7,552,000)~~)

\$12,006,000

General Fund—Federal Appropriation
\$4,928,000

Workforce Education Investment
Account—State

Appropriation (~~(\$615,000)~~)

\$5,290,000

TOTAL APPROPRIATION
(~~(\$20,762,000)~~)

\$29,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2022 and \$126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2022 and \$575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in section 605(29) of this act.

(7) \$29,000 of the general fund—state appropriation for fiscal year 2022 and \$29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$16,000 of the general fund—state appropriation for fiscal year 2022 and

\$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(10) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for a grant pool dedicated to nursing programs to purchase or upgrade simulation laboratory equipment.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the student achievement council to convene and coordinate the development of education and training programs for employees, focusing on correctional officers and medical staff, of the department of corrections to be provided through a contract with The Evergreen State College. Education and training programs must be designed collaboratively to best meet the needs of the department of corrections.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Pierce county school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.

(14) \$3,200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). No more than \$200,000 of the amounts provided in this subsection may be used for administration. If the bill is not

enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$300,000,000 of the Washington student loan account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$75,000 of the workforce education investment account—state appropriation is provided solely for implementation of House Bill No. 1780 (workforce investment board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 609. 2021 c 334 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund—State Appropriation (FY 2022) (~~(\$274,215,000)~~)

\$274,216,000

General Fund—State Appropriation (FY 2023) (~~(\$270,597,000)~~)

\$209,529,000

General Fund—Federal Appropriation (~~(\$14,061,000)~~)

\$14,063,000

General Fund—Private/Local Appropriation \$300,000

Education Legacy Trust Account—State Appropriation \$85,488,000

Washington Opportunity Pathways Account—State

Appropriation (~~(\$164,598,000)~~)

\$238,786,000

Aerospace Training Student Loan Account—State

Appropriation \$216,000

Workforce Education Investment Account—State

Appropriation (~~(\$299,870,000)~~)

\$259,521,000

Health Professionals Loan Repayment and Scholarship

Program Account—State Appropriation \$1,720,000

TOTAL APPROPRIATION (~~(\$1,111,065,000)~~)

\$1,083,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$236,416,000)~~) \$161,416,000 of the general fund—state appropriation for fiscal year 2023, (~~(\$297,865,000)~~) \$212,174,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and (~~(\$147,654,000)~~) \$222,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2022, \$1,165,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and (~~(\$16,944,000)~~) \$16,132,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made

by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2022 and \$6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund—state appropriation for fiscal year 2022 (~~(\$2,981,000))~~ and \$8,551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively

incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$4,125,000))~~ \$6,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$1,138,000))~~ \$1,313,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence. \$175,000 of the general fund—state appropriation for fiscal year 2023 shall be used for administration.

(13) \$258,000 of the general fund—state appropriation for fiscal year 2022 and \$258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 ~~((is))~~ and \$206,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match associated with the rural jobs program. ~~((The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.))~~

(15) \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2007 (nurse educator loans). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$45,342,000 of the workforce education investment account—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1659 (higher education grants). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 610. 2021 c 334 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2022) ~~((\$2,715,000))~~

\$2,798,000

General Fund—State Appropriation (FY 2023) ~~((\$2,436,000))~~

\$5,469,000

General Fund—Federal Appropriation ~~((\$55,483,000))~~

\$55,549,000

General Fund—Private/Local Appropriation \$212,000

Workforce	Education	Investment
Account—State		
Appropriation	\$150,000	
Coronavirus State Fiscal Recovery Fund—Federal		
Appropriation	\$250,000	
TOTAL		APPROPRIATION
	((\$61,246,000))	
	<u>\$64,428,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$150,000 of the workforce education investment account—state appropriation is provided solely for staffing costs to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to continue work under a new behavioral health workforce advisory committee, which shall monitor and report on the progress of recommendations from the board's previous behavioral health workforce assessments, and continue to develop policy and practice recommendations on emerging issues in the behavioral health workforce. The board must convene and staff the committee. The committee must provide a report and relevant recommendations to the appropriate committees of the legislature and the office of the governor under RCW 43.01.036 by December 1, 2021, and December 1, 2022.

(4) \$250,000 of the coronavirus state fiscal recovery fund—federal

appropriation is provided solely for an accredited osteopathic medical school to implement an interprofessional curriculum to educate health care providers and workforce on opioid misuse and addiction.

(5) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to collaborate and assist in the report required by the new behavioral health advisory committee established in subsection (3) of this section. The report shall contain an analysis of behavioral health workforce shortages and challenges, data to inform systems change, and relevant policy recommendations and actions informed by the employer demand projection and talent development pipeline analyses to the appropriate committees of the legislature and the office of the governor by December 1, 2021, and December 1, 2022. The board shall contract with a statewide nonprofit organization with expertise in promoting and supporting science, technology, engineering, and math education from early learning through postsecondary education to provide a regional analysis of supply pipelines to current behavioral health care opportunities, at the secondary and postsecondary levels, and will identify gaps and barriers to programs that lead to high-demand behavioral health occupations. In coordination with the board's employer demand projection analysis, the contractor will provide an analysis of the talent development pipeline to help inform the committee's work.

(6) \$1,402,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to conduct health workforce surveys, in collaboration with the nursing care quality assurance commission, to collect and analyze data on the long-term care workforce. The workforce board will manage a stakeholder process and pilot grant program to improve retention and job quality in long-term care facilities and conduct health workforce surveys.

(7) \$1,200,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for apprenticeship grants, in collaboration with the nursing care quality assurance commission, to address the long-term care workforce.

(8) \$209,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for administrative expenditures for the Washington award for vocational excellence.

(9) \$187,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 611. 2021 c 334 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2022) (~~(\$9,224,000)~~)

\$9,278,000

General Fund—State Appropriation (FY 2023) (~~(\$9,357,000)~~)

\$9,435,000

General Fund—Private/Local Appropriation \$34,000

TOTAL APPROPRIATION
(~~(\$18,615,000)~~)

\$18,747,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$24,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 612. 2021 c 334 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2022) ((~~\$14,767,000~~))

\$15,102,000

General Fund—State Appropriation (FY 2023) ((~~\$14,974,000~~))

\$15,314,000

TOTAL APPROPRIATION ((~~\$29,741,000~~))

\$30,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$225,000 of the general fund—state appropriation in fiscal year 2022 and \$225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 613. 2021 c 334 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2022) ((~~\$2,614,000~~))

\$2,753,000

General Fund—State Appropriation (FY 2023) ((~~\$2,648,000~~))

\$4,888,000

General Fund—Federal Appropriation ((~~\$3,156,000~~))

\$3,158,000

General Fund—Private/Local Appropriation ((~~\$50,000~~))

\$143,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$2,000,000

TOTAL APPROPRIATION ((~~\$10,468,000~~))

\$12,942,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 and \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

Sec. 614. 2021 c 334 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2022) (~~(\$4,024,000)~~)

\$4,269,000

General Fund—State Appropriation (FY 2023) (~~(\$4,035,000)~~)

\$4,584,000

TOTAL APPROPRIATION
(~~(\$8,059,000)~~)

\$8,853,000

The appropriations in this section are subject to the following conditions and limitations: \$210,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state historical society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to establish a new archive that captures the narratives and primary source materials of Jewish Washingtonians. This new archive must create the capacity to capture a 15-year backlog of hundreds of narratives and materials of Jewish Washingtonians, as well as unlimited new submissions, with the future goal of making these materials available to the public and linking to existing Jewish archival collections at the University of Washington.

Sec. 615. 2021 c 334 s 619 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2022) (~~(\$3,305,000)~~)

\$3,479,000

General Fund—State Appropriation (FY 2023) (~~(\$3,388,000)~~)

\$4,002,000

TOTAL APPROPRIATION
(~~(\$6,693,000)~~)

\$7,481,000

PART VII**SPECIAL APPROPRIATIONS**

Sec. 701. 2021 c 334 s 701 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2022) (~~(\$9,029,000)~~)

\$23,625,000

General Fund—State Appropriation (FY 2023) (~~(\$4,514,000)~~)

\$36,252,000

General Fund—Federal Appropriation
(~~(\$2,481,000)~~)

\$25,252,000

General Fund—Private/Local
Appropriation (~~(\$92,000)~~)

\$113,000

Other Appropriated Funds
(~~(\$15,707,000)~~)

\$21,748,000

TOTAL APPROPRIATION
(~~(\$31,823,000)~~)

\$106,990,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2021, dated April 22, 2021, and IT-2022, dated February 21, 2022, which (~~is~~) are hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2021, dated April 22, 2021, and IT-2022, dated February 21, 2022, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to (~~the office of financial management and~~) the

office of the chief information officer ~~((to receive funding from the information technology investment revolving account))~~ for certification and release of funding for each gate of the project. ~~((The))~~ When the office of the chief information officer certifies the key deliverables of the gate have been met, it must notify the office of financial management ~~((must notify))~~ and the fiscal committees of the legislature ~~((of the receipt of each application and))~~. The office of financial management may ~~((not))~~ approve ~~((a funding request for))~~ funding for the certified project gate ten business days from the date of notification.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology

budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discreet financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and

meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The following information technology projects are subject to the conditions, limitations, and review in this section:

- (a) The unclaimed property system project of the department of revenue;
- (b) The one Washington procurement project of the department of enterprise services;
- (c) The security systems on campus project of the department of enterprise services;

(d) The network core equipment project of the consolidated technology services agency; and

(e) The data center switching equipment project of the consolidated technology services agency.

Sec. 702. 2021 c 334 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2022) (~~(\$1,273,000,000)~~)

\$1,265,240,000

General Fund—State Appropriation (FY 2023) (~~(\$1,374,570,000)~~)

\$1,348,288,000

State Building Construction Account—State

Appropriation (~~(\$12,323,000)~~)

\$19,323,000

Columbia River Basin Water Supply Development

Account—State Appropriation
\$13,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation \$181,000

State Taxable Building Construction Account—State

Appropriation \$467,000

Debt-Limit Reimbursable Bond Retirement Account—

State Appropriation \$511,000

TOTAL APPROPRIATION
(~~(\$2,661,073,000)~~)

\$2,634,023,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 703. 2021 c 334 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND
RETIREMENT AND INTEREST, AND ONGOING BOND
REGISTRATION AND TRANSFER CHARGES: FOR
BOND SALE EXPENSES**

General Fund—State Appropriation (FY
2022) \$1,400,000

General Fund—State Appropriation (FY
2023) \$1,400,000

State Building Construction Account—
State

Appropriation ((~~\$2,466,000~~))

\$4,249,000

Columbia River Basin Water Supply
Development

Account—State Appropriation \$3,000

Watershed Restoration and Enhancement
Bond Account—

State Appropriation \$39,000

State Taxable Building Construction
Account—State

Appropriation \$94,000

TOTAL APPROPRIATION

((~~\$5,402,000~~))

\$7,185,000

Sec. 704. 2021 c 334 s 705
(uncodified) is amended to read as
follows:

**FOR THE OFFICE OF FINANCIAL
MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY
2022) ((~~\$850,000~~))

\$1,100,000

General Fund—State Appropriation (FY
2023) ((~~\$850,000~~))

\$1,000,000

TOTAL APPROPRIATION

((~~\$1,700,000~~))

\$2,100,000

The appropriations in this section are
subject to the following conditions and
limitations: The appropriations in this
section are for the governor's emergency
fund for the critically necessary work of
any agency.

NEW SECTION. Sec. 705. A new section
is added to 2021 c 334 (uncodified) to
read as follows: **FOR SUNDRY CLAIMS**

The following sums, or so much thereof
as may be necessary, are appropriated
from the general fund for fiscal year
2022, unless otherwise indicated, for
relief of various individuals, firms, and
corporations for sundry claims.

These appropriations are to be
disbursed on vouchers approved by the
director of the department of enterprise
services, except as otherwise provided,
for reimbursement of criminal defendants
acquitted on the basis of self-defense,
pursuant to RCW 9A.16.110, as follows:

(1) William J. Damson, claim number
9991006839 \$14,880

(2) David Ziller, claim number
9991006721 \$13,257

(3) Caleb B. Cline, claim number
9991006671 \$23,367

(4) Julaine D. Pettis, claim number
9991005948 \$20,000

(5) Jaydra Erchul Johnson, claim
number 9991005804 \$8,270

(6) Christopher Lundvall, claim number
9991007205 \$45,022

(7) Carlos Cervantes, claim number
9991007388 \$6,298

(8) Jarel Jones-White, claim number
9991007721 \$3,665

NEW SECTION. Sec. 706. A new section
is added to 2021 c 334 (uncodified) to
read as follows: **FOR THE OFFICE OF
FINANCIAL MANAGEMENT—COUNTY CRIMINAL
JUSTICE ASSISTANCE ACCOUNT: JUVENILE
CODE REVISIONS**

General Fund—State Appropriation (FY
2022) \$331,000

General Fund—State Appropriation (FY
2023) \$331,000

TOTAL APPROPRIATION \$662,000

The appropriations in this section are
subject to the following conditions and
limitations: The appropriations are
provided solely for expenditure into the
county criminal justice assistance
account for costs to the criminal justice
system associated with the
implementation of chapter 338, Laws of
1997 (juvenile code revisions). The
amounts provided in this subsection are
intended to provide funding for county
adult court costs associated with the
implementation of chapter 338, Laws of
1997 and shall be distributed in
accordance with RCW 82.14.310.

Sec. 707. 2021 c 334 s 718 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund—State Appropriation (FY 2022) \$951,000

General Fund—State Appropriation (FY 2023) \$683,000

TOTAL APPROPRIATION ((~~\$951,000~~))

\$1,634,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

NEW SECTION. Sec. 708. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON INTERNET CRIMES AGAINST CHILDREN ACCOUNT**

General Fund—State Appropriation (FY 2022) \$1,135,000

General Fund—State Appropriation (FY 2023) \$1,135,000

TOTAL APPROPRIATION \$2,270,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington internet crimes against children account created in RCW 43.101.435.

NEW SECTION. Sec. 709. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME SECURITY FUND ACCOUNT**

General Fund—State Appropriation (FY 2023) \$40,000,000

TOTAL APPROPRIATION \$40,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the home security fund account created in RCW

43.185C.060. The purpose of this expenditure is to continue the shelter capacity grant funding in section 127(36) of this act into the 2023-2025 fiscal biennium.

NEW SECTION. Sec. 710. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—MULTIMODAL TRANSPORTATION ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,000,000,000

TOTAL APPROPRIATION \$2,000,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the multimodal transportation account created in RCW 47.66.070.

NEW SECTION. Sec. 711. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—ENTERPRISE SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) \$500,000

TOTAL APPROPRIATION \$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the enterprise services account created in RCW 43.19.025 in support of the real estate services program.

NEW SECTION. Sec. 712. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE VEHICLE PARKING ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,178,000

TOTAL APPROPRIATION \$2,178,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state vehicle parking account created in RCW 43.01.225 in support of the parking program within the department of enterprise services.

NEW SECTION. Sec. 713. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—LIABILITY ACCOUNT**

General Fund—State Appropriation (FY 2023) \$217,000,000

TOTAL APPROPRIATION \$217,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the liability account created in RCW 4.92.130.

NEW SECTION. Sec. 714. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,000,000

General Fund—State Appropriation (FY 2023) \$68,000,000

TOTAL APPROPRIATION \$70,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial stabilization account created in RCW 43.79.505.

NEW SECTION. Sec. 715. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$397,000,000

TOTAL APPROPRIATION \$397,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the family and medical leave insurance account created in RCW 50A.05.070. Of the amount in this section, the office of financial management may expend into the account only the amounts necessary to manage the account balance in order to minimize the likelihood of a premium surcharge under RCW 50A.10.030 in calendar year 2023, after certification from the employment security department.

NEW SECTION. Sec. 716. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—DRIVER RESOURCE CENTER FUND**

General Fund—State Appropriation (FY 2023) \$6,000,000

TOTAL APPROPRIATION \$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the driver resource center fund created in Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 717. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HORSE RACING COMMISSION OPERATING ACCOUNT AND WASHINGTON BRED OWNERS' BONUS FUND AND BREEDER AWARDS ACCOUNT**

Washington	Equine	Industry
Reinvestment Account—		
State Appropriation	\$900,000	
TOTAL APPROPRIATION	\$900,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely for expenditure into the Washington horse racing commission operating account created in RCW 67.16.280.

(2) \$450,000 of the appropriation is provided solely for expenditure into the Washington bred owners' bonus fund and breeder awards account created in RCW 67.16.275.

(3) If House Bill No. 1928 (equine industry support) is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 718. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE DNA DATABASE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$300,000

TOTAL APPROPRIATION \$300,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state DNA database account created in RCW 43.43.7532, pursuant to Engrossed Fourth Substitute House Bill No. 1412 (legal financial obligations). If the bill is

not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 719. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—SHOP LOCAL AND SAVE SALES AND USE TAX HOLIDAY MITIGATION ACCOUNT**

General Fund—State Appropriation (FY 2023) \$53,000,000

TOTAL APPROPRIATION \$53,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the shop local and save sales and use tax holiday mitigation account created in House Bill No. 2018 (sales and use tax holiday). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 720. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STUDENT LOAN ACCOUNT**

General Fund—State Appropriation (FY 2023) \$221,000,000

Workforce Education Investment Account—State

Appropriation \$79,000,000

TOTAL APPROPRIATION \$300,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington student loan account created in Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 721. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—CAPITAL COMMUNITY ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$737,000,000

TOTAL APPROPRIATION \$737,000,000

The appropriation in this section is subject to the following conditions and limitations: The amount in this section is provided solely for expenditure into

the capital community assistance account created in section 946 of this act.

NEW SECTION. Sec. 722. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEM ACCOUNT**

General Fund—State Appropriation (FY 2022) \$11,306,000

General Fund—State Appropriation (FY 2023) \$6,224,000

TOTAL APPROPRIATION \$17,530,000

The appropriations in this section are subject to the following conditions and limitations: The amounts in this section are provided solely for expenditure into the judicial information system account created in RCW 2.68.020.

Sec. 723. 2021 c 334 s 724 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT

General Fund—State Appropriation (FY 2022) (~~(\$19,618,000)~~)

\$46,148,000

TOTAL APPROPRIATION (~~(\$19,618,000)~~)

\$46,148,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to chapter 98, Laws of 2020 and chapter 363, Laws of 2019. This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, (~~2022~~) 2024.

NEW SECTION. Sec. 724. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—RECRUITMENT AND RETENTION ADJUSTMENTS**

General Fund—State Appropriation (FY 2023) \$50,000,000

General Fund—Federal Appropriation \$10,978,000

General Fund—Private/Local Appropriation \$808,000

Salary and Insurance Contributions Increase

Revolving Account—State Appropriation
\$22,554,000

TOTAL APPROPRIATION \$84,340,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided solely for implementation of classification-based salary adjustments for state employees whose jobs are difficult for the state to recruit and retain a competitive workforce. The office of financial management is directed to develop a plan to make appropriate adjustments based upon the results of the 2020 state salary survey conducted according to RCW 41.06.160, and make adjustments to the results of the study as the director determines to be well-documented by agency experience due to the SARS-CoV2 (COVID-19) pandemic, including resulting changes in the labor market. Before determining any adjustments, the director must seek input from the exclusive bargaining representatives for any potentially impacted bargaining units. The classification adjustments must uniformly take effect July 1, 2022.

(2) Adjustments are to be made across the state workforce, including both represented and non-represented employees with a goal of addressing those jobs that fall the farthest below market rates, or where the documented agency experience recruiting or retaining employees is the most severe. Adjustments will not be made to job classifications that are exclusive to higher education institutions. In making the adjustments, the director may also include increases to address issues of compression and inversion.

(3) Upon completion of the plan, the director must transmit the plan to the legislative fiscal committees and the joint committee on employment relations. This transmission must identify the job classes, by agency and number of employees, that are impacted by the plan. The transmission also must indicate the proposed increase for each impacted job class.

(4) Where the adjustments affect represented employees, expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding

between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

(5) The office of financial management shall allocate the moneys appropriated in this section to individual agencies in the amounts necessary to fulfill the plan but may not exceed amounts provided in this section.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 725. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—GENERAL GOVERNMENT NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2023) \$174,000

General Fund—Federal Appropriation
\$42,000

General Fund—Private/Local
Appropriation \$3,000

Other Appropriated Funds
\$69,000

TOTAL APPROPRIATION \$288,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G06 (state employee benefits), dated February 15, 2022.

NEW SECTION. Sec. 726. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—HIGHER EDUCATION NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2023) \$336,000

Other Appropriated Funds \$6,000

TOTAL APPROPRIATION \$342,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G06H (state employee benefits (higher ed)), dated February 15, 2022.

NEW SECTION. Sec. 727. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—GENERAL GOVERNMENT REPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2023) \$612,000

General Fund—Federal Appropriation \$170,000

General Fund—Private/Local Appropriation \$11,000

Other Appropriated Funds \$230,000

TOTAL APPROPRIATION \$1,023,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for represented state employee health benefits for state agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G6A (rep employee health benefits), dated February 15, 2022.

NEW SECTION. Sec. 728. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—HIGHER EDUCATION REPRESENTED EMPLOYEES—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2023) \$89,000

Education Legacy Trust Account—State Appropriation \$1,000

TOTAL APPROPRIATION \$90,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for represented state employee health benefits for state

agencies, including institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document G6AH (state public employee benefits rate), dated February 15, 2022.

NEW SECTION. Sec. 729. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—UPDATED PEBB RATE—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2023) \$14,587,000

General Fund—Federal Appropriation \$3,993,000

General Fund—Private/Local Appropriation \$301,000

Other Appropriated Funds \$5,886,000

TOTAL APPROPRIATION \$24,767,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for general government state agencies, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document GLS (updated PEBB rate), dated February 15, 2022.

NEW SECTION. Sec. 730. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—UPDATED PEBB RATE HIGHER EDUCATION—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2023) \$7,862,000

General Fund—Federal Appropriation \$6,000

Other Appropriated Funds \$197,000

TOTAL APPROPRIATION \$8,065,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for institutions of higher education, and is subject to the conditions and limitations in part IX of this act. Appropriations in this act for institutions of higher education are increased by the amounts specified in LEAP omnibus document GLSH

(updated PEBB rate (higher ed)), dated February 15, 2022.

NEW SECTION. Sec. 731. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WFSE**

General Fund—State Appropriation (FY 2023) \$70,877,000

General Fund—Federal Appropriation
\$28,646,000

General Fund—Private/Local
Appropriation \$1,357,000

Other Appropriated Funds
\$35,510,000

TOTAL APPROPRIATION \$136,390,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees general government and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G09 (WFSE general government), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 732. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2023) \$418,000

General Fund—Federal Appropriation
\$41,000

Other Appropriated Funds
\$2,662,000

TOTAL APPROPRIATION \$3,121,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the assistant attorneys general/Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document AAG (WFSE assistant AGs), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 733. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING**

AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD

General Fund—State Appropriation (FY 2023) \$504,000

General Fund—Federal Appropriation
\$8,000

General Fund—Private/Local
Appropriation \$1,000

Other Appropriated Funds
\$891,000

TOTAL APPROPRIATION \$1,404,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the fish and wildlife enforcement officers guild and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G11 (fish and wildlife officers guild), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 734. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving
Account—State

Appropriation \$395,000

TOTAL APPROPRIATION \$395,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees administrative law judges and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G13 (administrative law judges WFSE), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 735. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WAFWP**

General Fund—State Appropriation (FY 2023) \$1,404,000

General Fund—Federal Appropriation
\$1,106,000

General Fund—Private/Local
Appropriation \$521,000

Other	Appropriated	Funds
\$993,000		
TOTAL APPROPRIATION	\$4,024,000	

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington association of fish and wildlife professionals and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G99 (assoc of fish and wild prof agreement), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 736. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WPEA GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2023) \$5,459,000

General Fund—Federal Appropriation \$384,000

General Fund—Private/Local Appropriation \$8,000

Other	Appropriated	Funds
\$2,605,000		

TOTAL APPROPRIATION \$8,456,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association general government and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GL1 (WPEA general government), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 737. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2023) \$11,000

TOTAL APPROPRIATION \$11,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the professional and technical employees local 17 and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in

LEAP omnibus document GL5 (PTE local 17 general government), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 738. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2023) \$1,845,000

General Fund—Federal Appropriation \$366,000

General Fund—Private/Local Appropriation \$380,000

Other	Appropriated	Funds
\$1,973,000		

TOTAL APPROPRIATION \$4,564,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the coalition of unions and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GL7 (coalition of unions), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 739. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2023) \$5,736,000

General Fund—Federal Appropriation \$1,857,000

General Fund—Private/Local Appropriation \$143,000

Health Professions Account—State Appropriation \$56,000

TOTAL APPROPRIATION \$7,792,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the service employees international union healthcare 1199nw and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GLQ (SEIU 1199 general government), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 740. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS**

General Fund—State Appropriation (FY 2023) \$124,000

General Fund—Federal Appropriation \$14,000

General Fund—Private/Local Appropriation \$24,000

Other Appropriated Funds \$262,000

TOTAL APPROPRIATION \$424,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the department of fish and wildlife sergeants association/teamsters 670 and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G12 (DFW teamsters 760 enf sgts), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 741. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—FOUR-YEAR HIGHER ED WFSE**

General Fund—State Appropriation (FY 2023) \$1,934,000

TOTAL APPROPRIATION \$1,934,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees for employees at four-year institutions of higher education and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 5AOH (four-year higher ed WFSE), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 742. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—FOUR-YEAR HIGHER ED PSE**

General Fund—State Appropriation (FY 2023) \$846,000

TOTAL APPROPRIATION \$846,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the public school employees for employees at four-year institutions of higher education and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 5B (four-year higher ed PSE), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 743. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—UW SEIU 925**

General Fund—State Appropriation (FY 2023) \$755,000

Other Appropriated Funds \$35,000

TOTAL APPROPRIATION \$790,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the University of Washington and the service employees' international union 1199 and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 5C (UW SEIU 925), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 744. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—UW SEIU 1199**

General Fund—State Appropriation (FY 2023) \$14,000

TOTAL APPROPRIATION \$14,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the University of Washington and the service employees' international union 1199 and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 5HUU (UW SEIU 1199), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 745. A new section is added to 2021 c 334 (uncodified) to read as follows: **ADJUST COMPENSATION DOUBLE COUNT**

General Fund—State Appropriation (FY 2023) (\$12,477,000)

Other Appropriated Funds (\$284,000)

TOTAL APPROPRIATION (\$12,761,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is adjusted to coordinate increases for employees eligible under Initiative Measure No. 732, with other general wage increases for state employees provided in this act. Appropriations in this act for state agencies are adjusted consistent with part IX of this act by the amounts specified in LEAP omnibus document 9B (adjust compensation double count), dated February 15, 2022

NEW SECTION. Sec. 746. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE WPEA**

General Fund—State Appropriation (FY 2023) \$353,000

Education Legacy Trust Account—State Appropriation \$5,000

TOTAL APPROPRIATION \$358,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between highline community college and the Washington public employees' association and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G00 (highline CC WPEA), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 747. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

General Fund—State Appropriation (FY 2023) \$619,000

General Fund—Federal Appropriation \$14,000

Dedicated Marijuana Account—State Appropriation

(FY 2023) \$129,000

TOTAL APPROPRIATION \$762,000

The appropriations in this section are subject to the following conditions and

limitations: Funding is for the agreement reached between the governor and the Washington state patrol troopers association and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G07 (WSP troopers), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 748. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

General Fund—State Appropriation (FY 2023) \$331,000

TOTAL APPROPRIATION \$331,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington state patrol lieutenants and captains association and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G08 (WSP lieutenants/captains), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 749. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WFSE COMMUNITY COLLEGE COALITION**

General Fund—State Appropriation (FY 2023) \$5,319,000

General Fund—Federal Appropriation \$43,000

Education Legacy Trust Account—State Appropriation \$263,000

TOTAL APPROPRIATION \$5,625,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington federation of state employees community college coalition and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document G40H (WFSE community college coalition), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 750. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING**

AGREEMENT—TEAMSTERS LOCAL 117 DEPARTMENT OF CORRECTIONS

General Fund—State Appropriation (FY 2023) \$61,949,000

Washington Auto Theft Prevention Authority Account—

State Appropriation \$121,000

TOTAL APPROPRIATION \$62,070,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the teamsters local 117 department of corrections and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GDE (teamsters 117 DOC), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 751. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION COMMUNITY COLLEGE COALITION**

General Fund—State Appropriation (FY 2023) \$4,521,000

Education Legacy Trust Account—State Appropriation \$8,000

TOTAL APPROPRIATION \$4,529,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the Washington public employees association community college coalition and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document GL2C (WPEA community college coalition), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 752. A new section is added to 2021 c 334 (uncodified) to read as follows: **NONREPRESENTED GENERAL WAGE INCREASES—GENERAL GOVERNMENT EMPLOYEES**

General Fund—State Appropriation (FY 2023) \$25,065,000

General Fund—Federal Appropriation \$5,841,000

General Fund—Private/Local Appropriation \$382,000

Other Appropriated Funds
\$11,209,000

TOTAL APPROPRIATION \$42,497,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for general government state employee compensation increases to employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, subject to the conditions and limitations in part IX of this act. Appropriations in this act for state agencies are increased by the amounts specified in LEAP omnibus document GL9 (non-rep general wage increase), dated February 15, 2022.

NEW SECTION. Sec. 753. A new section is added to 2021 c 334 (uncodified) to read as follows: **NONREPRESENTED GENERAL WAGE INCREASES—HIGHER EDUCATION EMPLOYEES**

General Fund—State Appropriation (FY 2023) \$37,380,000

General Fund—Federal Appropriation \$5,000

Other Appropriated Funds
\$1,348,000

TOTAL APPROPRIATION \$38,733,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for higher education state employee compensation increases to employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, subject to the conditions and limitations in part IX of this act. Appropriations in this act for higher education institutions are increased by the amounts specified in LEAP omnibus document GL9H (non-rep general wage increase), dated February 15, 2022.

NEW SECTION. Sec. 754. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD**

General Fund—State Appropriation (FY 2023) \$31,000

TOTAL APPROPRIATION \$31,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement

reached between the Washington State University and the WSU police guild and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document W10H (WSU police guild), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 755. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

General Fund—State Appropriation (FY 2023) \$218,000

TOTAL APPROPRIATION \$218,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the Washington federation of state employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document EW5A (eastern Washington higher ed WFSE), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 756. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—PSE**

General Fund—State Appropriation (FY 2023) \$36,000

TOTAL APPROPRIATION \$36,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Eastern Washington University and the public school employees and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document EW5B (eastern Washington higher ed PSE), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 757. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COLLEGE—WPEA**

General Fund—State Appropriation (FY 2023) \$227,000

TOTAL APPROPRIATION \$227,000

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between Yakima Valley College and the Washington public employees' association and approved in part IX of this act. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document WPYV (Yakima Valley College WPEA), dated February 15, 2022, to fund the provisions of this agreement.

NEW SECTION. Sec. 758. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—PERS AND TRS PLAN 1 RETIREE BENEFIT INCREASES**

General Fund—State Appropriation (FY 2023) \$17,991,000

General Fund—Federal Appropriation \$740,000

General Fund—Private/Local Appropriation \$49,000

Other Appropriated Funds \$1,274,000

TOTAL APPROPRIATION \$20,054,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for implementation of Senate Bill No. 5676 (plan 1 retiree benefit increases). If the bill is not enacted by June 30, 2022, the amounts appropriated in this section shall lapse.

NEW SECTION. Sec. 759. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—TRIBAL GOVERNMENT ASSISTANCE**

General Fund—State Appropriation (FY 2022) \$401,000

TOTAL APPROPRIATION \$401,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to tribes with police officers certified through the criminal justice training commission pursuant to RCW 43.101.157 to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021. Distributions shall be made according to OFM document 2022-2 dated December 16, 2021.

NEW SECTION. Sec. 760. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—PSERS TOTAL DISABILITY**

General Fund—State Appropriation (FY 2023) \$300,000

TOTAL APPROPRIATION \$300,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for contribution rate impacts due to implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amounts appropriated in this section shall lapse.

NEW SECTION. Sec. 761. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—DEFINITION OF VETERAN**

General Fund—State Appropriation (FY 2023) \$200,000

TOTAL APPROPRIATION \$200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for contribution rate impacts from implementation of House Bill No. 1804 (military service credit). If the bill is not enacted by June 30, 2022, the amounts appropriated in this section shall lapse.

Sec. 762. 2021 c 334 s 753 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS

General Fund—Federal Appropriation \$280,000,000

TOTAL APPROPRIATION \$280,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for ~~((allotment))~~ allocation to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund.

For any agency receiving an ~~((allotment))~~ allocation under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

NEW SECTION. Sec. 763. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—OPERATING SUBACCOUNT OF THE COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,000,000

TOTAL APPROPRIATION \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the operating subaccount of the community preservation and development authority account created in RCW 43.167.040.

NEW SECTION. Sec. 764. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMUNITY REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2023) \$125,000,000

TOTAL APPROPRIATION \$125,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the community reinvestment account created in Second Substitute House Bill No. 1827 (community reinvestment). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 765. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF**

FINANCIAL MANAGEMENT—APPLE HEALTH AND HOMES ACCOUNT

General Fund—State Appropriation (FY 2023) \$43,511,000

TOTAL APPROPRIATION \$43,511,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the apple health and homes account created in Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 766. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$8,399,000

TOTAL APPROPRIATION \$8,399,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the disaster response account created in RCW 38.52.105.

NEW SECTION. Sec. 767. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY SECURITY ACCOUNT**

General Fund—State Appropriation (FY 2023) \$5,000,000

TOTAL APPROPRIATION \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the information technology security account created in Second Substitute House Bill No. 2044 (ransomware protection). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 768. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2022) \$3,000

General Fund—State Appropriation (FY 2023) \$222,000

General Fund—Federal Appropriation \$69,000

General Fund—Private/Local Appropriation \$9,000

Other Appropriated Funds \$113,000

TOTAL APPROPRIATION \$416,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92C-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 769. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICE**

General Fund—State Appropriation (FY 2022) \$377,000

General Fund—State Appropriation (FY 2023) \$492,000

General Fund—Federal Appropriation \$287,000

General Fund—Private/Local Appropriation \$19,000

Other Appropriated Funds \$352,000

TOTAL APPROPRIATION \$1,527,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92D-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 770. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF THE ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2022) \$5,363,000

General Fund—State Appropriation (FY 2023) \$9,082,000

General Fund—Federal Appropriation \$3,284,000

General Fund—Private/Local Appropriation \$57,000

Other	Appropriated	Funds
	\$3,639,000	

TOTAL APPROPRIATION \$21,425,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of the attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92E-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 771. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2022) \$18,000

General Fund—State Appropriation (FY 2023) \$255,000

General Fund—Federal Appropriation \$233,000

Other	Appropriated	Funds
	\$329,000	

TOTAL APPROPRIATION \$835,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state

agencies specified, in LEAP omnibus document 92G-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 772. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) \$1,776,000

General Fund—State Appropriation (FY 2023) \$7,658,000

General Fund—Federal Appropriation \$2,992,000

General Fund—Private/Local Appropriation \$281,000

Other	Appropriated	Funds
	\$6,116,000	

TOTAL APPROPRIATION \$18,823,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92J-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 773. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) \$57,000

General Fund—State Appropriation (FY 2023) \$773,000

General Fund—Federal Appropriation \$162,000

General Fund—Private/Local Appropriation \$9,000

Other	Appropriated	Funds
	\$416,000	

TOTAL APPROPRIATION \$1,417,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency

appropriations related to corresponding adjustments in the department of enterprise service's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92K-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 774. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) (\$148,000)

General Fund—State Appropriation (FY 2023) \$8,464,000

General Fund—Federal Appropriation \$1,290,000

General Fund—Private/Local Appropriation \$149,000

Other Appropriated Funds \$2,938,000

TOTAL APPROPRIATION \$12,693,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions performed by the office of financial management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92R-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 775. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—SELF-INSURANCE LIABILITY PREMIUM**

General Fund—State Appropriation (FY 2022) \$1,793,000

General Fund—State Appropriation (FY 2023) \$1,798,000

General Fund—Federal Appropriation \$858,000

General Fund—Private/Local Appropriation \$4,000

Other Appropriated Funds \$274,000

TOTAL APPROPRIATION \$4,727,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' self-insurance premium liability billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92X-2022, dated February 21, 2022, and adjust appropriation schedules accordingly.

Sec. 776. 2021 c 334 s 744 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—PUBLIC HEALTH WORKFORCE

General Fund—Federal Appropriation ((~~\$100,000,000~~))

\$49,000,000

TOTAL APPROPRIATION ((~~\$100,000,000~~))

\$49,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to hire case investigators, contact tracers, public health nurses, disease intervention specialists, epidemiologists, and other positions as may be required to prevent, prepare for, and respond to COVID-19, and to provide personal protection equipment. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 777. 2021 c 334 s 745 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES

General Fund—Federal Appropriation ((~~\$100,000,000~~))

\$74,000,000

TOTAL	APPROPRIATION
(\$100,000,000)	
<u>\$74,000,000</u>	

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for vaccine distribution and administration, including the establishment and expansion of community vaccination centers and mobile vaccination units, particularly in underserved areas; reporting enhancements; communication efforts; and transportation of individuals, particularly in underserved populations, to vaccination sites. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 778. 2021 c 334 s 746 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—TESTING AND TRACING

General Fund—Federal Appropriation	
(\$900,000,000)	
<u>\$718,000,000</u>	
TOTAL	APPROPRIATION
(\$900,000,000)	
<u>\$718,000,000</u>	

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic, including diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. Sec. 779. The following acts or parts of acts are each repealed:

- (1)2021 c 334 s 730 (uncodified);
- (2)2021 c 334 s 731 (uncodified);
- (3)2021 c 334 s 732 (uncodified);
- (4)2021 c 334 s 733 (uncodified);
- (5)2021 c 334 s 734 (uncodified);
- (6)2021 c 334 s 735 (uncodified);
- (7)2021 c 334 s 736 (uncodified);
- (8)2021 c 334 s 737 (uncodified);
- (9)2021 c 334 s 749 (uncodified); and
- (10)2021 c 334 s 752 (uncodified).

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2021 c 334 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premium distributions	
(\$9,757,000)	
<u>\$12,107,000</u>	
General Fund Appropriation for prosecuting attorney	
distributions	(\$9,284,000)
<u>\$7,975,000</u>	
General Fund Appropriation for boating safety and	
education distributions	
(\$4,000,000)	
<u>\$6,395,000</u>	
General Fund Appropriation for public utility	
district excise tax distributions	(\$66,759,000)
<u>\$67,206,000</u>	
Death Investigations Account	
Appropriation for	
distribution to counties for publicly funded	
autopsies	\$3,303,000
Aquatic Lands Enhancement Account	
Appropriation for	

harbor improvement revenue
distributions \$140,000

Timber Tax Distribution Account
Appropriation for
distribution to "timber" counties
((~~\$73,911,000~~))
\$77,324,000

County Criminal Justice Assistance
Appropriation ((~~\$114,428,000~~))
\$115,238,000

Municipal Criminal Justice Assistance
Appropriation ((~~\$45,073,000~~))
\$45,587,000

City-County Assistance Appropriation
((~~\$39,939,000~~))
\$56,205,000

Liquor Excise Tax Account
Appropriation for liquor
excise tax distribution
((~~\$76,474,000~~))
\$87,317,000

Columbia River Water Delivery Account
Appropriation
for the Confederated Tribes of the
Colville
Reservation ((~~\$8,612,000~~))
\$8,690,000

Columbia River Water Delivery Account
Appropriation
for the Spokane Tribe of Indians
((~~\$5,975,000~~))
\$6,036,000

Liquor Revolving Account Appropriation
for liquor
profits distribution \$98,876,000

General Fund Appropriation for other
tax
distributions ((~~\$80,000~~))
\$102,000

General Fund Appropriation for
Marijuana Excise Tax
distributions \$40,000,000

General Fund Appropriation for Habitat
Conservation
Program distributions \$5,754,000

General Fund Appropriation for payment
in lieu of
taxes to counties under Department of
Fish and
Wildlife Program \$4,040,000

Puget Sound Taxpayer Accountability
Account
Appropriation for distribution to
counties in
amounts not to exceed actual deposits
into the
account and attributable to those
counties'
share pursuant to RCW 43.79.520.
((~~\$33,460,000~~))
\$51,983,000

Manufacturing and Warehousing Job
Centers Account
Appropriation for distribution to
local taxing
jurisdictions to mitigate the
unintended
revenue redistributions effect of
sourcing law
changes pursuant to Engrossed
Substitute House
Bill No. 1521 (warehousing &
manufacturing
jobs). ((~~If Engrossed Substitute House
Bill No. 1521 (warehousing &
manufacturing jobs) is not enacted by
June 30, 2021, this distribution is
null and void.~~)) \$12,150,000

Crime Victim and Witness Assistance
Account
Appropriation for distribution to
counties for
purposes specified in RCW 7.68.035. If
Engrossed Fourth Substitute House Bill
No. 1412
(legal financial obligations) is not
enacted
by June 30, 2022, this distribution is
null and
void. \$1,950,000

TOTAL APPROPRIATION
((~~\$652,015,000~~))

\$708,378,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2021 c 334 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Appropriation
~~((\$2,551,000))~~

\$2,015,000

TOTAL APPROPRIATION
~~((\$2,551,000))~~

\$2,015,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2021 c 334 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Appropriation
~~((\$1,700,000))~~

\$1,343,000

TOTAL APPROPRIATION
~~((\$1,700,000))~~

\$1,343,000

The appropriation in this section is subject to the following conditions and

limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2021 c 334 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the

basic health plan trust account, the lesser of

the amount determined pursuant to RCW 69.50.540

or this amount for fiscal year 2022,
~~((\$255,000,000))~~ \$265,000,000 and this amount

for fiscal year 2023, ~~((\$265,000,000))~~

\$262,000,000 ~~((\$520,000,000))~~

\$527,000,000

Dedicated Marijuana Account: For transfer to the

state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this

amount for fiscal year 2022,
~~((\$195,000,000))~~

\$202,000,000 and this amount for fiscal

year 2023, \$200,000,000
~~((\$295,000,000))~~

\$402,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2022 \$90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2023 \$90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the tobacco arbitration

payment to the tobacco settlement account,

~~((\$11,000,000 for fiscal year 2022 and \$8,000,000))~~ for fiscal year 2023
~~((\$19,000,000))~~

\$8,000,000

State Treasurer's Service Account: For transfer to

the state general fund, \$5,000,000 for fiscal

year 2022 and \$5,000,000 for fiscal year 2023 \$10,000,000

General Fund: For transfer to the fair fund under

RCW 15.76.115, \$2,750,000 for fiscal year 2022

and \$2,750,000 for fiscal year 2023 \$5,500,000

Financial Services Regulation Account: For transfer

to the state general fund, \$3,500,000 for

fiscal year 2022 and \$3,500,000 for fiscal year

2023 \$7,000,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, up to \$40,000 for fiscal year 2022 \$40,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, \$6,000,000 for

fiscal year 2022 \$6,000,000

General Fund: For transfer to the home security

fund, \$4,500,000 for fiscal year 2022 and

\$4,500,000 for fiscal year 2023 \$9,000,000

~~((Long Term Services and Supports Trust~~

~~Account: For transfer to the general~~

~~fund as repayment for start up costs~~

~~for the long term services program, the~~

~~lesser of the amount determined by the~~

~~treasurer for full repayment of the~~

~~\$17,040,000 transferred from the~~

~~general fund in the 2019 2021 biennium~~

~~and \$19,618,000 transferred from the~~

~~general fund in fiscal year 2022, which~~

~~totals \$36,658,000 transferred from~~

~~the general fund in the 2019 2021~~

~~biennium and fiscal year 2022 for~~

~~start up costs with any related~~

~~interest, or this amount for fiscal~~

~~year 2022, \$37,092,000 \$37,092,000))~~

Gambling Revolving Account: For transfer to the

state general fund as repayment of the loan

pursuant to chapter 127, Laws of 2020 (sports

wagering/compacts), \$3,000,000 for fiscal year

2022 and the lesser of the remaining amount

determined by the treasurer for full repayment

of the \$6,000,000 transferred from the general

fund in the 2019-2021 fiscal biennium with any

related interest, or this amount for fiscal

year 2023 (~~(\$6,500,000)~~) \$3,500,000
\$6,500,000

School Employees' Insurance Account: For transfer to

the general fund as repayment of the remainder

of the loans for start costs for the school

employees benefit program, (~~(\$16,587,000)~~)

\$15,615,000 for fiscal year 2022
(~~(\$16,587,000)~~)

\$15,615,000

General Fund: For transfer to the manufacturing and

warehousing jobs centers account \$6,750,000 for

fiscal year 2022 and \$5,400,000 for fiscal

year 2023 pursuant to Engrossed Substitute

House Bill No. 1521 (warehousing &

manufacturing jobs). (~~If Engrossed~~

~~Substitute House Bill No. 1521~~

~~(warehousing & manufacturing jobs) is~~

~~not enacted by June 30, 2021, this~~

~~transfer is null and void.))~~

\$12,150,000

General Fund: For transfer to the Washington housing

trust fund, \$10,000,000 for fiscal year 2022 \$10,000,000

General Fund: For transfer to the forest resiliency

account trust fund, \$6,000,000 for fiscal year

2022 \$6,000,000

Streamlined Sales and Use Tax Mitigation Account:

For transfer to the general fund, \$3,186,000 or

as much thereof that represents the balance in

the account for fiscal year 2022 \$3,186,000

General Fund: For transfer to the municipal criminal

justice assistance account for fiscal year

2022 \$761,000

General Fund: For transfer to the wildfire response,

forest restoration, and community resilience

account, solely for the implementation of

chapter 298, Laws of 2021 (2SHB 1168)

(long-term forest health), \$87,107,000 for

fiscal year 2023 \$87,107,000

General Fund: For transfer to the state drought

preparedness and response account, \$4,500,000

for fiscal year 2022 and \$4,500,000 for fiscal

year 2023 \$9,000,000

PART IX

MISCELLANEOUS

Sec. 901. 2021 c 334 s 907 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENTS

The following sections represent the results of the 2021-2023 collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. In addition, the improved

economic and revenue forecast provides the ability to address compensation needs and recognize the hard work and commitment that state employees have shown through the pandemic. Sections 902 through 930 and 938 through 941 of this act represent the results of the collective bargaining process from reopening the 2021-2023 contracts for the limited purpose of bargaining over compensation, and are described in general terms. Provisions of the collective bargaining agreements contained in sections 908 through 939 and 943 through 946 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature during the 2021 legislative session, and that came into effect prior to approval by the legislature during the 2022 legislative session.

Sec. 902. 2021 c 334 s 909 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WFSE

(1) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 903. 2021 c 334 s 910 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WAFWP

(1) An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were hired before July 1, 2022.

Sec. 904. 2021 c 334 s 911 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 905. 2021 c 334 s 912 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW

(1) An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a retention bonus payable in two equal installments.

Sec. 906. 2021 c 334 s 913 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
COALITION OF UNIONS**

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

(2) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 907. 2021 c 334 s 914 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
ASSOCIATION OF WASHINGTON ASSISTANT
ATTORNEYS GENERAL/WFSE**

(1) An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state

employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a longevity lump sum payment.

Sec. 908. 2021 c 334 s 915 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WFSE
ADMINISTRATIVE LAW JUDGES**

(1) An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 909. 2021 c 334 s 916 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—DFW
SERGEANTS ASSOCIATION/TEAMSTERS 760**

(1) An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the

provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

(2) An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for implementing a redesigned classification and compensation structure for the fish and wildlife enforcement classes and payment of educational incentives for employees who have obtained an associate degree (2 percent base pay) or bachelor's degree (4 percent base pay).

Sec. 910. 2021 c 334 s 917 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD

(1) An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by \$100 per year per employee.

(2) An agreement has been reached between the governor and the fish and

wildlife enforcement officers guild under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for implementing a redesigned classification and compensation structure of the fish and wildlife enforcement classes.

Sec. 911. 2021 c 334 s 918 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION

(1) An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

(2) An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 912. 2021 c 334 s 919 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION

(1) An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

(2) An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 913. 2021 c 334 s 920 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 914. 2021 c 334 s 921 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 915. 2021 c 334 s 922 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WPEA

(1) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some

minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 916. 2021 c 334 s 923 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117 DEPARTMENT OF ENTERPRISE SERVICES

(1) An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

(2) Again, an agreement has not been reached between the governor and the international brotherhood of teamsters local 117 department of enterprise services under the provisions of chapter 41.80 RCW for fiscal year 2023. Pursuant to RCW 41.80.010(6), the employer may unilaterally implement according to law. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

NEW SECTION. Sec. 917. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117 DEPARTMENT OF CORRECTIONS**

An agreement has been reached between the governor and the international brotherhood of teamsters local 117 department of corrections through an interest arbitration award pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. The interest arbitration award included and funding is provided for a general wage increase of 4 percent, targeted wage increases, retroactive to July 1, 2022, a lump sum

payment for all employees, and premium pay for working on McNeil Island.

Sec. 918. 2021 c 334 s 924 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
UNIVERSITY OF WASHINGTON—SEIU 925**

(1) An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the service employees international union labor 925 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023, evening shift differential, night shift differential, standby pay, and weekend pay premium for specified job classifications. In addition, the agreement includes and funding is provided for recruitment and retention increases and lump sum payments for specified job classifications.

Sec. 919. 2021 c 334 s 925 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
UNIVERSITY OF WASHINGTON—SEIU 1199
RESEARCH/HALL HEALTH**

(1) An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement

includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023 and lump sum payments for employees.

Sec. 920. 2021 c 334 s 928 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
UNIVERSITY OF WASHINGTON—WFSE**

(1) An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement, and an expansion of the Harborview and University of Washington Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023, evening shift differential, night shift differential, standby pay, and weekend pay premium, for specified job classifications.

Sec. 921. 2021 c 334 s 929 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
WASHINGTON STATE UNIVERSITY—WFSE**

(1) An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

(2) An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and

any lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees.

Sec. 922. 2021 c 334 s 930 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
WASHINGTON STATE UNIVERSITY—WSU POLICE
GUILD BARGAINING UNIT 4**

(1) An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

(2) An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.3 percent for fiscal year 2023.

Sec. 923. 2021 c 334 s 932 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
CENTRAL WASHINGTON UNIVERSITY—WFSE**

(1) An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, the agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed

continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 924. 2021 c 334 s 933 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
CENTRAL WASHINGTON UNIVERSITY—PSE**

(1) An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 925. 2021 c 334 s 934 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—THE
EVERGREEN STATE COLLEGE—WFSE**

(1) An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding

is provided for a general wage increase of 3.25 percent for fiscal year 2023.

Sec. 926. 2021 c 334 s 935 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
WESTERN WASHINGTON UNIVERSITY—WFSE**

(1) An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between Western Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 927. 2021 c 334 s 936 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
WESTERN WASHINGTON UNIVERSITY—PSE**

(1) An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

(2) An agreement has been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington

federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 928. 2021 c 334 s 937 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
EASTERN WASHINGTON UNIVERSITY—WFSE**

(1) An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent effective July 1, 2022.

NEW SECTION. Sec. 929. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between Eastern Washington University and the public school employees under the provisions of chapter 41.80 RCW for the fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent effective July 1, 2022.

NEW SECTION. Sec. 930. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COLLEGE—WPEA**

An agreement has been reached between Yakima Valley College and the Washington public employees' association under the provisions of chapter 41.80 RCW for the fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent and other terms effective July 1, 2022.

Sec. 931. 2021 c 334 s 939 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
HIGHLINE COMMUNITY COLLEGE—WPEA**

(1) An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) For fiscal year 2023 employees covered by Washington public employees association at the Highline Community College are included in the coalition agreement in sec. 912 of this act.

Sec. 932. 2021 c 334 s 940 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—
HEALTH CARE COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1,091)~~) \$1,130 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member

premium payment if directed by the legislature.

Sec. 933. 2021 c 334 s 941 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES
OUTSIDE HEALTH CARE COALITION—INSURANCE
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed (~~(\$1,091)~~) \$1,130 per eligible employee.

Sec. 934. 2021 c 334 s 942 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—
INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$968 per eligible employee in the 2021-22 school year. For the 2022-23 school year, the monthly employer funding rate shall not exceed (~~(\$1,032)~~) \$1,026 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in (~~section 943 of this act~~) section 935 of this act, which is included as part of the above monthly employer funding rate.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and

classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 935. 2021 c 334 s 943 (uncodified) is amended to read as follows:

COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible

employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1,091)~~) \$1,130 per eligible employee. These rates assume the use of plan surplus from the 2019-2021 fiscal biennium in fiscal year 2022.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$72.08 per month beginning September 1, 2021, and \$80.04 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$72.08 each month beginning September 1, 2021, and \$80.04 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. **Sec. 936.** A new section is added to 2021 c 334 (uncodified) to read as follows: **INITIATIVE 732 COST-OF-LIVING INCREASES**

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increase on July 1, 2022, provides a portion of the annual cost-of living adjustments required

under Initiative Measure No. 732. The 3.25 percent general wage increase shall replace the 2.2 percent general wage increase that was funded in the biennial budget to take effect July 1, 2022, and funding is provided for an additional 1.42 percent general wage increase for a total general wage increase effective July 1, 2022, of 4.67 percent. The resulting biennial general wage increase funded for these employees is 6.37 percent for fiscal year 2023.

NEW SECTION. Sec. 937. A new section is added to 2021 c 334 (uncodified) to read as follows: **GENERAL WAGE INCREASES**

(1) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a 3.25 percent salary increase effective July 1, 2022, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a 3.25 percent salary increase effective July 1, 2022, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries of elected officials.

Sec. 938. 2021 c 334 s 945 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS

(1) An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of \$0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

(2) An agreement has been reached between the governor and the Washington

federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an hourly rate increase of \$1.04 for fiscal year 2023.

Sec. 939. 2021 c 334 s 946 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS

(1) An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

(2) An agreement has been reached between the governor and the service employees international union local 775 under the provisions of chapter 74.39A RCW and chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an increase to the base rate for fiscal year 2023. This approval of funding applies only to those compensation and fringe benefit terms with economic terms explicitly set forth in the contract submitted to the legislature for approval. To the extent that future compensation provisions are negotiated through a memorandum of understanding, due to changes in federal funding formula or other reasons, those additional provisions may not take effect until subsequently submitted to, and approved by, the legislature.

Sec. 940. 2021 c 334 s 947 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR
NONSTATE EMPLOYEES—SEIU LOCAL 925
CHILDCARE WORKERS**

(1) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from \$2.65 to \$3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from \$80.00 to \$90.00 per child per month.

(2) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a cost of care rate enhancement for fiscal year 2023.

Sec. 941. 2021 c 334 s 948 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR
NONSTATE EMPLOYEES—ADULT FAMILY HOME
COUNCIL**

(1) An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

(2) An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an increase to the base rate and increase in the training contribution for fiscal year 2023.

NEW SECTION. Sec. 942. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of 0.14 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system. An increase of 0.27 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Senate Bill No. 5676 (TRS 1/PERS 1 benefit increase). If the bill is not enacted by June 30, 2022, this section shall lapse.

Sec. 943. 2021 c 334 s 1002 (uncodified) is amended to read as follows:

(1) The Washington state criminal sentencing task force is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

- (i) The office of the governor;
- (ii) Caseload forecast council;
- (iii) Department of corrections;
- (iv) Sentencing guidelines commission;

(v) Statewide family council administered by the department of corrections;

(vi) Statewide reentry council;

(vii) Superior court judges' association;

(viii) Washington association of criminal defense attorneys or the Washington defender association;

(ix) Washington association of prosecuting attorneys;

(x) Washington association of sheriffs and police chiefs;

(xi) Washington state association of counties;

(xii) Washington state minority and justice commission;

(xiii) A labor organization representing active law enforcement officers in Washington state;

(xiv) Two different community organizations representing the interests of incarcerated persons; and

(xv) Two different community organizations or other entities representing the interests of crime victims.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of:

(a) Reducing sentencing implementation complexities and errors;

(b) Improving the effectiveness of the sentencing system; and

(c) Promoting and improving public safety.

(5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The

task force shall submit a final report by December 31, (~~2020~~) 2022.

(6)(a) The William D. Ruckelshaus center shall administer and provide staff support and facilitation services to the task force. The center may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsection (4) of this section.

(b) The caseload forecast council shall provide information, data analysis, and other necessary assistance upon the request of the task force.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) This section expires June 30, (~~2022~~) 2023.

NEW SECTION. Sec. 944. A new section is added to 2021 c 334 (uncodified) to read as follows:

The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) The Washington state office of the attorney general shall appoint the following:

(i) One member representing the confederated tribes of the Colville reservation;

(ii) One member representing the Nisqually Indian tribe;

(iii) One member representing the Tulalip tribes; and

(iv) One member representing the Spokane tribe of Indians.

(f) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys;

(iii) Federally recognized tribes located in a state adjacent to Washington state;

(iv) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people;

(v) Survivors or family members of missing and murdered indigenous people; and

(vi) Canadian First Nations.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2021 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member; and

(b) One summit, following the final report to the legislature, with the state agencies involved with the task force under subsection (1) of this section, federally recognized Indian tribes in Washington state, federally recognized tribes located in a state adjacent to Washington state, and urban Indian organizations.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of violence that occur against American Indian and Alaska Native people and ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state;

(b) Assessing data tracking and reporting practices relating to violence against American Indian and Alaska Native people in Washington state;

(c) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of violence

facing American Indian and Alaska Native people; and

(ii) Jurisdictional and data sharing issues on tribal reservation land and urban areas that impact violence against American Indian and Alaska Native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of violence against American Indian and Alaska Native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking violence against American Indian and Alaska Native people and reducing the incidences of violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska Native people that have experienced violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any initial findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by September 1, 2022, an interim report by June 30, 2023, and a final report by June 1, 2024. It is the intent of the legislature that funding for the final report be provided in the 2023-2025 fiscal biennium operating budget.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit, and oversees the development of the task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis,

research, recommendations, training, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(6) The office of the attorney general will develop training for tribal, state, and local law enforcement and public safety agencies to implement the missing indigenous person alert system created in Substitute House Bill No. 1725 (missing indigenous persons).

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the task force or performs statutorily prescribed duties approved by the office of the attorney general. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The office of the attorney general, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

NEW SECTION. Sec. 945. A new section is added to 2021 c 334 (uncodified) to read as follows:

(1) The joint legislative task force on best practices for broadband deployment is created.

(2) The task force membership is composed of:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of commerce or the director's designee;

(d) The director of the department of transportation or the director's designee; and

(e) The secretary of the utilities and transportation commission or the secretary's designee; and

(f) Additional members to be appointed by the president of the senate and the speaker of the house of representatives, as follows:

(i) A representative from the association of Washington cities;

(ii) A representative from the Washington state association of counties;

(iii) A representative from a telecommunications infrastructure provider; and

(iv) A representative from an organization providing rural telecommunications services.

(3) The task force must conduct the following activities:

(a) Review existing state and local permitting processes for broadband infrastructure in Washington state;

(b) Review relevant best practices in other states for the deployment of broadband and their potential application in Washington state;

(c) Examine any state or federal laws that limit the deployment of broadband and develop recommendations for modifications; and

(d) By December 1, 2022, submit a report of the task force's findings and

recommendations to the appropriate committees of the legislature.

(4) The task force must choose cochaIRS from among its legislative membership. The legislative members must convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(5) Staff support for the task force is provided by the facilitator contracted by the department of commerce.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) Except for the costs of the contracted facilitator, the expenses of the task force must be paid jointly by the senate and the house of representatives, and task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

NEW SECTION. Sec. 946. A new section is added to chapter 43.79 RCW to read as follows:

The capital community assistance account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be used for capital costs to provide community support services, and for infrastructure and other capital expenditures to support the well-being of communities.

Sec. 947. RCW 41.60.050 and 2021 c 334 s 967 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2015-2017, 2017-2019, and 2019-2021(~~and 2021-2023~~) fiscal biennia, and during fiscal year 2022, the operations

of the productivity board shall be suspended.

Sec. 948. RCW 41.80.010 and 2021 c 334 s 968 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under

subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall

be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to

under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may

act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the 2019-2021 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by a higher education institution and the Washington federation of state employees and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

(8)(a) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by the governor or governor's designee and the Washington public employees association community college coalition and the general government agencies and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated between Highline Community

College and the Washington public employees association and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(c) For the 2021-2023 fiscal biennium, the legislature may approve funding for collective bargaining agreements negotiated between Eastern Washington University and bargaining units of the Washington federation of state employees and the public school employees association, and between Yakima Valley College and the Washington public employees association, and ratified by the exclusive bargaining representatives before final legislative action on the omnibus appropriations act by the sitting legislature.

(d) Subsection (3)(a) and (b) of this section does not apply to requests for funding made pursuant to this subsection.

Sec. 949. RCW 43.41.450 and 2017 3rd sp.s. c 1 s 968 are each amended to read as follows:

The office of financial management central service account is created in the state treasury. The account is to be used by the office as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide budgeting, accounting, forecasting, and functions and activities in the office. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. The director shall fix the terms and charges to agencies based on each agency's share of the office statewide cost allocation plan for federal funds. Moneys in the account may be spent only after appropriation. During the 2017-2019 and 2021-2023 fiscal ((biennium)) biennia, the account may be used as a revolving fund for the payment of salaries, wages, and other costs related to policy activities in the office. The legislature intends to continue the use of the revolving fund for policy activities during the 2019-2021 biennium.

Sec. 950. RCW 43.43.837 and 2021 c 203 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the

secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check

results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; ~~((and))~~

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other

individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

Sec. 951. RCW 43.70.715 and 2021 c 334 s 1004 are each amended to read as follows:

(1) The COVID-19 public health response account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature and grants received by the department of health for activities in response to the coronavirus pandemic (COVID-19). Only the secretary, or the secretary's designee, may authorize expenditures from the account for costs related to the public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 public health response account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The legislature finds that a safe, efficient, and effective delivery of vaccinations is of the utmost importance for restoring societal and economic functions. As we learn more about the virus, the vaccine, and challenges to vaccine allocation and distribution, it is anticipated that the state's COVID-19 vaccination distribution plan will evolve. To that end, the legislature has provided flexibility by funding expenditures for testing, contact tracing, mitigation

activities, vaccine administration and distribution, and other allowable uses for the state, local health jurisdictions, and tribes at the discretion of the secretary and without an appropriation. However, to maintain fiscal control and to ensure spending priorities align, the department is required to collaborate and communicate with the chairs and ranking members of the health care and fiscal committees of the legislature and local health jurisdictions in advance of any significant revision of the state's COVID-19 vaccination plan and to provide regular updates on its implementation and spending.

(b) As part of the public health response to COVID-19, the expenditures from the account must be used to effectively administer the vaccine for COVID-19 and conduct testing and contact tracing. The department must ensure that COVID-19 outreach is accessible, culturally and linguistically appropriate, and that it includes community-driven partnerships and strategies.

(c) When making expenditures for administering the vaccine for COVID-19, the department must focus on identifying persons for vaccination, prioritizing underserved, underrepresented, and hard-to-reach communities, making the vaccine accessible, and providing support to schools for safe reopening. Strategies for vaccine distribution shall include the establishment and expansion of community vaccination centers, mobile vaccination units, reporting enhancements, in-home visits for vaccinations for the elderly, and transportation of individuals to vaccination sites.

(d) When making expenditures regarding testing and contact tracing, the department must provide equitable access, prioritize underserved, underrepresented, and hard-to-reach communities, and provide support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(e) The department may also make expenditures from the account related to developing the public health workforce using funds granted by the federal government for that purpose in section 2501, the American rescue plan act of 2021, P.L. 117-2.

(3) When making expenditures from the account, the department must include an emphasis on public communication regarding the availability and accessibility of the vaccine and testing, and the importance of vaccine and testing availability to the safe reopening of the state.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response.

~~((b))~~ To the extent that it is available, the report must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities.

(b)(i) Beginning with the quarter ending March 31, 2022, the department must report to the fiscal and health care committees of the legislature on a quarterly basis regarding revenues and expenditures related to the COVID-19 response. The reports must include:

(A) Quarterly expenditures of funds, by fund source, including the appropriated amounts from the state general fund pursuant to section 222(78) of this act for:

(I) Diagnostic testing;

(II) Case investigation and contact tracing;

(III) Outbreak response;

(IV) Care coordination;

(V) Community outreach;

(VI) Information and technology operations;

(VII) Surveillance;

(VIII) Vaccines;

(IX) Client services;

(X) Local health jurisdictions; and

(XI) Tribes; and

(B) Grant amounts received during the reporting quarter that may be used in the COVID-19 response.

(ii) The quarterly reports must reflect the previous quarter, a projection of expected expenditures and revenue for the next quarter, and an accounting of the expenditures and revenue for the 2021-2023 fiscal biennium to date. The quarterly reports are due no later than 30 days after the end of the applicable quarter.

(c) The first monthly report pursuant to (a) of this subsection is due no later than one month from February 19, 2021. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 ~~((public health))~~ public health response account is less than \$100,000.

Sec. 952. RCW 43.79.505 and 2019 c 251 s 9 are each amended to read as follows:

The judicial stabilization trust account is created within the state treasury, subject to appropriation. All receipts from the surcharges authorized by RCW 3.62.060(2), 12.40.020, 36.18.018(4), and 36.18.020(5) shall be deposited in this account. Moneys in the account may be spent only after appropriation.

Expenditures from the account may be used only for the support of judicial branch agencies and, during the 2021-2023 fiscal biennium, for court expenses and reimbursement to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the State v. Blake court ruling.

Sec. 953. RCW 43.101.435 and 2019 c 415 s 971 are each amended to read as follows:

The Washington internet crimes against children account is created in the custody of the state treasurer. All receipts from legislative appropriations, donations, gifts, grants, and funds from federal or private sources must be deposited into the account. Expenditures from the account must be used exclusively by the Washington internet crimes against children task force and its affiliate agencies for combating internet-facilitated crimes against children, promoting education on internet safety to

the public and to minors, and rescuing child victims from abuse and exploitation. Only the criminal justice training commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The commission may enter into agreements with the Washington association of sheriffs and police chiefs to administer grants and other activities funded by the account and be paid an administrative fee not to exceed three percent of expenditures. During the 2019-2021 and 2021-2023 fiscal ((biennium)) biennia, moneys in the account may be used by the Washington state patrol for activities related to the missing and exploited children task force.

Sec. 954. RCW 43.216.1368 and 2021 c 199 s 201 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose,

a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)(a) Beginning ((July)) October 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15

Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of \$215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) The department must adopt rules to implement this section, including an income phase-out eligibility period.

Sec. 955. RCW 70A.200.140 and 2021 c 334 s 987 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Forty percent to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination

function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed sixty thousand dollars; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to twenty-five percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; and

(c) Forty percent to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3).

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

(5) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.

(6) During the 2021-2023 fiscal biennium, and as an exception to the distribution of expenditures otherwise required in this section, the department of ecology may use funds in the waste reduction, recycling, and litter control account to continue a series of food waste reduction campaigns and to continue to invest in litter prevention campaigns.

Sec. 956. RCW 71.24.580 and 2021 c 334 s 989 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program and, during the 2021-23 fiscal biennium, for 180 days following graduation from the drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may appropriate from the account for municipal drug courts and increased treatment options. During the 2019-2021 fiscal biennium, the

legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the

account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this

section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

Sec. 957. RCW 74.13.802 and 2020 c 33 s 7 are each amended to read as follows:

(1) Beginning July 1, 2020, the department shall establish a child welfare housing assistance pilot program, which provides housing vouchers, rental assistance, navigation, and other support services to eligible families.

(a) The department shall operate or contract for the operation of the child welfare housing assistance pilot program under subsection (3) of this section in one county west of the crest of the Cascade mountain range and one county east of the crest of the Cascade mountain range.

(b) The child welfare housing assistance pilot program is intended to shorten the time that children remain in out-of-home care.

(2) A parent with a child who is dependent pursuant to chapter 13.34 RCW and whose primary remaining barrier to reunification is the lack of appropriate housing is eligible for the child welfare housing assistance pilot program.

(3) The department shall contract with an outside entity or entities to operate the child welfare housing assistance pilot program. If no outside entity or entities are available to operate the program or specific parts of the program, the department may operate the program or the specific parts that are not operated by an outside entity.

(4) Families may be referred to the child welfare housing assistance pilot program by a caseworker, an attorney, a guardian ad litem as defined in chapter 13.34 RCW, a parent ally as defined in RCW 2.70.060, an office of public defense social worker, or the court.

(5) The department shall consult with a stakeholder group that must include, but is not limited to, the following:

(a) Parent allies;

(b) Parent attorneys and social workers managed by the office of public defense parent representation program;

(c) The department of commerce;

(d) Housing experts;

(e) Community-based organizations;

(f) Advocates; and

(g) Behavioral health providers.

(6) The stakeholder group established in subsection (5) of this section shall begin meeting after July 28, 2019, and assist the department in design of the child welfare housing assistance pilot program in areas including, but not limited to:

(a) Equitable racial, geographic, ethnic, and gender distribution of program support;

(b) Eligibility criteria;

(c) Creating a definition of homeless for purposes of eligibility for the program; and

(d) Options for program design that include outside entities operating the entire program or specific parts of the program.

(7) By December 1, 2021, the department shall report outcomes for the child welfare housing assistance pilot program to the oversight board for children, youth, and families established pursuant to RCW 43.216.015. The report must include racial, geographic, ethnic, and gender distribution of program support.

(8) The child welfare housing assistance pilot program established in this section is subject to the availability of funds appropriated for this purpose.

(9) This section expires June 30, (~~2022~~) 2023.

Sec. 958. RCW 74.46.561 and 2021 c 334 s 993 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's

direct care rate does not exceed (~~one hundred thirty~~) 165 percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, but for fiscal year 2023, a minimum occupancy assumption of 70 percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMean rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must

then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation

must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-

quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per

patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and

settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

Sec. 959. RCW 76.04.516 and 2021 c 298 s 3 are each amended to read as follows:

(1) By December 1st of each even-numbered year, and in compliance with RCW 43.01.036, the department must report to the governor and legislature on the following:

(a) The type and amount of the expenditures made, by fiscal year, and for what purpose, from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511 and from expenditures made from the general fund for implementation of this act;

(b) The amount of unexpended and unobligated funds in the wildfire response, forest restoration, and community resilience account and recommendations for the disbursement to local districts;

(c) Progress on implementation of the wildland fire protection 10-year strategic plan including, but not limited to, how investments are reducing human-caused wildfire starts, lowering the size and scale and geography of catastrophic wildfires, reducing the communities, landscapes, and population at risk, and creating resilient landscapes and communities;

(d) Progress on implementation of the 20-year forest health strategic plan as established through the forest health

assessment and treatment framework pursuant to RCW 76.06.200 including, but not limited to: Assessment of fire prone lands and communities that are in need of forest health treatments; forest health treatments prioritized and conducted by landowner type, geography, and risk level; estimated value of any merchantable materials from forest health treatments; and number of acres treated by treatment type, including the use of prescribed fire;

(e) Progress on developing markets for forest residuals and biomass generated from forest health treatments.

(2) The department must include recommendations on any adjustments that may be necessary or advisable to the mechanism of funding dispensation as created under chapter 298, Laws of 2021.

(3) The report required in this section should support existing department assessments pursuant to RCW 79.10.530 and 76.06.200.

(4)(a)(i) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire an independent third-party contractor to assist it in updating its forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennium. The department's sustainable harvest calculation technical advisory committee must be involved in the design, development, and implementation of this forest inventory update.

(ii) For purposes of this subsection, "forest inventory" means the collection of sample data to estimate a range of forest attributes including, but not limited to, standing volume, stored carbon, habitat attributes, age classes, tree species, and other inventory attributes, including information needed to estimate rates of tree growth and associated carbon sequestration on department lands.

(iii) The department's sustainable harvest calculation technical advisory committee must bring forward recommendations for regular maintenance and updates to the forest inventory on a ten-year basis.

(b) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire a third-party

contractor to review, analyze, and advise the department's forest growth and yield modeling, specific to all types of forested acres managed by the department. The department's sustainable harvest calculation technical advisory committee must be involved in the design, review, and analysis of the department's forest growth and yield modeling.

(c) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320 and in the absence of any litigation, pending or in progress, against the department's sustainable harvest calculation, the joint legislative audit and review committee established in chapter 44.28 RCW must oversee and conduct an independent review of the methodologies and data being utilized by the department in the development of the sustainable harvest calculation, including the associated forest inventory, forest growth, harvest and yield data, and modeling techniques that impact harvest levels. In carrying out the review, the joint legislative audit and review committee shall:

(i) Retain one or more contractors with expertise in forest inventories, forest growth and yield modeling, and operational research modeling in forest harvest scheduling to conduct the technical review;

(ii) Be a member of department's sustainable harvest calculation technical advisory committee, along with one of its contractors selected in (c)(i) of this subsection; and

(iii) Prior to the department's determination of the sustainable harvest (~~(calculation)~~) calculation under RCW 79.10.320, ensure that a completed independent review and report with findings and recommendations is submitted to the board of natural resources and the legislature.

(d) Upon receiving the report from the joint legislative audit and review committee required under (c)(iii) of this subsection, the board of natural resources shall determine whether modifications are necessary to the sustainable harvest calculation prior to approving harvest level under RCW 79.10.320.

NEW SECTION. **Sec. 960.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the

application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 961. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Hoff moved the adoption of amendment (1175) to striking amendment (1155):

On page 2, line 7, decrease the general fund-state appropriation for fiscal year 2023 by \$62,000

On page 2, line 12, correct the total.

On page 2, beginning on line 37, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representative Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

Amendment (1175) to striking amendment (1155) was not adopted.

Representative Caldier moved the adoption of amendment (1194) to striking amendment (1155):

On page 34, line 20, increase the general fund-state appropriation for fiscal year 2023 by \$1,250,000

On page 34, line 27, correct the total.

On page 35, after line 17, insert the following:

"(6) (a) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to conduct an accountability audit of each state agency, city government, and county government for a review of the following:

(i) Revenues for homeless housing or homeless services and the source of those revenues, by state agency or unit of local government, for the period beginning with fiscal year 2016 and ending with fiscal year 2021; and

(ii) Expenditures for homeless housing or homeless services, by program and by object of those expenditures, by state

agency or unit of local government, for the period beginning with fiscal year 2016 and ending with fiscal year 2021.

(b) The state auditor must deliver a summary of the accountability audits conducted under (a) of this subsection to the appropriate committees of the legislature by June 30, 2023.

(7) (a) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a performance audit of the efficacy of homeless housing and service interventions supported by state and local funding sources for the period beginning with fiscal year 2016 and ending with fiscal year 2021. The audit must consider topics including but not limited to:

(i) A review of homeless housing and service interventions supported by state and local funding sources, including the total number of beds or units for each intervention type; the annual number of distinct individuals or households served for each intervention type; and the statewide average cost per bed or unit for each intervention type; and

(ii) A comparison of the relative efficacy of homeless housing and service interventions supported by state and local funding sources in assisting homeless individuals or households in exiting to permanent housing.

(b) The state auditor must submit a preliminary report of the performance audit conducted under (a) of this subsection to the appropriate committees of the legislature by June 30, 2023, and it is the intent of the legislature that the auditor provide a final report by June 30, 2024, to be funded in the 2023-25 appropriations act."

Representatives Caldier and Macri spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1194) to striking amendment (1155) was adopted.

Representative Chambers moved the adoption of amendment (1212) to striking amendment (1155):

On page 44, line 27, increase the general fund-state appropriation for fiscal year 2022 by \$3,335,000

On page 44, line 29, increase the general fund-state appropriation for fiscal year 2023 by \$2,223,000

On page 46, line 13, correct the total.

On page 127, after line 17, insert the following:

"(204) \$3,335,000 of the general fund-state appropriation for fiscal year 2022 and \$2,223,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict."

On page 230, line 38, increase the general fund-state appropriation for fiscal year 2022 by \$8,489,000

On page 231, line 2, increase the general fund-state appropriation for fiscal year 2023 by \$4,922,000

On page 231, line 11, correct the total.

On page 242, after line 8, insert the following:

"(32) \$8,489,000 of the general fund-state appropriation for fiscal year 2022 and \$4,922,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for temporary and permanent housing needs of refugees from the 2022 Ukraine-Russia conflict arriving in Washington state, along with other necessary support services such as employment and training, case management, legal services, emergency supports, integration into schools, and physical and mental health needs."

Representatives Chambers and Thai spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1212) to striking amendment (1155) was adopted.

Representative Stokesbary moved the adoption of amendment (1210) to striking amendment (1155):

On page 44, line 29, decrease the general fund-state appropriation for fiscal year 2023 by \$45,000,000

On page 46, line 10, strike the entire community reinvestment account-state appropriation

On page 46, line 13, correct the total.

On page 96, beginning on line 6, strike all of subsection (133)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 98, beginning on line 33, strike all of subsection (134)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 100, beginning on line 14, strike all of subsection (138)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 144, line 18, decrease the general fund - state appropriation for fiscal year 2022 by \$72,000

On page 144, line 20, decrease the general fund - state appropriation for fiscal year 2023 by \$120,000

On page 144, line 33, correct the total.

On page 153, line 23, after "(14)" strike "\$397,000" and insert "\$281,000"

On page 153, line 24, after "and" strike "\$934,000" and insert "\$15,000"

On page 154, after line 14, insert the following:

"(21) \$44,000 of the general fund - state appropriation for fiscal year 2022 and \$799,000 of the general fund - state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. ---- (H-2874.1/22) (reducing sales and use tax rate). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse."

On page 546, line 24, decrease the general fund-state appropriation for fiscal year 2022 by \$62,980,000

On page 546, line 28, decrease the education legacy trust account-state appropriation by \$187,120,000

On page 546, line 30, correct the total.

On page 562, beginning on line 1, strike all of subsection (25)

On page 589, line 2, decrease the Washington opportunity pathways account-state appropriation by \$662,000

On page 589, line 4, correct the total.

On page 589, beginning on line 23, strike all of subsection (5)

On page 614, beginning on line 12, strike all of section 523

On page 656, line 10, decrease the general fund-state appropriation for fiscal year 2023 by \$18,808,000

On page 656, line 17, correct the total.

On page 671, beginning on line 15, strike all of subsection (15)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 671, line 31, increase the general fund-state appropriation in fiscal year 2023 by \$75,000,000

On page 671, line 38, decrease the Washington opportunity pathways account-state by \$75,000,000

On page 672, line 18, after "~~(\$236,416,000)~~" strike "\$161,416,000" and insert "\$236,416,000"

On page 672, line 22, after "~~(\$147,654,000)~~" strike "\$222,654,000" and insert "\$147,654,000"

On page 693, beginning on line 7, strike all of section 719

Renumber remaining sections consecutively and correct internal references accordingly.

On page 693, beginning on line 19, strike all of section 720

Renumber remaining sections consecutively and correct internal references accordingly.

On page 694, line 3, reduce the general fund--state appropriation for fiscal year 2023 by \$433,898,000

On page 694, line 4, correct the total.

On page 712, beginning on line 3, strike all of section 764

Renumber remaining sections consecutively and correct internal references accordingly.

On page 718, after line 32, insert the following:

"NEW SECTION. Sec. 779. A new section is added to 2021 c 334 (uncodified) to read as follows:
**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
CORONAVIRUS STATE FISCAL RECOVERY FUND**

General Fund—State Appropriation (FY 2023) (\$995,000,000)

Coronavirus State Fiscal Recovery Fund—Federal Appropriation
\$995,000,000

TOTAL APPROPRIATION \$0

The appropriations in this section are subject to the following conditions and limitations: The entire coronavirus state fiscal recovery fund—federal appropriation is provided solely to the office of financial management for allotment to state agencies for costs eligible to be paid from the coronavirus state fiscal recovery fund created in RCW 43.79.557 and where funding is provided elsewhere in this act for those costs using general fund-state. For any agency receiving an allotment under this section, the office must place an equal amount of the agency's general fund-state appropriation authority in unallotted reserve status, and those amounts may not be expended. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus state fiscal recovery fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Stokesbary, Orcutt and MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Sullivan and Morgan spoke against the adoption of the amendment to the striking amendment.

Amendment (1210) to striking amendment (1155) was not adopted.

Representative Ramel moved the adoption of amendment (1166) to striking amendment (1155):

On page 44, line 29, increase the general fund-state appropriation for fiscal year 2023 by \$2,000,000

On page 46, line 13, correct the total.

On page 127, after line 17, insert the following:

"(204) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide support to a public-private

partnership that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state, to develop and submit a competitive application for the federal department of energy regional clean hydrogen hubs grant. The application must focus on the sectors of the economy that are hardest to decarbonize, including industry, heavy transportation, maritime, and aviation.

Representatives Ramel, Abbarno and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1166) to striking amendment (1155) was adopted.

Representative Kretz moved the adoption of amendment (1211) to striking amendment (1155):

On page 100, line 21, after "establish" strike all material through "program" on line 25 and insert "broadband assistance programs. Of the amount provided in this subsection:

(a) \$48,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to implement a program to provide eligible households with assistance of up to \$20 per month to defray the cost of broadband services. A household is eligible for assistance under (a) of this subsection if it receives a benefit through the federal affordable connectivity program; and

(b) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to implement a program to expand internet access for eligible households by offsetting the costs of purchasing and installing equipment to access a low-orbit satellite broadband network. A household is eligible to receive assistance under (b) of this subsection if it is a low- or moderate-income household in a county in which the median income is less than 75 percent of the state median household income"

Representatives Kretz, Ryu and Corry spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1211) to striking amendment (1155) was adopted.

Representative Ryu moved the adoption of amendment (1159) to striking amendment (1155):

On page 102, line 30, after "businesses" insert "and nonprofits"

On page 102, line 39, after "in" strike "the most recent"

On page 102, line 39, after "year" insert "2019"

On page 103, line 29, after "(iii)" strike all material through "(iv)" on line 32

Representatives Ryu and Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1159) to striking amendment (1155) was adopted.

Representative Dent moved the adoption of amendment (1157) to striking amendment (1155):

On page 155, line 22, increase the Insurance Commissioner's Regulatory Account-State Appropriation by \$100,000

On page 155, line 27, correct the total.

On page 159, after line 39, insert the following:

"(17)(a) \$100,000 of the insurance commissioner's regulatory account-state appropriation is provided solely for the commissioner to coordinate with the utilities and transportation commission to jointly convene a utility liability insurance work group and report its findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(b) The work group must include:

(i) two members representing investor-owned utilities;

(ii) two members representing consumer-owned utilities;

(iii) at least one member from central or eastern Washington; and

(iv) two representatives of the insurance industry.

(c) The work group shall:

(i) Review the availability and cost of liability insurance for electric utilities;

(ii) Identify obstacles to electric utility access to liability insurance, including market conditions as well as legal and regulatory requirements;

(iii) Evaluate financial risk to electric utilities, ratepayers, property owners, and others that exists as a result of the increased cost of insurance or in the event electric utilities are underinsured as a result of a lack of access to coverage; and

(iv) Make policy recommendations to improve access to liability insurance coverage for electric utilities.

(d) In conducting the tasks of the work group, utilities may not be required to provide commercially sensitive information, including insurance terms and costs.

(e) The commissioner may contract services to assist in the work group's efforts."

On page 162, line 12, increase the General Fund-State Appropriation for fiscal year 2023 by \$50,000

On page 162, line 24, correct the total.

On page 164, after line 16, insert the following:

"(9) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for commission to coordinate with the office of the insurance commissioner to convene a utility liability insurance work group and report its finding to the governor and the appropriate committees of the legislature by June 1, 2023."

Representative Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (1157) to striking amendment (1155) was not adopted.

Representative Wicks moved the adoption of amendment (1168) to striking amendment (1155):

On page 161, line 4, increase the Dedicated Marijuana Account—State Appropriation (FY 2023) by \$500,000

On page 161, line 8, correct the total

On page 162, after line 5, insert the following:

"(9) "\$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 is provided solely for the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335."

On page 769, after line 16, insert the following:

"Sec. 955. RCW 69.50.335 and 2021 c 169 s 2 are each amended to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2029, cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the cannabis retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other cannabis retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing cannabis retailer license or title certificate for a cannabis retailer business in a local jurisdiction subject to a ban or moratorium on cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board (~~may prioritize applicants based on the extent to which the application addresses~~

~~the components of the social equity plan)), in consultation with the office of equity and community organizations, shall select a third-party contractor to prioritize applicants and the board shall review applications based on the priority set by the third-party contractor. The third-party contractor shall prioritize applicants based on a scoring rubric that is developed by the board with input from the social equity in cannabis task force and approved by the office of equity.~~

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Cannabis" has the meaning provided for "marijuana" under this chapter.

(b) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies, commissions, and community members as determined by the board:

(i) The area has a high poverty rate;

(ii) The area has a high rate of participation in income-based federal or state programs;

(iii) The area has a high rate of unemployment; and

(iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis.

(c) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board;

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a cannabis offense, a drug offense, or is a family member of such an individual; or

(iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board.

(d) "Social equity goals" means:

(i) Increasing the number of cannabis retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of cannabis prohibition laws.

(e) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(e), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a cannabis retail license to the social

equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving cannabis;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of cannabis prohibition.

Sec. 956. RCW 69.50.540 and 2021 c 334 s 986 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the

healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million four hundred twenty-three thousand dollars for fiscal years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020, four hundred sixty-four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy-six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the

department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for each of fiscal years 2020 through 2023 to the department of health for the administration of the marijuana authorization database;

(h) Six hundred thirty-five thousand dollars for fiscal year 2020, six hundred thirty-five thousand dollars for fiscal year 2021, six hundred twenty-one thousand dollars for fiscal year 2022, and six hundred twenty-seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(i) One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program under RCW 43.330.540; ~~((and))~~

(j) One hundred sixty-three thousand dollars for fiscal year 2022 and one hundred fifty-nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program under ~~((Engrossed Substitute House Bill No. 1443 (cannabis industry/equity) [chapter 169, Laws of 2021]))~~ chapter 169, Laws of 2021; and

(k) \$500,000 for fiscal year 2023 to the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and

Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the

prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2023-2025 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to

fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

FISCAL EFFECT: Increases Dedicated Marijuana Account—State by \$500,000. (Decreases General Fund—State resources by \$500,000.)

Representative Wicks spoke in favor of the adoption of the amendment to the striking amendment.

Representative MacEwen spoke against the adoption of the amendment to the striking amendment.

Amendment (1168) to striking amendment (1155) was adopted.

Representative Stokesbary moved the adoption of amendment (1213) to striking amendment (1155):

On page 175, line 23, increase the general fund-state appropriation for fiscal year 2023 by \$100,000

On page 175, line 28, correct the total.

On page 177, after line 27, insert the following:

"(8) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that works with and connects museums in Washington State to create an inventory of heritage organizations across the state as the first phase of a Washington museums connect initiative."

Representatives Stokesbary and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1213) to striking amendment (1155) was adopted.

Representative Walsh moved the adoption of amendment (1156) to striking amendment (1155):

On page 190, line 9 of the striking amendment, increase the general fund - state appropriation for fiscal year 2023 by \$455,000

On page 190, line 15 of the striking amendment, correct the total.

On page 199, after line 26 of the striking amendment, insert the following:

"(z) \$455,000 of the general fund - state appropriation for fiscal year 2023 is provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020."

Representatives Walsh and Gregerson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1156) to striking amendment (1155) was adopted.

Representative Caldier moved the adoption of amendment (1195) to striking amendment (1155):

On page 248, line 19, increase the General Fund—State Appropriation for fiscal year 2023 by \$3,735,000

On page 248, line 21, increase the General Fund—Federal Appropriation by \$17,810,000

On page 249, line 4, correct the total.

On page 283, after line 35, insert the following:

"(101)(a) \$3,735,000 of the general fund—state appropriation for fiscal year 2023 and \$17,810,000 of the general fund—federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023."

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs."

Representatives Caldier, Macri and Rude spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1195) to striking amendment (1155) was adopted.

Representative Chambers moved the adoption of amendment (1167) to striking amendment (1155):

On page 342, line 29, increase the general fund - state appropriation for fiscal year 2023 by \$808,000

On page 342, line 37, increase the Washington auto theft prevention authority account - state appropriation by \$3,692,000

On page 343, line 5, correct the total.

On page 726, after line 12, insert the following:

"General Fund: For transfer to the Washington auto theft prevention authority account, \$4,500,000 for fiscal year 2023 \$4,500,000"

Representatives Chambers and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1167) to striking amendment (1155) was adopted.

Representative MacEwen moved the adoption of amendment (1205) to striking amendment (1155):

On page 343, after line 3, insert the following:

"Coronavirus State Fiscal Recovery Fund-Federal
Appropriation
. \$93,505,000"

On page 343, line 5, correct the total.

On page 343, line 14, after "(2)" insert "(a)"

On pager 343, after line 27, insert the following:

"(b) \$7,400,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the criminal justice training commission to fund the costs of providing 10 additional statewide basic law enforcement trainings in fiscal year 2022 and 10 additional statewide basic law enforcement trainings in fiscal year 2023. The criminal justice training commission must schedule its funded

classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in a report to the legislature due on June 30, 2023. At least five of these classes must be held in Spokane each year."

On pager 350, after line 2, insert the following:

"(28) \$2,740,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the criminal justice training commission - Washington association of sheriffs and police chiefs to develop, implement, or expand law enforcement recruitment efforts and programs to encourage persons seeking careers in law enforcement. Recruitment efforts must specifically target those individuals who have not previously been employed as a general authority peace officer in the state of Washington. Funding must be used to educate the public on the profession of law enforcement, including the challenges and opportunities of a career in law enforcement, and to provide additional resources for use by Washington law enforcement agencies in their specific recruiting and retention efforts."

(29) \$2,250,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the criminal justice training commission to award one-time law enforcement new-hire funding totaling \$5,000 per new law enforcement officer hired to each local law enforcement agency. The commission must distribute funding to each local law enforcement agency to be used as sign-on bonuses for each new law enforcement officer who is hired by a local law enforcement agency and has completed the basic law enforcement academy. The commission must begin distributing funds no later than December 1, 2022.

(30) \$56,155,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the criminal justice training commission-Washington association of sheriffs and police chiefs to award law enforcement one-time retention funding totaling \$5,000 per retained law enforcement officer to each local law enforcement agency. The commission must distribute funding to each local law enforcement

agency to be used as one-time retention bonuses for each currently employed law enforcement officer provided such officer remains employed with their hiring law enforcement agency for at least one year. The commission must begin distributing funds no later than December 1, 2022.

(31) \$24,660,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the Washington association of sheriffs and police chiefs to distribute one-time grants to local law enforcement agencies to support the equipment purchase and video storage costs associated with law enforcement body camera programs, and any costs associated with public records requests for body camera footage. No more than \$90,000 in law enforcement body camera grant funding may be awarded to a single local law enforcement agency. The association must select grant recipients and begin distributing funds no later than December 1, 2022.

(32) \$150,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the criminal justice training commission to submit a report to the governor and the appropriate committees of the legislature on each of the programs under subsections (28) through (31) of this act no later than June 30, 2023. The report must include a summary of the Washington association of sheriffs and police chiefs' recruitment and retention efforts, the funding recipients, the use of funds, and any potential impact on anticipated recruitment and law enforcement retention efforts.

(33)(a) \$150,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the criminal justice training commission - Washington association of sheriffs and police chiefs to contract with a consultant to study and report on the funding and staffing levels of local (county, municipal, and tribal) law enforcement agencies in Washington. The report must include a study and recommendations on:

(i) The short-term effect of sign-on and retention bonuses for local law enforcement officers;

(ii) The current practices for local law enforcement officer recruitment, staffing, and retention;

(iii) The recommended safe and appropriate officer staffing levels needed for local communities and how much additional funding is necessary to achieve those recommended ideal staffing levels;

(iv) How much is spent to fund local law enforcement agencies in Washington state as compared to other states and how staffing levels in Washington compare to other states; and

(v) How to address local law enforcement staffing, recruitment, and retention practices over the long-term.

(b) The association shall report its findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023."

On page 479, after line 22, insert the following:

"Coronavirus State Fiscal Recovery Fund-Federal
Appropriation
\$1,100,000"

On page 479, line 24, correct the total.

On pager 491, after line 36, insert the following:

"(66) \$100,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department of fish and wildlife to establish a fish and wildlife officer recruitment program. The department must use the funding for the fish and wildlife officer recruitment program for encouraging persons to seek careers with the department of fish and wildlife. Recruitment efforts must specifically target those individuals who have not previously been employed as a general authority peace officer in the state of Washington. The department must use the funding to educate the public on the profession of law enforcement including the challenges and opportunities that a career as a fish and wildlife officer provides and to provide additional resources for use by the department in their specific recruiting and retention efforts.

(67) \$250,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department of fish and wildlife for sign-on bonuses. Subject to a change to the applicable collective bargaining

agreements with the exclusive bargaining representatives consistent with these terms, the department must establish a fish and wildlife officer new-hire program. The department must use and distribute \$5,000 per fish and wildlife officer position hired as sign-on bonuses for each new officer who is hired by the department and who has completed the basic law enforcement academy.

(68) \$750,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department of fish and wildlife for retention bonuses. Subject to a change to the applicable collective bargaining agreements with the exclusive bargaining representatives consistent with these terms, the department must award one-time retention bonuses totaling \$5,000 per currently employed fish and wildlife officer provided such officer remains employed with the department for at least one year. The department must enter into collective bargaining agreements as needed to implement this section."

On page 519, after line 19, insert the following:

"Coronavirus State Fiscal Recovery Fund-Federal

Appropriation
. \$3,390,000"

On page 519, line 21, correct the total.

On pager 522, after line 33, insert the following:

"(18) \$100,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the Washington state patrol to establish a state trooper outreach and retention program for the purpose of encouraging more candidates to seek careers in with the Washington state patrol. Recruitment efforts must specifically target those individuals who have not previously been employed as a general authority peace officer in the state of Washington. The patrol must use the funding to educate the public on the profession of state law enforcement including the challenges and opportunities that a career in state law enforcement provides and to provide additional resources for use by the Washington state patrol in their specific recruiting and retention efforts.

(19) \$540,000 of the coronavirus state fiscal recovery fund-federal

appropriation is provide solely for the Washington state patrol for the purpose of providing sign-on bonuses. Subject to a change to the applicable collective bargaining agreements with the exclusive bargaining representatives consistent with these terms, the Washington state patrol must establish a state trooper new-hire program. The Washington state patrol must use and distribute \$5,000 per trooper hired as sign-on bonuses for each new state patrol officer who is hired by the Washington state patrol and who has completed the Washington state patrol academy.

(20) \$2,750,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the Washington state patrol for retention bonuses. Subject to a change to the applicable collective bargaining agreements with the exclusive bargaining representatives consistent with these terms, the Washington state patrol must establish a state trooper retention program. The Washington state patrol must award one-time retention bonuses totaling \$5,000 per currently employed state patrol trooper provided such officer remains employed with their hiring law enforcement agency for at least one year. The Washington state patrol must enter into collective bargaining agreements as needed to implement this subsection."

Representatives MacEwen, Stokesbary, Griffey, Corry, Orcutt, Maycumber and Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Sullivan and Ormsby spoke against the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1205) to striking amendment (1155) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 50; Absent, 0; Excused, 5

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire,

Mosbrucker, Orcutt, Paul, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, and Ybarra

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

Excused: Representatives Eslick, Klippert, Peterson, Robertson, and Young

Representative Ormsby moved the adoption of amendment (1209) to striking amendment (1155):

On page 364, line 6, decrease the general fund-state appropriation for fiscal year 2022 by \$50,000,000

On page 365, after line 26, insert the following

"Coronavirus State Fiscal Recovery Account-
Federal Appropriation
. . . \$50,000,000"

On page 365, line 28, correct the total.

On page 384, beginning on line 25, after "(78)" strike all material through "2023" on line 27 and insert "\$72,186,000 of the general fund-state appropriation for fiscal year 2022, \$176,072,000 of the general fund-state appropriation for fiscal year 2023, and \$50,000,000 of the coronavirus state fiscal recovery account-federal appropriation"

Representatives Ormsby and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1209) to striking amendment (1155) was adopted.

Representative Dent moved the adoption of amendment (1158) to striking amendment (1155):

On page 364, line 8, increase the general fund-state appropriation for fiscal year 2023 by \$91,000

On page 365, line 28, correct the total.

On page 385, after line 22, insert the following:

"(83) (a) \$91,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to

convene a work group to study the root causes of rising behavioral health issues in Washington communities. The membership of the work group shall emphasize individuals with actual, practical experience dealing with the behavioral health system and shall include:

(i) Individuals who have received behavioral health services in a variety of settings and circumstances throughout the behavioral health system;

(ii) Family members of individuals who have received behavioral health services;

(iii) Behavioral health treatment providers with experience providing behavioral health services in various settings, including crisis behavioral health services. Providers serving on the work group may not represent, or be employed by, any organizations or interest groups representing the interests of health care providers or behavioral health stakeholders;

(iv) Tribal representatives with experience providing or receiving behavioral health services from tribal health departments;

(v) Members of the clergy;

(vi) Law enforcement officers with training and experience in responding to individuals with behavioral health conditions or who are undergoing behavioral health crises;

(vii) Behavioral health advocates; and

(viii) Any other individuals with experience in the behavioral health system, as deemed appropriate by the department.

(b) The work group shall, at a minimum, discuss:

(i) Factors leading to increased demand for behavioral health services in Washington;

(ii) Barriers to addressing unmet need and any gaps in the behavioral health system;

(iii) The effectiveness of the state's integrated care initiative regarding access for the seriously mentally ill, reductions in hospitalization and institutionalization, improvements in community-based care, and support for an effective network of community-based

care providers for the seriously mentally ill; and

(iv) Suggestions for improving the behavioral health system, including methods to address behavioral health workforce shortages.

(c) The work group shall submit to the governor and the legislature a progress report by December 15, 2022, and its findings and recommendations by June 30, 2023."

Representatives Dent, Schmick and McCaslin spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (1158) to striking amendment (1155) was not adopted.

Representative Orcutt moved the adoption of amendment (1207) to striking amendment (1155):

On page 449, line 35, increase the general fund--state appropriation for fiscal year 2023 by \$90,000

On page 451, line 30, correct the total

On page 464, after line 30, insert the following:

"(56) \$90,000 of the general fund--state appropriation for fiscal year 2023 is provided solely to grant to the spirit lake-toutle/cowlitz river collaborative for flood risk reduction, ecosystem recovery, scientific research, and other activities related to sediment management and flooding in the spirit lake-toutle/cowlitz river system."

Representatives Orcutt and Sullivan spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1207) to striking amendment (1155) was adopted.

Representative Walsh moved the adoption of amendment (1169) to striking amendment (1155):

On page 491, after line 36, insert the following:

"(66) \$2,472,000 of the general fund--state appropriation for fiscal year 2022 and \$6,096,000 of the general fund--state appropriation for fiscal year 2023 are provided solely for trapping and other management efforts for the invasive

European green crab, including grants to tribes, public entities, and research institutions. Of the amounts provided in this subsection, \$600,000 in fiscal year 2023 is provided solely for European green crab management in Willapa bay."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the striking amendment.

Amendment (1169) to striking amendment (1155) was not adopted.

Representative Dent moved the adoption of amendment (1193) to striking amendment (1155):

On page 507, line 7, increase the general fund--state appropriation for fiscal year 2023 by \$250,000

On page 507, line 29, correct the total

On page 514, after line 16, insert the following:

"(25) \$250,000 of the general fund--state appropriation for fiscal year 2023 is provided solely for the department to support local and regional markets and for agricultural infrastructure development in southwest Washington."

Representatives Dent and Gregerson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1193) to striking amendment (1155) was adopted.

Representative Mosbrucker moved the adoption of amendment (1178) to striking amendment (1155):

On page 523, line 9, increase the general fund--state appropriation for fiscal year 2023 by \$80,000

On page 523, line 28, correct the total.

On page 541, after line 29, insert the following:

"(ee)(i) \$80,000 of the general fund--state appropriation for fiscal year 2023 is provided solely for the office to assist sexual assault survivors in Washington public schools. Funding provided in this subsection must be used by the office to:

(A) research best practices for a victim-centered, trauma-informed

approach to responding to sexual assault and supporting survivors in schools;

(B) conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;

(C) update model protocols for responding to sexual assault and supporting survivors in schools;

(D) develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of Title IX of the education amendments of 1972; and

(E) review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

(ii) The office must consult with the department of children, youth, and families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors.

(iii) The office must submit to the governor and the appropriate committees of the legislature a preliminary report by December 1, 2022. It is the intent of the legislature to provide funding for the office to submit a final report, including a summary of its findings and recommendations, by October 1, 2023."

Representatives Mosbrucker and Macri spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1178) to striking amendment (1155) was adopted.

Representative Santos moved the adoption of amendment (1163) to striking amendment (1155):

On page 542, line 22, increase the general fund--state appropriation for fiscal year 2023 by \$15,000

On page 542, line 26, correct the total.

On page 543, after line 23, insert the following:

"(5) \$15,000 of the general fund--state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1162 (high school graduation). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse."

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1163) to striking amendment (1155) was adopted.

Representative Steele moved the adoption of amendment (1171) to striking amendment (1155):

On page 553, line 23, after "education" insert "and school districts may use these funds to support the posting of classroom teacher syllabi and instructional materials under section 515(2)(g) of this act"

On page 580, line 31, increase the general fund--state appropriation for fiscal year 2023 by \$83,784,000

On page 580, line 36, correct the total.

On page 583, after line 28, insert the following:

"(g) \$83,784,000 of the general fund--state appropriation for fiscal year 2023 is provided solely for an annual stipend of \$1,587 beginning in the 2022-23 school year for classroom teachers who annually post online their syllabi and instructional materials selected and used for each quarter or semester of instruction. To be eligible to receive the stipend, a classroom teacher must post the materials selected and used by the end of the academic year that is concluding at the time of the posting. Classroom teachers employed by charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW are eligible for the annual stipend."

On page 671, line 15, strike all of subsection (15)

Re-number the remaining sections consecutively and correct and internal references accordingly.

On page 693, beginning on line 19, strike all of section 720

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Steele, Rude and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1171) to striking amendment (1155) and the amendment was not adopted by the following vote: Yeas, 36; Nays, 57; Absent, 0; Excused, 5

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

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

Excused: Representatives Eslick, Klippert, Peterson, Robertson, and Young

Representative Vick moved the adoption of amendment (1204) to striking amendment (1155):

On page 656, line 10, decrease the general fund-state appropriation for fiscal year 2023 by \$18,708,000

On page 656, line 17, correct the total.

On page 664, after line 11, insert the following:

"(18) The evergreen state college shall cease operation by June 30, 2023. No new students shall be admitted for the 2022-23 academic year. Following the 2022-23 academic year current students shall be given the option to auto enroll to a regional university, community or technical college, or a branch campus of a state research university. Students who

auto enroll to a different institution must meet the new institution's expectation of satisfactory academic progress.

(19) \$100,000 of the general fund-state appropriation must be used to contract with an independent consultant to assess potential future uses of land and buildings on the grounds of the institution."

On page 671, line 31, increase the general fund-state appropriation for fiscal year 2023 by \$18,708,000

On page 672, line 9, correct the total.

On page 673, line 23, strike "\$3,800,000" and insert "~~((~~\$3,800,000~~))~~ \$13,104,000"

On page 674, line 18, strike "\$6,125,000" and insert "\$15,529,000"

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (1204) to striking amendment (1155).

SPEAKER'S RULING

"Engrossed Substitute Senate Bill 5693 is the supplemental operating budget bill. The bill makes changes to appropriation levels and fund transfers for the continued operation of state government and its various agencies and institutions for the remaining year of the 2021-23 biennium and includes provisos to condition, limit or earmark the use of appropriations.

Amendment (1204) is an amendment to striking amendment (1155) and closes the Evergreen State College. The establishment, governance and operation of the Evergreen State College is set forth in numerous provisions codified in Chapter 28B.40 Revised Code of Washington.

The scope and object of a budget bill does not extend to permanent changes in substantive law.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Hoff moved the adoption of amendment (1176) to striking amendment (1155):

On page 656, line 10, decrease the general fund-state appropriation for fiscal year 2023 by \$62,000

On page 656, line 17, correct the total.

On page 656, line 32, after "~~((~~\$2,677,000~~))~~" strike "\$3,444,000" and insert "\$3,382,000"

On page 661, beginning on line 35, strike all of subsection (o)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representative Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

Amendment (1176) to striking amendment (1155) was not adopted.

Representative Hoff moved the adoption of amendment (1177) to striking amendment (1155):

On page 662, line 1, after "impacting farmworkers," strike "and"

On page 662, line 2, after "with farmworkers" insert ", and agriculture employer organizations"

Representative Hoff spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ortiz-Self spoke against the adoption of the amendment to the striking amendment.

Amendment (1177) to striking amendment (1155) was not adopted.

Representative Barkis moved the adoption of amendment (1160) to striking amendment (1155):

On page 690, line 13, after "the" strike all material through "47.66.070" on line 14 and insert "motor vehicle fund created in RCW 46.68.070"

Representatives Barkis, McCaslin and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1160) to striking amendment (1155) was not adopted.

Representative MacEwen moved the adoption of amendment (1164) to striking amendment (1155):

On page 726, after line 12, insert the following:

"Washington Rescue Plan Transition Account: For transfer to the budget stabilization account, for fiscal year 2022.....\$1,000,000,000"

Representatives MacEwen, Corry and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (1164) to striking amendment (1155) was not adopted.

Representative Corry moved the adoption of amendment (1162) to striking amendment (1155):

On page 766, after line 23 insert the following:

"Sec. 952. RCW 43.79.285 and 2021 c 334 s 956 are each amended to read as follows:

(1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue and emergency oversight committee. The committee is established for the following purposes:

(a) To provide oversight of the legislature's delegation of state fiscal authority to the governor and to prevent infringement on the legislature's constitutional power to appropriate state funds;

(b) To provide oversight of the legislature's delegation of emergency powers to the governor and to prevent infringement of the legislature's constitutional power to establish state policy through the statutory lawmaking process; and

(c) To provide a forum for transparent and timely discussion of these statutory delegations and their implementation by the executive branch while the legislature is not in session.

(2) The committee consists of ((with)) the following sixteen members:

(a) The majority and minority leaders of the senate;

(b) The speaker and the minority leader of the house of representatives;

(c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and

(d) Six additional members of the house of representatives with three members from each of the two largest

caucuses of the house of representatives appointed by their respective leaders.

~~((+2))~~ (3) The cochairs of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

~~((+3))~~ (4) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

~~((+4))~~ (5) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

~~((+5))~~ (6) The ~~((purpose))~~ duties of the committee ~~((is))~~ are to:

(a) review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys from federal and nonstate sources pursuant to RCW 43.79.270(3); and

(b) review gubernatorial orders issued during a proclaimed state of emergency under RCW 43.06.220, particularly those that waive or suspend statutory obligations under subsection (2) of that section.

~~((The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on the legislature's constitutional power to appropriate state funds.~~

~~((6) The committee shall))~~ (c) meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and orders pursuant to RCW 43.06.220 and to provide comment within 14 calendar days. The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time. The committee shall adopt rules and

procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(7) If the committee chooses to conduct a public hearing on a proposed allotment amendment or a gubernatorial order issued pursuant to a proclamation of emergency, the committee must provide the office of financial management with five calendar days notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment or issued emergency order and respond to questions. The committee may also require the appropriate state agency, department, board, or commission ~~((proposing the allotment amendment))~~ affected by the proposed allotment amendment or issued emergency order to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments or emergency order.

(8) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3) and emergency orders issued under RCW 43.06.220. Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment or emergency order, rejecting the proposed allotment amendment or emergency order, or proposing an alternative allotment amendment or emergency order for the governor's consideration, prior to approval in the case of an allotment amendment under RCW 43.79.280. The committee's action is not binding on the governor."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (1162) to striking amendment (1155).

SPEAKER'S RULING

"Engrossed Substitute Senate Bill 5693 is the supplemental operating budget bill. The bill makes changes

to appropriation levels and fund transfers for the continued operation of state government and its various agencies and institutions for the remaining year of the 2021-23 biennium and includes provisos to condition, limit or earmark the use of appropriations.

Amendment (1162) is an amendment to striking amendment (1155) and modifies the name and duties of the Joint Unanticipated Revenue Oversight Committee. Amendment (1162) empowers the committee to review and request information on emergency orders prohibiting certain activities and conduct and waiving or suspending statutory and regulatory obligations and limitations. Emergency orders may address a range of topics, many of which are not fiscal in nature and are wholly unrelated to appropriations.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Walsh moved the adoption of amendment (1165) to striking amendment (1155):

On page 425, beginning on line 11, after "(16)" strike all material through "(17)" on line 20

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 493, line 33, decrease the General Fund-State Appropriation for fiscal year 2023 by \$250,000

On page 495, line 17, correct the total.

On page 506, beginning on line 1, after "(41)" strike all material through "(42)" on line 12

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 579, beginning on line 18, after "solely" strike all material through "and" on line 22

Representatives Walsh, Sullivan, Jacobsen and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Senn spoke against the adoption of the amendment to the striking amendment.

Amendment (1165) to striking amendment (1155) was adopted.

Representative Ormsby spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1155), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Gregerson, Macri, Bergquist, Bergquist (again) and Sullivan spoke in favor of the passage of the bill.

Representatives Stokesbary, McCaslin, Chambers, MacEwen and Corry spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5693, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5693, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 37; Absent, 0; Excused, 5.

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

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

Excused: Representatives Eslick, Klippert, Peterson, Robertson and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ormsby recognized and thanked all fellow members and especially the budget staff for all of their hard work and expertise.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SENATE BILL NO. 5489
ENGROSSED SUBSTITUTE SENATE BILL NO.
5490

SENATE BILL NO. 5491
 SUBSTITUTE SENATE BILL NO. 5497
 SUBSTITUTE SENATE BILL NO. 5548
 SUBSTITUTE SENATE BILL NO. 5610
 SENATE BILL NO. 5747
 SUBSTITUTE SENATE BILL NO. 5765
 SENATE BILL NO. 5823
 SENATE BILL NO. 5854
 SENATE BILL NO. 5855
 SUBSTITUTE SENATE BILL NO. 5862
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5873
 SUBSTITUTE SENATE BILL NO. 5890
 SUBSTITUTE SENATE BILL NO. 5900
 ENGROSSED SENATE BILL NO. 5264
 SUBSTITUTE SENATE BILL NO. 5496
 SECOND ENGROSSED SUBSTITUTE SENATE
 BILL NO. 5275
 ENGROSSED SENATE BILL NO. 5512
 SENATE BILL NO. 5514
 SENATE BILL NO. 5518
 SUBSTITUTE SENATE BILL NO. 5594
 SENATE BILL NO. 5612
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5758
 SUBSTITUTE SENATE BILL NO. 5821
 SUBSTITUTE SENATE BILL NO. 5860
 SENATE BILL NO. 5002
 SENATE BILL NO. 5529
 SENATE BILL NO. 5582
 SENATE BILL NO. 5583
 SENATE BILL NO. 5585
 SENATE BILL NO. 5694
 SUBSTITUTE SENATE BILL NO. 5701
 SUBSTITUTE SENATE BILL NO. 5753
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5761
 SENATE BILL NO. 5763
 SENATE BILL NO. 5801
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5842
 SENATE BILL NO. 5866
 SENATE BILL NO. 5875
 SUBSTITUTE SENATE BILL NO. 5883
 SENATE BILL NO. 5929

There being no objection, the House adjourned until 9:55 a.m., February 28, 2022, the 50th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, February 28, 2022

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2022-4650, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Former Representative and Senator Mark L. Doumit was a native of Wahkiakum County who spent 18 years in elected office serving the communities and citizens of Wahkiakum County, southwest Washington, and the State of Washington; and

WHEREAS, He was a proud graduate of Wahkiakum High School in Cathlamet, Washington in 1980, where he wrestled and played baseball, and later attended Lower Columbia College in Longview; and

WHEREAS, He began his career of service to his community as a volunteer firefighter and EMT in Cathlamet starting at age 16; and

WHEREAS, While still in high school, he began a lifelong career in the commercial salmon fishing industry, starting out as crew for his cousin Milt Doumit's fish buying business, then later as a commercial fisherman himself on the Columbia River; and

WHEREAS, In 1984 he earned his bachelor's degree in international business at Washington State University, including a study abroad at the University of Copenhagen, Denmark, affording him the opportunity to travel around Cold War-era Europe; and

WHEREAS, While still in college, he began a 40-year career in Alaska's commercial fishing industry, starting out as a summer cannery worker and fishing vessel crew in

Bristol Bay and Prince William Sound, then later purchasing and operating his own salmon drift gillnet fishing vessel Cook Inlet, Alaska in 1986 where he spent the remainder of his Alaska fishing career every summer working alongside family and friends such as his sons, his brothers Paul and Matt, and friends Gordie Souvenir and Fred Ostling; and

WHEREAS, In 1992, Mark, along with his brother John, purchased a cattle ranch in Cathlamet, which they later converted into Doumit Tree Farm after realizing that trees do not jump fences nor mind the rain as much as cattle do; and

WHEREAS, Mark retained Doumit Tree Farm until his passing, learning how to manage forests for both economic benefit and other values like wildlife habitat, built relationships with others in the forestry industry, and eventually followed in his father's footsteps to protect the land by selling some of it for conservation purposes; and

WHEREAS, Mark's experiences in the fishing industry on the Columbia River and Alaska, cattle ranching, and tree farming gave him a deep appreciation and respect for our state's and country's natural resources, communities dependent on natural resources, people working in natural resources industries, and Washington's tribes whose history and culture is intimately tied to the land and water; and

WHEREAS, Mark ran for and was elected as a Wahkiakum County Commissioner in 1988 where he served until 1996, including helping to organize the county's response to the Inauguration Day Storm; and

WHEREAS, In 1996, Mark ran for and was elected to the Washington House of Representatives where he served until 2002; and

WHEREAS, While a member of the House, Mark served as Chair of the House Natural Resources Committee, where he was the driving force behind the transformative Forest & Fish Law in 1999, which improved forest practices and habitat for the benefit of both forestry industries and endangered salmon runs on more than 9 million acres of state and private forests and 60,000 miles of streams in Washington; and

WHEREAS, While a member of the House, Mark also served on the House Appropriations Committee where he helped negotiate state budgets and was regarded as a trusted voice on budget matters by both Democratic and Republican caucuses; and

WHEREAS, In 2002, he was appointed to succeed his friend and mentor Senator Sid Snyder in the Washington State Senate, where Mark served until 2006; and

WHEREAS, While a member of the Senate, Mark chaired the Senate Natural Resources Committee and served as vice chair of the Senate Ways & Means Committee where he continued to advocate for natural resources, natural resources-dependent industries and communities, and continued to be a respected voice on state budget matters; and

WHEREAS, While serving in the Legislature, Mark was widely respected by his fellow legislators, legislative staff, and the larger legislative community and earned a reputation for bipartisanship, integrity, kindness, a keen sense of humor, intelligence, strategic thinking, and grit, as well as someone who was hard to keep off the dance floor at the Governor's Inaugural Ball; and

WHEREAS, In 2006, Mark left legislative service to become a full-time advocate for working forests as Executive Director of the Washington Forest Protection Association in Olympia until his passing; and

WHEREAS, Mark continued advocating for natural resources communities in Olympia, and worked to recognize the importance of Washington's forestry industries in salmon recovery, combatting climate change, and preventing wildfire, and working to pass new funding for forest restoration and wildfire prevention; and

WHEREAS, Mark also continued to build relationships within the legislative community and promote collaboration between the forestry industry, Washington's tribes, and environmental interests in meeting natural resources challenges; and

WHEREAS, Even on the day of his passing, he was optimistic about the future of Washington's natural resources, excited to continue his work at WFPA, and looked forward to the end of the COVID-19 pandemic so that people could once again safely and effectively engage and build relationships to solve pressing issues; and

WHEREAS, Mark cherished the privilege of representing his community in the Legislature and representing the people working in the state's natural resources industries; and

WHEREAS, Mark passed away on June 21, 2021, at the age of 59, but his legacy lives on through his family, friends, colleagues, and record of service to the people of Washington; and

WHEREAS, Mark is survived by his wife Mindy; three sons Matthew, Benjamin, and David and their spouses Denise, Charleeann, and Mollie; his three grandchildren Huntleigh, Eliana, and Hudson; brothers John, James, Thomas, Patrick, and Matthew, sisters Anne and Helen; and many loving friends and extended family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor former Representative and Senator Mark Doumit and further his dedication and service to the citizens of Washington State.

There being no objection, HOUSE RESOLUTION NO. 4650 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4661, by Representatives Kraft, Chambers, Goehner, Chase, Graham, Rule, Orcutt, Boehnke, Orwall, Schmick, Robertson, Hoff, Walsh, Dent, Pollet, Volz, Leavitt, Klippert, Eslick, Dufault, and Sutherland

WHEREAS, Countless law enforcement men and women freely put themselves in harm's way each day to ensure the protection of Washington's citizens; and

WHEREAS, Law enforcement officers exemplify leadership, selflessness, sacrifice, and honor; and

WHEREAS, When a law enforcement officer makes the ultimate sacrifice, it cuts to the heart of their community, inflicting unforeseeable pain and loss not only to the family of the fallen officer, but to the lives these men and women have touched; and

WHEREAS, The communities and people affected by such a loss come together in support of the families, friends, and loved ones of these fallen heroes, who in their passing, bring together and strengthen their communities one last time; and

WHEREAS, A member of Vancouver's law enforcement community and a member of Clark County's law enforcement community have given their lives in the line of duty within the past year; and

WHEREAS, Eight members of Washington State's law enforcement community made the ultimate sacrifice in 2021 and 2022:

Officer Donald Sahota, 52, ended his 28-year career in law enforcement and seven-year watch for the Vancouver Police Department on January 29, 2022, and is survived by his wife and two children;

Sergeant Jeremy Brown, 46, ended his 15-year watch for the Clark County Sheriff's Office on July 23, 2021, and is survived by his wife, five children, and three siblings;

Corrections Officer Darryl L. Goodrich, Jr., 49, ended his 10-year career of law enforcement and one-year watch for the Washington State Department of Corrections on August 20, 2021, and is survived by his wife, three children, father, and two brothers;

Trooper Eric Gunderson, 38, ended his 15-year watch for the Washington State Patrol on September 26, 2021, and is survived by his wife and two sons;

Corrections Officer Gabriel K. Forrest, 42, ended his 19-year watch for the Washington State Department of Corrections on June 17, 2021, and is survived by his daughter, parents, four siblings, and many nieces and nephews;

Officer Alexandra "Lexi" Harris, 38, ended her five-year watch for the Seattle Police Department on June 13, 2021, and is survived by her parents, brother, and fiancé and his two daughters;

Officer Cesar Sibonga, 63, ended his 18-year watch for the United States Customs and Border Protection on

February 7, 2021, and is survived by his wife and two sons; and

Officer Jay Hughes, 64, ended his 44-year watch for the Kalispel Tribal Police Department on January 6, 2021, and is survived by his wife, four children, 12 grandchildren, and one great-grandson;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize each of these men and women who exemplified duty, honor, and selflessness to their country, state, and communities with their sacrifice; and

BE IT FURTHER RESOLVED, That the mothers, fathers, sons, daughters, grandchildren, brothers, sisters, and loved ones of these fallen heroes have joined a community of Honored Survivors, whose sacrifice can never be repaid in kind; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honored Survivor families recorded herein.

There being no objection, HOUSE RESOLUTION NO. 4661 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4662, by Representatives Ybarra, Dufault, Corry, Valdez, Volz, J. Johnson, Orwall, Walen, Boehnke, Goehner, Schmick, Abbarno, Callan, Dye, Chambers, McCaslin, Jacobsen, Riccelli, Dent, Chase, Orcutt, Robertson, Simmons, Klicker, Chandler, Hoff, Kraft, and Morgan

WHEREAS, Cooper Douglas Kupp was born in Yakima, Washington on June 15, 1993, to Craig and Karin Kupp; and

WHEREAS, Cooper graduated from A.C. Davis High School in Yakima in 2012, where he earned first-team All-Columbia Basin Big Nine League wide receiver and defensive back honors for himself and the Davis Pirates football program; and

WHEREAS, Cooper went on to attend Eastern Washington University (EWU) where he played football for the EWU Eagles under the coaching of Beau Baldwin from 2012 to 2016, and was the first freshman wide receiver to be named first-team All-American since 1996 - going on to win that award for a second time in 2014; and

WHEREAS, Cooper was named first-team Big Sky Conference wide receiver, holding that title for three consecutive years, breaking league records for receptions, receiving yards, and receiving touchdowns, and going on to win the Walter Payton Award; and

WHEREAS, The Los Angeles Rams drafted Cooper Kupp in the third round of the 2017 NFL draft, becoming the second highest pick in EWU history; and

WHEREAS, Cooper had a breakout rookie year and was named to the 2017 All-Rookie Team by the Pro Football Writers Association (PFWA); and

WHEREAS, Cooper suffered an injury during the 2018 season and missed the chance to play in Super Bowl LIII with his team; and

WHEREAS, Cooper ignored the skeptics and worked hard to overcome his injury, returning to football in 2019 to finish the season with well over 1,000 receiving yards, catching 10 touchdowns, including a stretch where he caught a touchdown in five consecutive games; and

WHEREAS, In 2021, Cooper broke the record for most receiving yards in a single season, including postseason, with 2,425 yards and was voted the NFL Offensive Player of the Year for, among other things, being the first player since 2005 to lead the league in receptions, receiving touchdowns, and receiving yards (the "triple crown"); and

WHEREAS, Cooper was named the Most Valuable Player (MVP) of Super Bowl LVI after a 92-yard, two touchdown effort including the game winning touchdown catch in the game versus the Cincinnati Bengals; and

WHEREAS, Cooper's athletic accomplishments have inspired Washingtonians across the state, including the men, women, and children in his hometown of Yakima, Davis High School, and the EWU Eagles football programs; and

WHEREAS, Cooper continues to humbly serve others by helping young athletes and supporting several local charities – attributing his success to God, faith, and family – which includes his beloved wife Anna and their two sons, Cooper Jameson Kupp and Cypress Stellar Kupp;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people, recognize and honor the life and profession of Cooper Douglas Kupp, a native Washingtonian and National Football League wide receiver for the Los Angeles Rams; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Cooper Kupp and his family.

There being no objection, HOUSE RESOLUTION NO. 4662 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4663, by Representatives Dufault, Shewmake, Santos, Eslick, Schmick, Chandler, Walsh, Chase, Walen, Mosbrucker, Barkis, Ybarra, Hoff, Young, Chambers, Corry, Volz, Jacobsen, McCaslin, and Springer

WHEREAS, Washington State is home to artists who enrich our communities and elevate the human experience; and

WHEREAS, Nationally acclaimed sculptor and painter Simon Kogan, an Olympia resident, emigrated from the Soviet Union to the United States in 1991 in pursuit of the American dream; and

WHEREAS, Simon Kogan, inspired by the first stanza in the song "America the Beautiful," designed and constructed the World War II Memorial on the Washington

State Capitol campus, dedicated in 1999 to honor the Veterans of that conflict, including the nearly 6,000 Washingtonians who made the ultimate sacrifice; and

WHEREAS, In 1999, Simon Kogan's monument, Motherhood, was dedicated in Olympia's Percival Landing Park; and

WHEREAS, In 2004, Simon Kogan completed the Justice William O. Douglas Memorial statue at Davis High School, where the late United States Supreme Court Justice both studied and taught when it was called North Yakima High School; and

WHEREAS, In 2005, Simon Kogan designed and constructed the Temple Beth Shalom Holocaust Memorial in Spokane to remember the 6 million lives lost and the countless lives never to be born; and

WHEREAS, Simon Kogan's extensive body of work is inextricably linked to the cultural fabric of Washington State and its history; and

WHEREAS, Simon Kogan has devoted his life to the mentorship of young artists in the United States and around the world;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the State of Washington, recognize and honor the life and work of Simon Kogan; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Simon Kogan and his family.

There being no objection, HOUSE RESOLUTION NO. 4663 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4664, by Representatives Dufault, Corry, Santos, Dent, Eslick, Schmick, Chandler, Walsh, Chase, Walen, Mosbrucker, Barkis, Hoff, Young, Ybarra, Chambers, Goehner, Klicker, Volz, Caldier, Jacobsen, Wilcox, Kretz, McEntire, Klippert, McCaslin, Cody, Stokesbary, and Springer

WHEREAS, The House of Representatives, on behalf of the people, recognize and honor Bruce Morris Smith, for his lifetime of civic and philanthropic contributions to the Yakima Valley and Washington State; and

WHEREAS, Bruce was born in Yakima, Washington, on April 6, 1959, and made his mark at each school he attended, including Franklin Junior High School, where he was elected student body president; A.C. Davis High School, where he was named Yakima School District's Student of the Year in 1977 and where he and current Yakima Mayor Janice Richards were voted Most Likely to Succeed; and Gonzaga University, where he was the youngest and longest-serving editor of the Gonzaga Bulletin student newspaper; and

WHEREAS, Colonel Bruce Smith (newspaper honorific) founded Yakima Valley Publishing on his kitchen

table and turned its flagship product, the Yakima Valley Business Times, into the most authoritative and trusted source of Yakima Valley news and information for over 25 years; and

WHEREAS, Bruce was first appointed to and then elected by his friends and neighbors in East Valley and Moxee to serve on the East Valley School Board; and

WHEREAS, Bruce accepted appointments to chair or serve on various Yakima city and county commissions and blue-ribbon panels, including first chairman of the Yakima Mayor's Youth Task Force, member of Yakima City Transit Commission (revived insolvent transit system); cochair of Yakima County Jail Commission (revived insolvent jail project); member of Yakima County Facilities Committee, cochair of Yakima County Quality of Life Committee, cochair of Yakima City Performance Audit Committee, and chair of the Yakima City Downtown Area Redevelopment Committee, where he helped create the popular Yakima Farmer's Market; and

WHEREAS, Bruce also volunteered his time and expertise in service of numerous Washington state boards and organizations, including as a member of Enterprise Washington's board of directors, member of Group Health's Eastern Washington advisory board, chair of National Federation of Independent Business' state leadership council, member of Washington Policy Center's Eastern Washington advisory board, member of Central Washington Homebuilders Association's board, co-founder and chair of Forward Yakima Initiative, and co-founder of what became the Jennifer Dunn Leadership Institute; and

WHEREAS, Bruce has shaped generations of elected officials in Yakima County; and

WHEREAS, Bruce has kept local print media in Yakima County alive, thriving and profitable while nearly all others have failed through his business acumen and unmatched reputation for character, honor, and trustworthiness; and

WHEREAS, Bruce has mentored and helped dozens of Yakima young people from the wrong side of the tracks become the best versions of themselves, including former drug dealers, gang members, and many others; and

WHEREAS, Bruce surprised his dear friend, former state representative Charles Ross, by coordinating a special early swearing-in ceremony with Washington State Supreme Court Justice Mary Fairhurst, Bruce's long-time friend from their days together at Gonzaga University; and

WHEREAS, Bruce, an avid poker player, has hosted with his close friend, Gerardo "Jerry" Arias, thousands of hours of gaming entertainment in his private poker room and has won a Texas Hold Em tournament at the old Horseshoe Casino in Las Vegas where the World Series of Poker used to be held; and

WHEREAS, For all his public accomplishments, Bruce is most loved, admired, and supported by his wife, Ginger, and their four children, Rob, Amber, David, and Lindsey, along with grandchildren, Faith, Khale, and Taylor, and countless "adopted" and "honorary" family members in need of temporary, or even a permanent, home or family;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the State of Washington, recognize and honor the lifetime contributions of Bruce Morris Smith; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Bruce Smith and his family.

There being no objection, HOUSE RESOLUTION NO. 4664 was adopted.

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

INTRODUCTION & FIRST READING

HB 2130 by Representatives Chambers and Walen

AN ACT Relating to reducing the state sales and use tax rate; amending RCW 82.08.020; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2131 by Representative Klippert

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the family empowerment scholarship program; amending RCW 83.100.230; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Education.

HB 2132 by Representatives Dufault, Rude and Boehnke

AN ACT Relating to immediate employment programs for people experiencing homelessness; adding a new section to chapter 43.185C RCW; and providing an expiration date.

Referred to Committee on Housing, Human Services & Veterans.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5974
SUBSTITUTE SENATE BILL NO. 5975

RESOLUTION

HOUSE RESOLUTION NO. 2022-4665, by Representatives Graham, Taylor, Dent, Griffey, Mosbrucker, Young, Orcutt, Boehnke, Simmons, Walsh, and Eslick

WHEREAS, Survivors of violent crimes and domestic violence often carry physical scars, injuries, and disabilities as a result of surviving these attacks; and

WHEREAS, According to the United Health Foundation, "America's Health Rankings in 2021," for every 1,000 residents of Washington, there were 2.94 instances of violent crime in the form of murders, rapes, robberies, and aggravated assaults; and

WHEREAS, According to the Washington Association of Sheriffs and Police Chiefs, over the course of 2020, Washington saw a 47 percent increase in murders from 2019; and

WHEREAS, The National Coalition Against Domestic Violence estimates that 41.4 percent of Washington women and 31.7 percent of Washington men experience intimate partner rape, stalking, or other physical violence; and

WHEREAS, According to the U.S. Department of Justice report "Socio-emotional Impact of Violent Crime," victims often face nonphysical challenges, such as the possibility of trauma and posttraumatic stress or socioemotional problems, affecting their ability to trust or function day to day; and

WHEREAS, The impact of violent crime often affects more than just the direct victims, devastating thousands of these victims' families and friends across Washington as well; and

WHEREAS, Law-abiding citizens are deserving of justice, rights, resources, restoration, and rehabilitation; and

WHEREAS, The Washington State House of Representatives recognize the importance of honoring crime victims because of the adversity they face and the resilience they exemplify;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the plight of those affected and victimized by violent crime, and honor those victims and the survivors amongst them; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Victim Support Services.

There being no objection, HOUSE RESOLUTION NO. 4665 was adopted.

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

REPORTS OF STANDING COMMITTEES

February 25, 2022

HB 1990 Prime Sponsor, Representative Duerr:
Concerning a sales and use tax deferral for

projects to improve the state route number 167 and Interstate 405 corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 24, 2022

HB 2118 Prime Sponsor, Representative Fey: Concerning additive transportation funding and appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Donaghy; Duerr; Entenman; Hackney; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 28, 2022

ESB 5017 Prime Sponsor, Senator Wellman: Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning. (REVISED FOR ENGROSSED: Clarifying school district procurement requirements for service contracts for construction management, value engineering, constructibility review, and building commissioning.) Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber;

Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

February 25, 2022

SB 5510 Prime Sponsor, Senator King: Concerning renewal of the sales and use tax for transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt; Sutherland and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives McCaslin and Paul.

Referred to Committee on Rules for second reading.

February 25, 2022

SB 5898 Prime Sponsor, Senator Liias: Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Donaghy; Duerr; Entenman; Hackney; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner; Griffey and Klicker.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Assistant Ranking Minority Member; Dent; McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5933 Prime Sponsor, Committee on Ways & Means: Establishing a school seismic safety grant program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bateman; Dye; Eslick; Gilday; Kloba; Kraft; Leavitt; MacEwen; Maycumber; Mosbrucker; Peterson; Riccelli; Rule; Santos; Sells; Shewmake and Volz.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

February 28, 2022

2SSB 5085 Prime Sponsor, Committee on Transportation: Modifying the alternative fuel vehicle fee for electric motorcycles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5332 Prime Sponsor, Committee on Transportation: Concerning off-road and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5528 Prime Sponsor, Committee on Transportation: Concerning the imposition of supplemental revenue sources within a regional transit authority area. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Donaghy; Duerr; Entenman; Hackney; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt; Sutherland and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Paul.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5539 Prime Sponsor, Senator Hunt: Concerning state funding for educational service districts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Jacobsen and Schmick.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5558 Prime Sponsor, Committee on Transportation: Concerning the bistate governance of interstate toll bridges owned by local governments. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel;

Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 24, 2022

2SSB 5616 Prime Sponsor, Committee on Transportation: Concerning accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5631 Prime Sponsor, Committee on Transportation: Making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5634 Prime Sponsor, Senator Carlyle: Updating the utilities and transportation commission's regulatory fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5676 Prime Sponsor, Senator Conway: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SB 5687 Prime Sponsor, Senator Wilson, C.: Addressing certain traffic safety improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Donaghy; Duerr; Entenman; Hackney; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representative Chapman.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; McCaslin; Orcutt; Sutherland and Walsh.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5728 Prime Sponsor, Committee on Ways & Means: Concerning the state's portion of civil asset forfeiture collections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.505 and 2013 c 3 s 25 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(b) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(c) All property which is used, or intended for use, as a container for property described in (a) or (b) of this subsection;

(d) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in (a) or (b) of this subsection, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of

marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014;

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(f) All drug ~~((paraphernalia21))~~ paraphernalia other than paraphernalia possessed, sold, or used solely to facilitate marijuana-related activities that are not violations of this chapter;

(g) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(h) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(h), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes that are unlawful under Washington state law, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, whether the offender was licensed to produce, process, or sell marijuana, or was an employee of a licensed producer, processor, or retailer, and other evidence which demonstrates the offender's intent to engage in unlawful commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any (~~board~~) commission inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A (~~board~~) commission inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The (~~board~~) commission inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of

seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(d), (g), or (h) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon

mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety-day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter the ~~((board))~~ commission or seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(d) Forward it to the drug enforcement administration for disposition.

(8)(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state ~~((treasurer))~~ an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter. ~~((Money remitted shall be deposited in the state general fund.))~~

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in

the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (15) of this section.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(10) Forfeited property and net proceeds not required to be ~~((paid))~~ remitted to the state ~~((treasurer))~~ shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(11) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the ~~((board))~~ commission, the owners of which are unknown, are contraband and shall be summarily forfeited to the ~~((board))~~ commission.

(12) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the ~~((board))~~ commission.

(13) The failure, upon demand by a ~~((board))~~ commission inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an

appropriate registration or proof that he or she is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(14) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(15)(a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (7)(b) of this section, only if:

(i) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(A) Only if the funds applied under (a)(ii) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(B) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(b) For any claim filed under (a)(ii) of this subsection, the law enforcement agency shall pay the claim unless the

agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(16) The landlord's claim for damages under subsection (15) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (7)(b) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (9)(b) of this section.

(17) Subsections (15) and (16) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (15) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

Sec. 2. RCW 46.61.5058 and 2013 2nd sp.s. c 35 s 18 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance, if such person has a prior offense within seven years as defined in RCW 46.61.5055, and where the person has been provided written notice that any transfer, sale,

or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On conviction for a violation of either RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, the court shall consider at sentencing whether the vehicle shall be seized and forfeited pursuant to this section if a seizure or forfeiture has not yet occurred.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent

jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person

seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under this title or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1)(a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state (~~treasurer~~) an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year (~~(Money remitted shall be deposited in the state general fund)~~) for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

Sec. 3. RCW 10.105.010 and 2009 c 479 s 15 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the

commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;

(c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a

financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement

agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(7) By January 31st of each year, each seizing agency shall remit to the state (~~treasurer~~) an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year (~~Money remitted shall be deposited in the state general fund~~) for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.

(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(c) Retained property and net proceeds not required to be (~~paid~~) remitted to the state (~~treasurer~~), or otherwise

required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

Sec. 4. RCW 9.68A.120 and 2014 c 188 s 3 are each amended to read as follows:

The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor engaged in sexually explicit conduct.

(2) All raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate the transportation of, visual or printed matter in violation of RCW 9.68A.050 or 9.68A.060, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No property is subject to forfeiture under this section by reason of any act or omission established by the owner of the property to have been committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(3) All personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged

in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.

(4) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(5) In the event of seizure under subsection (4) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the item seized shall be deemed forfeited.

(7) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim

or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the seized items. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession thereof of the seized items.

(8) If property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of this chapter, the seizing law enforcement agency must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of this chapter.

(9) When property is forfeited under this chapter the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter or chapter 9A.88 RCW;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

(10)(a) By January 31st of each year, each seizing agency shall remit to the state (~~treasurer~~) an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to an independent selling agency.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure determined when possible by reference to an applicable commonly used index. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(11) Forfeited property and net proceeds not required to be (~~paid~~) remitted to the state (~~treasurer~~) under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9A.88 RCW.

Sec. 5. RCW 9A.88.150 and 2014 c 188 s 4 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) Any property or other interest acquired or maintained in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate a violation of RCW

9.68A.100, 9.68A.101, or 9A.88.070, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(c) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(d) All proceeds traceable to or derived from an offense defined in RCW 9.68A.100, 9.68A.101, or 9A.88.070 and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(f) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070,

all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(f), to the extent of the interest of an owner, by reason of any act or omission, which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(g) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, if a substantial nexus exists between the violation and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this section may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until

ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or

(c) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including, but not limited to, service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within

the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking

removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter or chapter 9.68A RCW;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

(8)(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state (~~((treasurer))~~) an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (12) of this section.

(c) The value of sold forfeited property is the sale price. The value of destroyed property and retained firearms or illegal property is zero.

(10) Net proceeds not required to be (~~((paid))~~) remitted to the state (~~((treasurer))~~) shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9.68A RCW.

(11) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the

assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(12) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (9) of this section, only if:

(a) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence;

(b) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section:

(i) Only if the funds applied under (b) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty day period. Nothing in this section requires the claim to be paid by the end of the sixty day or thirty day period; and

(c) For any claim filed under (b) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(13) The landlord's claim for damages under subsection (12) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (9) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (12) of this section.

(14) Subsections (12) and (13) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (12) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

Sec. 6. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased

banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~(account)~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship

account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average

daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 7.** This act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Fitzgibbon.

Referred to Committee on Rules for second reading.

February 24, 2022

2SSB 5736

Prime Sponsor, Committee on Ways & Means: Concerning partial hospitalizations and intensive outpatient treatment services for minors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking

Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 24, 2022

SB 5748 Prime Sponsor, Senator Schoeler: Concerning disability benefits in the public safety employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5791 Prime Sponsor, Committee on Ways & Means: Concerning law enforcement officers' and firefighters' retirement system benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 24, 2022

SSB 5814 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Providing funding for medical evaluations of suspected victims of child abuse. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

ESSB 5815 Prime Sponsor, Committee on Transportation: Implementing an identicard program to provide individuals a Washington state-issued identicard. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

February 28, 2022

ESSB 5853 Prime Sponsor, Committee on Transportation: Establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Donaghy; Duerr; Entenman; Hackney; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Dent; Griffey; McCaslin; Orcutt and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner; Klicker and Sutherland.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5863 Prime Sponsor, Committee on Transportation: Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.010 and 2005 c 88 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.

(3) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(8) "Residential property" means property that has no more than four living units located on it.

(9) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345.

(10) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(11) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(12) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(13) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(14) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as

defined in RCW 46.55.113 Immediately

- (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (iv) Within the right of way used by a regional transit authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer, authorized regional transit authority representative, or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles."

Correct the title.

Sec. 2. RCW 46.55.080 and 2018 c 22 s 12 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(14), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer, authorized regional transit authority representative under the conditions described in RCW 46.55.010(14)(a)(iv), or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement

Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

SSB 5907 Prime Sponsor, Committee on Transportation: Concerning roadside safety measures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the Arthur Anderson and Raymond Mitchell tow operators safety act.

Sec. 2. RCW 46.37.196 and 1977 ex.s. c 355 s 16 are each amended to read as follows:

All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360(~~(2)~~) degree visibility at a distance of five hundred feet under normal atmospheric conditions. ~~((This intermittent or revolving red light shall be used only at the scene of an emergency or accident, and it will be unlawful to use such light while traveling to or from an emergency or accident, or for any other purposes.))~~ The emergency tow trucks may also operate rear facing blue lights for use only at the scene of an emergency or accident. The red lights may be used when the tow truck is reentering the roadway from the scene of an emergency or accident for a reasonable distance to reach operating speed from the scene, and the combination of red and blue lights may be used only at the scene of an emergency or accident. It is unlawful to use the combination of lights when traveling to or from the scene of an accident or for any other purpose.

Sec. 3. RCW 46.61.212 and 2019 c 106 s 1 are each amended to read as follows:

(1) An emergency or work zone is defined as the adjacent lanes of the roadway ~~((two hundred))~~ 200 feet before and after:

(a) A stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190;

(b) A tow truck that is making use of visual ~~((red))~~ lights meeting the requirements of RCW 46.37.196;

(c) Other vehicles providing roadside assistance that are making use of warning lights with ~~((three hundred sixty))~~ 360 degree visibility;

(d) A police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights; or

(e) A stationary or slow moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle making use of flashing lights that meet the requirements of RCW 46.37.300 or warning lights with ~~((three hundred sixty))~~ 360 degree visibility.

(2) The driver of any motor vehicle, upon approaching an emergency or work zone, shall:

(a) On a highway having four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution, reduce the speed of the vehicle, and, if the opportunity exists, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by an emergency or work zone vehicle identified in subsection (1) of this section;

(b) On a highway having less than four lanes, proceed with caution, reduce the speed of the vehicle, and, if the opportunity exists, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the highway; or

(c) If changing lanes or moving away would be unsafe, proceed with due caution and continue to reduce the speed of the vehicle to at least ~~((ten))~~ 10 miles per hour below the posted speed limit, except for when the posted speed limit exceeds 60 miles per hour or more, then reduce the speed of the vehicle to 50 miles per hour or lower.

(3) A person may not drive a vehicle in an emergency or work zone at a speed greater than the posted speed limit or greater than what is permitted under subsection (2)(c) of this section.

(4) A person found to be in violation of this section, or any infraction relating to speed restrictions in an emergency or work zone, must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110.

This penalty may not be waived, reduced, or suspended.

(5) A person who drives a vehicle in an emergency or work zone in such a manner as to endanger or be likely to endanger any emergency or work zone worker or property is guilty of reckless endangerment of emergency or work zone workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(6) The department shall suspend for ((sixty)) 60 days the driver's license, permit to drive, or nonresident driving privilege of a person convicted of reckless endangerment of emergency or work zone workers.

NEW SECTION. Sec. 4. A new section is added to chapter 46.08 RCW to read as follows:

The department shall develop an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

NEW SECTION. Sec. 5. A new section is added to chapter 46.20 RCW to read as follows:

(1) The department shall provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction.

(2) The department shall place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law.

NEW SECTION. Sec. 6. A new section is added to chapter 47.04 RCW to read as follows:

The department shall substantially increase the use of roadway signage and electronic display sign boards along roadways in the state to reflect the requirements and penalties associated with a violation of RCW 46.61.212.

NEW SECTION. Sec. 7. By January 31, 2023, the department of licensing and the Washington traffic safety commission, working independently or in collaboration or both, shall develop a

statewide public awareness campaign to inform and educate Washington citizens about the slow down and move over law, RCW 46.61.212. The educational campaign must include the use of public service announcements and written and digital informative and educational materials distributed by all reasonable means possible. The department of licensing and the Washington traffic safety commission, working independently or in collaboration or both, shall develop the public awareness campaign using all available resources, as well as federal and other grant funds that may, from time to time, become available.

NEW SECTION. Sec. 8. Section 4 of this act takes effect October 1, 2023.

NEW SECTION. Sec. 9. Section 5 of this act takes effect October 30, 2022."

Correct the title.

Signed by Representatives Fey, Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; McCaslin; Orcutt; Paul; Ramel; Riccelli; Slatter; Sutherland; Taylor; Valdez; Walsh and Wicks.

Referred to Committee on Rules for second reading.

2ND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 28, 2022

HB 1682

Prime Sponsor, Representative Fitzgibbon: Concerning a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers,

Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen and Schmick.

Chandler; Dye; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 28, 2022

February 28, 2022

HB 1850

Prime Sponsor, Representative Slatter: Protecting and enforcing the foundational data privacy rights of Washingtonians. Reported by Committee on Appropriations

HB 2018

Prime Sponsor, Representative Paul: Creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chopp; Cody; Dolan; Dye; Frame; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Pollet.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; Fitzgibbon and Pollet.

MINORITY recommendation: Do not pass. Signed by Representatives Bergquist, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member and Hansen.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 28, 2022

February 28, 2022

HB 1988

Prime Sponsor, Representative Shewmake: Concerning tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage. Reported by Committee on Appropriations

HB 2124

Prime Sponsor, Representative Riccelli: Concerning extending collective bargaining to legislative employees. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Hoff; Jacobsen; Schmick and Steele.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier;

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier; Harris and Rude.

February 28, 2022

E2SSB 5155 Prime Sponsor, Committee on Ways & Means: Concerning prejudgment interest. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.56.110 and 2019 c 371 s 1 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3)(a) ~~((Judgments))~~ (i) Except as otherwise provided in this subsection (3), judgments founded on the tortious conduct of a "public agency" as defined in RCW 42.30.020 shall bear interest from the date ((of entry)) the cause of action accrued at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. ((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))

(ii) Judgments founded on tortious conduct that occurred while the plaintiff was a minor shall bear interest at the same rate as in (a)(i) of this subsection (3) from the date the action is commenced or the date the minor attains the age of eighteen years, whichever is earlier.

(b)(i) Except as otherwise provided in ((~~(a) or~~)) this subsection (3), judgments founded on the tortious conduct of individuals or other entities that are not a "public agency" as defined in RCW 42.30.020, whether acting in their personal or representative capacities, shall bear interest from the date ((of entry)) the cause of action accrued at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry. ((In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.))

(ii) Judgments founded on tortious conduct that occurred while the plaintiff was a minor shall bear interest at the same rate as in (b)(i) of this subsection (3) from the date the action is commenced or the date the minor attains the age of eighteen years, whichever is earlier.

(c) For judgments pursuant to (a) and (b) of this subsection (3), any interest incurred prior to the date the judgment is entered applies only to arbitration awards and judgments entered following trial of the matter. All other judgments founded on tortious conduct bear interest from the date of entry.

(4) Except as provided under subsection (1) of this section, judgments for unpaid private student loan debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry.

(5) Except as provided under subsection (1) of this section, judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at a rate of nine percent.

(6) Except as provided under subsections (1) through (5) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where

a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 2. RCW 4.56.111 (Interest on judgments—Rate) and 2010 c 149 s 2 are each repealed."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Stonier and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representative Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick; Springer and Steele.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5241 Prime Sponsor, Committee on Ways & Means: Promoting economic inclusion. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Housing, Human Services & Veterans.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that economic inclusion shall be a top priority of Washington state's economic recovery. The legislature finds that the novel coronavirus has had a disproportionate effect upon at-risk communities. The legislature recognizes that for communities to thrive and remain vibrant, that recovery needs to be inclusive of people who are furthest away from opportunity and disproportionately more likely to experience economic

hardship. The legislature acknowledges that stand-alone human service programs meet a pressing need but can be difficult to access for those lacking the resources to do so. The legislature recognizes that barriers to access can delay reentry into the workforce and career development. The legislature finds that leveraging or supporting the integration of existing benefits and services whenever possible will help people access the benefits they need to help them move out of poverty, without creating another duplicative system. The legislature finds that incorporating people with lived experience into systems development can help improve meaningful access to state programs. The legislature, therefore, intends to help facilitate an inclusive economic recovery by creating an economic inclusion grant program to provide greater access to resources for those in need.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Department" means the employment security department.

(2) "People experiencing poverty" means households whose income are at or below 200 percent of the federal poverty level.

(3) "Rural counties" has the same meaning as provided for in RCW 82.14.370.

(4) "Self-sufficiency" means a level of household income that is equal to or more than the self-sufficiency standard for a household as determined by the University of Washington's self-sufficiency calculator.

(5) "Steering committee" means the poverty reduction work group steering committee created in response to a directive of the governor, dated November 6, 2017.

NEW SECTION. Sec. 3. (1) The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as determined by the department, shall make and oversee the implementation of local economic inclusion grants available to local communities to promote equity, economic inclusion, and a stable financial

foundation for people experiencing poverty, with a particular focus on people of color and people in rural counties, primarily through better coordination of existing programs and resources. The purpose of these grants is to empower and incentivize local communities to coordinate existing poverty reduction resources and benefits to make them easier to access, get them to the people who need them, and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success.

(2) Subject to the availability of funds appropriated for this specific purpose, local economic inclusion grants shall be made available in communities throughout all regions of the state, including rural counties and urban communities for the purpose as described in subsection (1) of this section, with an emphasis on economically distressed communities as defined by the department.

(3) Recipients of local economic inclusion grants shall:

(a) Coordinate with existing local providers to make benefits easier to access and work as a coordinated system, to help more people move out of poverty and be included in Washington's economic success;

(b) Provide input to inform the work described in section 5 of this act, by identifying examples of federal regulations that prevent better local coordination and identifying other needs for additional state or federal funding for continuous improvement of the poverty reduction system in future years;

(c) Utilize the existing local workforce development councils to develop local economic inclusion grant partnerships that must include people experiencing poverty, people of color, homelessness programs, and representatives of the health care authority, community service offices, accountable communities of health, and associate development organizations, and may include other members;

(d) Coordinate leadership among the local workforce development council, associate development council, and other organizations, and utilize the workforce development council as the fiscal agent;

(e) Work with people experiencing poverty to ensure they have access to multiple benefits to help them meet their

basic needs, in alignment with local care coordination efforts, and when ready, develop individualized career plans leading to a self-sufficiency wage, which must be the level established by the University of Washington self-sufficiency standard;

(f) Provide streamlined access to local partners who can pay for education or training elements of a person's individualized career plan using federal Pell grants, the Washington college grant, or other resources;

(g) Provide streamlined access to local partners who can make monthly payments to the low-income person while in training, using existing resources such as incentive payments, work study payments, work experience payments, needs-related payments, or other financial aid or workforce development resources, as identified locally, and in consultation with technical assistance provided by the department. Such payments must work to maximize the total benefits available to the individual. To the extent possible under federal law, such payments must be structured so they do not reduce other benefits; including but not limited to the supplemental nutritional assistance program, temporary assistance for needy families, special supplemental nutrition program for women, infants, and children, medicaid, workforce innovation and opportunity act supportive services, or other financial and health benefits, and may be comparable to payments received by trade adjustment assistance or Montgomery GI beneficiaries; in order to provide stability during training and education;

(h) Through the local workforce development councils, develop a local economic inclusion grant coordination team that works to ensure easier access to all state and local government services, and identifies staff to be care and benefits navigators. These may be existing coordinators and navigators if solutions are already in place for the community to build upon rather than duplicate. The care and benefit navigators must provide convenient one-stop access to benefits available to people experiencing poverty. At a minimum, it shall be encouraged that people served by the economic inclusion grants apply for and, if eligible, receive supplemental nutritional assistance program, temporary assistance

for needy families, medicaid, workforce innovation and opportunity act supportive services, or other financial and health benefits, as deemed eligible and appropriate for each person. To the extent allowable under federal law, access to benefits may not be conditioned upon seeking employment nor limited to people pursuing individual career plans, and benefits must be available to people experiencing poverty who are in need of financial stability whether or not they are pursuing career plans;

(i) Ensure equitable access to state and local government services for people with disabilities, which may include equipment and technology purchases;

(j) Both identify where federal barriers hinder efforts to coordinate benefits for customers, and elevate those issues to the department. The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as identified by the department may apply for federal waivers and propose federal law changes to make the authorizing environment better support coordinated service delivery across programs;

(k) Ensure options for career development, English language learners, and other services for both parents in two-parent families, including child care if desired by the family; and

(l) When available, use the local and state teams already in place for similar efforts, expanding the partners on those teams as needed to meet the requirements of this section.

NEW SECTION. Sec. 4. In managing the economic inclusion grants, the department shall consult with the steering committee. Members of the steering committee must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as child care and other expenses as needed for each day a steering committee member attends meetings to provide consultative assistance to the agencies managing the economic inclusion grants; for up to 12 meetings per calendar year.

NEW SECTION. Sec. 5. (1) The department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and

families, the health care authority, the steering committee, and other stakeholders as identified by the department, shall develop a comprehensive list of federal waivers to remove federal barriers to coordinating service delivery across multiple programs. Where waivers are not possible, the department shall develop a comprehensive list of federal rules and or policies that are creating barriers and include this information. Information developed in this section shall be included in the annual report as provided for in subsection (4) of this section.

(2) The department of social and health services, in consultation with the department, the department of commerce, the department of children, youth, and families, the health care authority, the steering committee, and other stakeholders as determined by the department, shall further develop measures and indicators of equitable and inclusive economic recovery already underway in the department of social and health services technical advisory group on inclusive economic recovery, and apply those measures as needed to help promote economic recovery that is racially equitable and fully inclusive of people experiencing poverty, people of color, people in rural counties, people with disabilities, and other key demographics that have historically been left behind in economic recovery.

(3) In the event an applicant has not submitted adequate documentation to participate within three months after grant announcement, the agencies may redistribute the unclaimed funding to other participating local areas.

(4) By November 15, 2022, and annually thereafter, and in compliance with RCW 43.01.036, the department, in consultation with the department of social and health services, the department of commerce, the department of children, youth, and families, the health care authority, and the steering committee shall report to the governor, the appropriate committees of the legislature, and the legislative-executive work-first poverty reduction oversight task force. The annual report must include progress reports, an estimate of costs avoided by the state when a person moves out of poverty and into self-sufficiency, measures of equitable and inclusive economic

recovery, and model legislative language to further expand economic inclusion, reduce poverty, and increase coordinated service delivery across programs and agencies.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

ESSB 5268 Prime Sponsor, Committee on Health & Long Term Care: Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Housing, Human Services & Veterans.

Strike everything after the enacting clause and insert the following:

"Part 1: Increase the Capabilities of Community Residential Settings and Services

NEW SECTION. **Sec. 1.** (1) The legislature finds that the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services" and recommendations in the 2021 preliminary report of the joint executive and legislative task force established in chapter 317, Laws of 2020 are the product of deliberations among a diverse and dedicated group of stakeholders and are critical to advancing the continuum of care for individuals with developmental disabilities.

(2) The legislature intends to continue efforts to expand community residential settings and supports with the goals of reducing the risk of federal divestment from Washington's intermediate care facilities and delivering appropriate care to clients of the developmental disabilities administration. To that end, the legislature finds that a reliable network of community providers is critical to meeting these goals and that community residential rates must be established at appropriate levels to ensure that individuals with intellectual and developmental disabilities have community residential options that appropriately address their needs and ensure stable, permanent outcomes.

(3) The legislature also finds that it is imperative that internal processes within the department of social and health services, including those that guide eligibility determinations, assess hours of service delivery, and measure quality of providers, be examined to ensure that these systems function in the most streamlined and efficient manner with the goal of achieving a system that has greater consistency with regard to expectations and requirements of providers and that is structured to be more person-centered and user-friendly at interface.

Sec. 2. RCW 43.88C.010 and 2021 c 334 s 975 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after

each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) ~~((The))~~ By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

~~((11))~~ (13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number

of screened in reports of child abuse or neglect.

((+12+)) (14) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

((+13+)) (15) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.18 RCW to read as follows:

(1) Expenditures for the individual and family services waiver and the basic plus waiver administered under Title 71A RCW must be considered by the governor and the legislature for inclusion in maintenance level budgets beginning with the governor's budget proposal submitted in December 2022 and funding for these expenditures are subject to amounts appropriated for this specific purpose. The department of social and health services must annually submit a budget request for these expenditures.

(2) Beginning with the governor's budget proposal submitted in December 2022 and within the department's existing appropriations, the department of social and health services must annually submit a budget request for expenditures for the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration under Title 71A RCW.

NEW SECTION. Sec. 4. (1) With consideration to legislative intent to expand community residential settings, and within the department's existing appropriations, the department of social and health services shall examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. No later than October 1, 2022, the department of social and health services must submit a preliminary report to the governor and the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds,

provides options for utilizing existing intermediate care facilities to meet these needs, includes the average length of stay for clients residing in state-operated intermediate care facilities, and recommends whether or not an increase to respite hours is needed. A progress report is due on October 1, 2023, and a final report of this information shall be submitted no later than October 1, 2024.

(2) This section expires January 1, 2025.

NEW SECTION. Sec. 5. (1) The department of social and health services must contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(a) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(b) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(c) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring.

(2) This section expires January 31, 2024.

NEW SECTION. Sec. 6. (1) With consideration to legislative intent to expand community residential settings and within the department's existing appropriations, the department of social and health services shall submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(a) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(b) Identification of any necessary changes to these procedures to ensure a

more efficient and timely process for hiring and training staff; and

(c) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan.

(2) This section expires January 31, 2024.

NEW SECTION. Sec. 7. (1) Within the department's existing appropriations, and no later than June 30, 2023, the department of social and health services in collaboration with appropriate stakeholders shall develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities. The department of social and health services must submit a report of these activities to the governor and the legislature no later than June 30, 2023.

(2) This section expires July 31, 2023.

NEW SECTION. Sec. 8. (1) The joint legislative audit and review committee shall:

(a) Review the developmental disabilities administration's existing processes and staffing methodology used for determining eligibility, assessing for eligibility, delivering services, and managing individuals who are waiting for services;

(b) Review best practices from other states regarding eligibility determination, eligibility assessment, service delivery, management of individuals who are waiting for services, and staffing models; and

(c) Identify options for streamlining the eligibility, assessment, service delivery, and management of individuals who are waiting for services processes and the potential staffing impacts.

(2) The joint legislative audit and review committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2024.

(3) This section expires January 31, 2025.

Part 2: Improve Cross-System Coordination

NEW SECTION. Sec. 9. An individual's disability will often overshadow other

medical or functional needs which can result in missed connections and poor outcomes. It is the intent of the legislature that cross-system coordination involving individuals with intellectual and developmental disabilities be improved to ensure that these individuals receive the appropriate types of services and supports when they are needed to adequately address mental health conditions, medical conditions, individual preferences, and the natural aging process.

NEW SECTION. Sec. 10. (1) Within the department's existing appropriations, the department of social and health services shall work with the developmental disabilities council to:

(a) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with co-occurring intellectual and developmental disabilities and mental health conditions;

(b) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(c) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(d) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision-making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate.

(2) Within the department's existing appropriations, the department of social and health services shall work with the health care authority and Washington state's managed care organizations to establish the necessary agreements for intellectual and developmental disabilities clients who live in the community to access intermediate care facility-based professionals to receive care covered under the state plan. The department of social and health services must consider methods to deliver these services at mobile or brick-and-mortar clinical settings in the community.

(3) No later than December 1, 2022, the department of social and health services shall submit a report describing the efforts outlined in subsections (1) and (2) of this section and any recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(4) This section expires January 31, 2023.

Part 3: Redesign State-Operated Intermediate Care Facilities to Function as Short-Term Crisis Stabilization and Intervention

NEW SECTION. **Sec. 11.** It is the intent of the legislature that intermediate care facilities be redesigned from long-term care settings to settings that support short-term crisis stabilization and intervention and that, in order to achieve stable, permanent placements in the least restrictive settings possible, an infrastructure of procedures be developed to ensure that individuals placed in intermediate care settings remain in that setting no longer than is absolutely necessary.

NEW SECTION. **Sec. 12.** (1) Within the department of social and health services' existing appropriations, the developmental disabilities administration must develop procedures that ensure that:

(a) Clear, written, and verbal information is provided to the individual and their family member that explains:

(i) That placement in the intermediate care facility is temporary; and

(ii) What constitutes continuous aggressive active treatment and its eligibility implications;

(b) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(c) When stabilization services are available in the community, the individual is presented with the option to receive those services in the community prior to being offered services in a state-operated intermediate care facility; and

(d) When the individual has not achieved crisis stabilization after 60 consecutive days in the state-operated intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's care plan.

(2) Subject to funding appropriated specifically for this purpose, the department of social and health services must expand the number of family mentors and establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning.

(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the individual does not lose their community residential services while the individual is receiving stabilization services in a state-operated intermediate care facility. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day vacancy payment for individuals who are transferred from the community residential service provider to a state-operated intermediate care facility for stabilization services; and

(b) Utilize client resources or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer to a state-operated intermediate care facility for stabilization services.

(4) No later than November 1, 2022, the department of social and health services must submit a report describing the efforts outlined in subsections (1) through (3) of this section and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2023 legislative session.

(5) This section expires January 31, 2023.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5411 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5532 Prime Sponsor, Committee on Ways & Means: Establishing a prescription drug

affordability board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Biological product" has the same meaning as in 42 U.S.C. Sec. 262(i)(1).

(3) "Biosimilar" has the same meaning as in 42 U.S.C. Sec. 262(i)(2).

(4) "Board" means the prescription drug affordability board.

(5) "Excess costs" means:

(a) Costs of appropriate utilization of a prescription drug that exceed the therapeutic benefit relative to other alternative treatments; or

(b) Costs of appropriate utilization of a prescription drug that are not sustainable to public and private health care systems over a 10-year time frame.

(6) "Generic drug" has the same meaning as in RCW 69.48.020.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(9) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW, including generic, brand name, specialty drugs, and biological products.

NEW SECTION. **Sec. 2.** PRESCRIPTION DRUG AFFORDABILITY BOARD. (1) The prescription drug affordability board is established, to include five members who have expertise in health care economics or clinical medicine appointed by the governor.

(2) Board members shall serve for a term of five years and members may be reappointed by the governor for additional terms.

(3) No board member or advisory group member may be an employee of, a board member of, or consultant to a prescription drug manufacturer, pharmacy benefit manager, health carrier, prescription drug wholesale distributor, or related trade association, except that a representative from the prescription drug industry serving on an advisory group may be an employee, consultant, or board member of a prescription drug manufacturer or related trade association and shall not be deemed to have a conflict of interest pursuant to subsection (4) of this section.

(4)(a) Board members, advisory group members, staff members, and contractors providing services on behalf of the board shall recuse themselves from any board activity in any case in which they have a conflict of interest.

(b) For the purposes of this section, a conflict of interest means an association, including a financial or personal association, that has the potential to bias or appear to bias an individual's decisions in matters related to the board or the activities of the board.

(5) The board shall establish advisory groups consisting of relevant stakeholders, including but not limited to patients and patient advocates for the condition treated by the drug and one member who is a representative of the prescription drug industry, for each drug affordability review conducted by the board pursuant to section 4 of this act. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group.

(6) The authority shall provide administrative support to the board and any advisory group of the board and shall adopt rules governing their operation that shall include how and when the board will use and discuss confidential information that is exempt from public disclosure. The rules adopted under this subsection may not go into effect until at least 90 days after the next regular legislative session.

(7) Board members shall be compensated for participation in the work of the board in accordance with a personal

services contract to be executed after appointment and before commencement of activities related to the work of the board.

(8) A simple majority of the board's membership constitutes a quorum for the purpose of conducting business.

(9) All meetings of the board must be open and public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(10) The board may not hold its first meeting until at least one year after the authority publishes its first report on the impact that drug costs, rebates, and other discounts have on health care premiums pursuant to RCW 43.71C.100.

(11) The board must coordinate and collaborate with the authority, other boards, work groups, and commissions related to prescription drug costs and emerging therapies, including but not limited to the health care cost transparency board established in chapter 70.390 RCW, and the universal health care commission established in RCW 41.05.840. All coordination and collaboration by the board pursuant to this subsection must comply with chapter 42.30 RCW, the open public meetings act.

(12) The board may collaborate with prescription drug affordability boards established in other states.

NEW SECTION. Sec. 3. AUTHORITY TO REVIEW DRUG PRICES. By June 30, 2023, and annually thereafter, utilizing data collected pursuant to chapter 43.71C RCW, the all-payer health care claims database, or other data deemed relevant by the board, the board must identify prescription drugs that have been on the market for at least seven years, are dispensed at a retail, specialty, or mail-order pharmacy, are not designated by the United States food and drug administration under 21 U.S.C. Sec. 360bb as a drug solely for the treatment of a rare disease or condition, and meet the following thresholds:

(1) Brand name prescription drugs and biologic products that:

(a) Have a wholesale acquisition cost of \$60,000 or more per year or course of treatment lasting less than one year; or

(b) Have a price increase of 15 percent or more in any 12-month period or for a course of treatment lasting less than 12

months, or a 50 percent cumulative increase over three years;

(2) A biosimilar product with an initial wholesale acquisition cost that is not at least 15 percent lower than the reference biological product; and

(3) Generic drugs with a wholesale acquisition cost of \$100 or more for a 30-day supply or less that has increased in price by 200 percent or more in the preceding 12 months.

NEW SECTION. Sec. 4. AFFORDABILITY REVIEWS. (1) The board may choose to conduct an affordability review of up to 24 prescription drugs per year identified pursuant to section 3 of this act. When deciding whether to conduct a review, the board shall consider:

(a) The class of the prescription drug and whether any therapeutically equivalent prescription drugs are available for sale;

(b) Input from relevant advisory groups established pursuant to section 2 of this act; and

(c) The average patient's out-of-pocket cost for the drug.

(2) For prescription drugs chosen for an affordability review, the board must determine whether the prescription drug has led or will lead to excess costs to patients. The board may examine publicly available information as well as collect confidential and proprietary information from the prescription drug manufacturer and other relevant sources.

(3) A manufacturer must submit all requested information to the board within 30 days of the request.

(4) The authority may assess a fine of up to \$100,000 against a manufacturer for each failure to comply with an information request from the board. The process for the assessment of a fine under this subsection shall be established by the authority in rule and is subject to review under the administrative procedure act, chapter 34.05 RCW. The rules adopted under this subsection may not go into effect until at least 90 days after the next regular legislative session.

(5) When conducting a review, the board shall consider:

(a) The relevant factors contributing to the price paid for the prescription drug, including the wholesale

acquisition cost, discounts, rebates, or other price concessions;

(b) The average patient copay or other cost sharing for the drug;

(c) The effect of the price on consumers' access to the drug in the state;

(d) Orphan drug status;

(e) The dollar value and accessibility of patient assistance programs offered by the manufacturer for the drug;

(f) The price and availability of therapeutic alternatives;

(g) Input from:

(i) Patients affected by the condition or disease treated by the drug; and

(ii) Individuals with medical or scientific expertise related to the condition or disease treated by the drug;

(h) Any other information the drug manufacturer or other relevant entity chooses to provide;

(i) The impact of pharmacy benefit manager policies on the price consumers pay for the drug; and

(j) Any other relevant factors as determined by the board.

(6) In performing an affordability review of a drug the board may consider the following factors:

(a) Life-cycle management;

(b) The average cost of the drug in the state;

(c) Market competition and context;

(d) Projected revenue;

(e) Off-label usage of the drug; and

(f) Any additional factors identified by the board.

(7) All information collected by the board pursuant to this section is confidential and not subject to public disclosure under chapter 42.56 RCW.

(8) The board shall publicize which prescription drugs are subject to an affordability review before the review begins.

NEW SECTION. Sec. 5. UPPER PAYMENT LIMITS. (1) The authority must adopt rules setting forth a methodology established by the board for setting upper payment limits for prescription

drugs the board has determined have led or will lead to excess costs based on its affordability review. The rules adopted under this subsection may not go into effect until at least 90 days after the next regular legislative session. Each year, the board may set an upper payment limit for up to 12 prescription drugs.

(2) The methodology must take into consideration:

(a) The cost of administering the drug;

(b) The cost of delivering the drug to patients;

(c) The status of the drug on the drug shortage list published by the United States food and drug administration; and

(d) Other relevant administrative costs related to the production and delivery of the drug.

(3) The methodology determined by the board must not use quality-adjusted life years that take into account a patient's age or severity of illness or disability to identify subpopulations for which a prescription drug would be less cost-effective. For any prescription drug that extends life, the board's analysis of cost-effectiveness may not employ a measure or metric which assigns a reduced value to the life extension provided by a treatment based on a preexisting disability or chronic health condition of the individuals whom the treatment would benefit.

(4) Before setting an upper payment limit for a drug, the board must post notice of the proposed upper payment limit on the authority's website, including an explanation of the factors considered when setting the proposed limit and instructions to submit written comment. The board must provide 30 days to submit public comment.

(5) The board must monitor the supply of drugs for which it sets an upper payment limit and may suspend that limit if there is a shortage of the drug in the state.

(6) An upper payment limit for a prescription drug established by the board applies to all purchases of the drug by any entity and reimbursements for a claim for the drug by a health carrier, or a health plan offered under chapter 41.05 RCW, when the drug is dispensed or administered to an individual in the

state in person, by mail, or by other means.

(7) An employer-sponsored self-funded plan may elect to be subject to the upper payment limits as established by the board.

(8) The board must establish an effective date for each upper payment limit, provided that the upper payment limit may not go into effect until at least 90 days after the next regular legislative session and that the date is at least six months after the adoption of the upper payment limit and applies only to purchases, contracts, and plans that are issued on or renewed after the effective date.

(9) Any entity affected by a decision of the board may request an appeal within 30 days of the board's decision, and the board must rule on the appeal within 60 days. Board rulings are subject to judicial review pursuant to chapter 34.05 RCW.

(10) For any upper payment limit set by the board, the board must notify the manufacturer of the drug and the manufacturer must inform the board if it is able to make the drug available for sale in the state and include a rationale for its decision. The board must annually report to the relevant committees of the legislature detailing the manufacturers' responses.

(11) The board may reassess the upper payment limit for any drug annually based on current economic factors.

(12) The board may not establish an upper payment limit for any prescription drug before January 1, 2027.

(13)(a) Any individual denied coverage by a health carrier for a prescription drug because the drug was unavailable due to an upper payment limit established by the board, may seek review of the denial pursuant to RCW 48.43.530 and 48.43.535.

(b) If it is determined that the prescription drug should be covered based on medical necessity, the carrier may disregard the upper payment limit and must provide coverage for the drug.

NEW SECTION. Sec. 6. USE OF SAVINGS.

(1) Any savings generated for a health plan, as defined in RCW 48.43.005, or a health plan offered under chapter 41.05 RCW that are attributable to the establishment of an upper payment limit established by the board must be used to

reduce costs to consumers, prioritizing the reduction of out-of-pocket costs for prescription drugs.

(2) By January 1, 2024, the board must establish a formula for calculating savings for the purpose of complying with this section.

(3) By March 1st of the year following the effective date of the first upper payment limit, and annually thereafter, each state agency and health carrier issuing a health plan in the state must submit a report to the board describing the savings in the previous calendar year that were attributable to upper payment limits set by the board and how the savings were used to satisfy the requirements of subsection (1) of this section.

NEW SECTION. Sec. 7. MANUFACTURER WITHDRAWAL FROM THE MARKET. (1) Any manufacturer that intends to withdraw a prescription drug from sale or distribution within the state because the board has established an upper payment limit for that drug shall provide a notice of withdrawal in writing indicating the drug will be withdrawn because of the establishment of the upper payment limit at least 180 days before the withdrawal to the office of the insurance commissioner, the authority, and any entity in the state with which the manufacturer has a contract for the sale or distribution of the drug.

(2) If a manufacturer chooses to withdraw the prescription drug from the state, it shall be prohibited from selling that drug in the state for a period of three years.

(3) A manufacturer that has withdrawn a drug from the market may petition the authority, in a form and manner determined by the authority in rule, to reenter the market before the expiration of the three-year ban if it agrees to make the drug available for sale in compliance with the upper payment limit.

(4) The rules adopted under this section may not go into effect until at least 90 days after the next regular legislative session.

NEW SECTION. Sec. 8. By December 15, 2022, and annually thereafter, the board shall provide a comprehensive report to the legislature detailing all actions the board has taken in the past year, including any rules adopted by the authority pursuant to this act,

establishing any processes, such as the methodology for the upper payment limit, the list of drugs identified in section 3 of this act, the drugs the board completed an affordability review of and any determinations of whether the drug had led or will lead to excess costs, and the establishment of any upper payment limits.

NEW SECTION. Sec. 9. RULE MAKING. The authority may adopt any rules necessary to implement this chapter. The rules adopted under this section may not go into effect until at least 90 days after the next regular legislative session.

NEW SECTION. Sec. 10. A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans issued or renewed on or after January 1, 2024, if the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 12 of this act), establishes an upper payment limit for a prescription drug pursuant to section 5 of this act, a carrier must provide sufficient information, as determined by the commissioner, to indicate that reimbursement for a claim for that prescription drug will not exceed the upper payment limit for the drug established by the board.

(2) The commissioner may adopt any rules necessary to implement this section.

Sec. 11. RCW 43.71C.100 and 2019 c 334 s 10 are each amended to read as follows:

(1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services administrative organizations, individual prescription drugs, individual classes of prescription drugs, individual manufacturers, or discount amounts paid

in connection with individual prescription drugs.

(3) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

(4) Except for the report, and as provided in subsection (5) of this section, the authority shall keep confidential all data submitted pursuant to RCW 43.71C.020 through 43.71C.080.

(5) For purposes of public policy, upon request of a legislator, the authority must provide all data provided pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the legislature and may not be publicly released.

(6) For the purpose of reviewing drug prices and conducting affordability reviews, the prescription drug affordability board, as established in chapter 70.--- RCW (the new chapter created in section 12 of this act), and the health care cost transparency board, established in chapter 70.390 RCW, may access all data collected pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority.

(7) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW. Any information provided pursuant to this section must be kept confidential and may not be publicly released. Recipients of data under subsection (6) of this section shall:

(a) Follow all rules adopted by the authority regarding appropriate data use and protection; and

(b) Acknowledge that the recipient is responsible for any liability arising from misuse of the data and that the recipient does not have any conflicts under the ethics in public service act that would prevent the recipient from accessing or using the data.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act constitute a new chapter in Title 70 RCW.

Sec. 13. RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing

body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally

applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive

economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205;

(p) To consider proprietary or confidential data collected or analyzed pursuant to chapter 70.--- RCW (the new chapter created in section 12 of this act).

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Schmick; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Jacobsen; Rude and Steele.

Referred to Committee on Rules for second reading.

February 28, 2022

SB 5566 Prime Sponsor, Senator Kuderer: Expanding eligibility for the independent youth housing program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.63A.307 and 2009 c 148 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Eligible youth" means an individual who:

(a) On or after September 1, 2006, is at least eighteen, was a dependent of the state under chapter 13.34 RCW at any time ~~((during the four month period))~~ before his or her eighteenth birthday, and has not yet reached the age of ~~((twenty-three))~~ 25;

(b) Except as provided in RCW 43.63A.309(2)(a), has a total income from all sources, except for temporary sources that include, but are not limited to, overtime wages, bonuses, or short-term temporary assignments, that does not exceed fifty percent of the area median income;

(c) ~~((Is not receiving services under RCW 74.13.031(10)(b))~~;

~~(d))~~ Complies with other eligibility requirements the department may establish.

(3) "Fair market rent" means the fair market rent in each county of the state, as determined by the United States department of housing and urban development.

(4) "Independent housing" means a housing unit that is not owned by or located within the home of the eligible youth's biological parents or any of the eligible youth's former foster care families or dependency guardians. "Independent housing" may include a unit in a transitional or other supportive housing facility.

(5) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual that are matched with contributions by or through the sponsoring organization.

(6) "Subcontractor organization" means an eligible organization described under RCW 43.185A.040 that contracts with the department to administer the independent youth housing program.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5575 Prime Sponsor, Committee on Law & Justice: Adding additional superior court judges in Snohomish county. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5589 Prime Sponsor, Committee on Health & Long Term Care: Concerning statewide spending on primary care. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SSB 5600 Prime Sponsor, Committee on Ways & Means: Concerning the sustainability and expansion of state registered apprenticeship programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Washington state has maintained a robust registered apprenticeship system that has created tens of thousands of high-skill, high-wage careers in traditional apprenticeship programs that are financially stable and jointly managed to ensure future generations of apprentices for high demand occupations. The earn

while you learn apprenticeship model opens opportunities to diverse groups and communities that have not been able to access traditional higher education and traditional apprenticeship programs in the past. The legislature recognizes that the COVID-19 pandemic has also created a significant dislocation and disruption of our workforce that can be repaired in part by reconnecting workers with innovative apprenticeships that lead to new career pathways. The legislature intends to encourage and foster new apprenticeship opportunities through programs sponsored by public and private entities. It is the intent of the legislature that apprenticeship programs seeking state registration receive prompt consideration with minimum delay. To achieve the goals of rebuilding a robust postpandemic workforce and undertaking active efforts to provide equity, diversity, inclusion, and accessibility in apprenticeship programs will take sustained effort and support.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.04 RCW to read as follows:

(1) For any existing active registered apprenticeship programs, or when a new program gains approval, the apprenticeship council must establish an economic or industry sector-based platform.

(2) The economic or industry sector-based platforms may be in the following areas: Building trades, manufacturing and engineering, health care and behavioral health, education and early learning, information and communications technology, biotechnology and life sciences, hospitality, and maritime. Any platform established under this section must have an equal number of employer and employee organization representatives. All platforms established under this section must:

(a) Promote collaboration within their economic or industry sector;

(b) Periodically review the required classroom and on-the-job training standards for apprenticeship programs within their economic or industry sector;

(c) Collaborate with any relevant centers of excellence in RCW 28B.50.902; and

(d) Review applications for new apprenticeship programs in the platform's economic or industry sector

and make recommendations on the approval or rejection of the applications, or suggested modifications to the applicant apprenticeship programs, to the apprenticeship council.

(3) The department of labor and industries must assign an industry liaison to support each platform.

(4) The platform must report at least annually to the apprenticeship council on the following within their economic or industry sector:

(a) Participation in existing approved apprenticeship programs;

(b) Progress in developing new apprenticeship programs; and

(c) Any review of required classroom and on-the-job training standards.

(5) The department must consult with the United States department of labor about opportunities for Washington state employers to participate in apprenticeship programs, and to pursue federal grants on behalf of state registered apprentices and apprenticeships programs.

NEW SECTION. Sec. 3. A new section is added to chapter 49.04 RCW to read as follows:

The governor shall establish a committee of state agency human resources managers to undertake the development of appropriate apprenticeship programs for state agencies. The committee will involve the exclusive collective bargaining representatives and public sector agencies conducting work study programs that enable high school graduates to achieve entry-level employment and placement in registered apprenticeship programs as potential apprenticeship pathways are considered and developed. The current registered apprenticeship program for industrial insurance at the department of labor and industries shall be consulted as a model for other agencies.

Sec. 4. RCW 49.04.050 and 2011 c 308 s 4 are each amended to read as follows:

(1) To be eligible for registration, apprenticeship program standards must conform to the rules adopted under this chapter.

(2) The apprenticeship council must require new apprenticeship programs seeking approval to provide an assessment for future sustainability of the program.

(3) When evaluating applications for new apprenticeship programs, the apprenticeship council must consider whether graduating apprentices will move toward a living wage, the availability of a career ladder to graduating apprentices, or the existence of other nonwage benefits as factors in the approval process.

(4) The apprenticeship council must annually report to the appropriate committees of the legislature a list of apprenticeship programs that have applied for state approval, whether those applicant apprenticeship programs have been approved or not approved, and the reasons for any denials of approval by the apprenticeship council. The apprenticeship council must provide its first report to the legislature by December 15, 2022.

NEW SECTION. Sec. 5. A new section is added to chapter 49.04 RCW to read as follows:

(1) A grant program for technology and remote learning infrastructure modernization of state registered apprenticeships is established.

(2) The department of labor and industries must manage and oversee the grant program and may establish application procedures and criteria for the receipt of grants. The department of labor and industries must require grant applications to include a plan to sustain the technology and remote learning infrastructure over time.

(3) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries may award one-time grants to state registered apprenticeship programs for modernizing technology and remote learning infrastructure.

(4) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the grant program established under this section.

NEW SECTION. Sec. 6. A new section is added to chapter 49.04 RCW to read as follows:

(1) A grant program for wrap-around support services to mitigate barriers to beginning or participating in state registered apprenticeship programs is established. Support services shall

include provisions for child care, health care, transportation to job sites, and other support services necessary to mitigate barriers to beginning or participating in state registered apprenticeship programs.

(2) The department of labor and industries must manage and oversee the grant program and may establish application procedures and criteria for the receipt of grants.

(3) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries may award grants to nonprofit organizations and state registered apprenticeship training committees that support individuals currently in, or seeking to enter, state registered apprenticeship programs or apprenticeship council recognized apprenticeship preparation programs by providing, or connecting apprentices to, wrap-around services, including child care, professional clothing, required tools, or transportation.

(4) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the grant program established under this section.

NEW SECTION. Sec. 7. A new section is added to chapter 49.04 RCW to read as follows:

(1) A grant program for updating equipment in state registered apprenticeship programs is established.

(2) The department of labor and industries must manage and oversee the grant program and may establish application procedures and criteria for the receipt of grants.

(3) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries may award grants to state registered apprenticeship programs to upgrade equipment necessary for the program.

(4) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the grant program established under this section.

NEW SECTION. Sec. 8. A new section is added to chapter 49.04 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of labor and industries must provide vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program.

(2) The department of labor and industries may establish application and award procedures for implementing this section.

(3) No funds from the accident fund established in RCW 51.44.010 or the medical aid fund established in RCW 51.44.020 may be used in funding the voucher program established under this section.

NEW SECTION. Sec. 9. A new section is added to chapter 49.04 RCW to read as follows:

(1) The department of labor and industries must conduct an apprentice retention study of state registered apprentices. The study must collect data from apprentices that are six months into their apprenticeships on the barriers and challenges new apprentices encounter that may prevent them from continuing their apprenticeships.

(2) The department of labor and industries must aggregate the data collected in subsection (1) of this section by trade and post the data on a dashboard on its public website annually.

(3) The department of labor and industries must use the data collected under this section to work with apprenticeship coordinators to implement an early alert response system to connect apprentices with needed support and wrap-around services.

(4) By December 1, 2026, and in compliance with RCW 43.01.036, the department of labor and industries must submit a report to the legislature on its key findings on the barriers and challenges in retaining apprentices and its recommendations.

(5) This section expires December 31, 2027.

NEW SECTION. Sec. 10. (1) The department of labor and industries must develop a list of options for incentivizing apprenticeship utilization

in the private sector, especially in nontraditional industries or smaller employers that have lower apprenticeship utilization rates. The department must also assess the lack of local apprenticeship programs in rural communities and the logistical burdens, including travel time, apprentices in rural communities encounter when participating in approved apprenticeship programs and develop policy options for alleviating these issues.

(2) By September 30, 2023, and in compliance with RCW 43.01.036, the department of labor and industries must submit a report to the legislature detailing the list of options for incentivizing apprenticeship utilization and the policy option recommendations addressing apprenticeship issues in rural communities developed in subsection (1) of this section.

(3) This section expires December 31, 2023.

NEW SECTION. **Sec. 11.** (1) By December 1, 2022, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction, in collaboration with career connect Washington, must submit a report to the legislature detailing the requirements and options for, and any barriers to, high schools in this state having a career pathways day once per year for students in their junior year of high school, including any recommendations on necessary legislative actions.

(2) By December 1, 2022, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction, in collaboration with the apprenticeship section of the department of labor and industries, must submit a report to the legislature to identify opportunities and challenges for expansion, enhancement, and sustainability of high quality career and technical education. The report must identify existing state registered preapprenticeship programs and existing high school career and technical education programs that could be eligible to become state registered preapprenticeship programs.

(3) This section expires December 31, 2023.

NEW SECTION. **Sec. 12.** Section 2 of this act takes effect July 1, 2023.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Hoff; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5619 Prime Sponsor, Committee on Ways & Means: Conserving and restoring kelp forests and eelgrass meadows in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that coastal ecosystems and marine vegetation provide an array of valuable ecosystem goods and services to deep water and nearshore environments in Puget Sound and along the coastline. In particular, kelp forests and eelgrass meadows act as three dimensional foundations for diverse and productive nearshore ecosystems, supporting food webs and providing important habitat for a wide array of marine life, including orcas and threatened and endangered salmon and salmonid species. These marine forests and meadows play an important role in climate mitigation and adaptation by sequestering carbon and relieving impacts from ocean acidification. Marine vegetation can sequester up to 20 times more carbon than terrestrial forests, and therefore represent a critical tool in the fight against climate change.

(2) Washington state is home to 22 species of kelp and is a global hotspot for kelp diversity. However, these kelp forests are under threat and have declined in recent decades. A 2018 study conducted by the Samish Indian Nation on the bull kelp beds in the San Juan Islands found a 305-acre loss of kelp beds from 2006 to 2016, a 36 percent decline in one decade. A statewide study published in 2021 by the department of natural resources found that compared to the earliest baseline in 1878, the amount of bull kelp in 2017 had decreased by 63 percent in south Puget Sound, with individual areas showing up to 96 percent loss.

(3) The legislature also finds that kelp and eelgrass have important cultural value to northwest tribal nations and have provided diverse marine resources that have sustained and inspired indigenous traditions over generations. In particular, bull kelp has played a prominent role in traditional knowledge and technology and is used in fishing, hunting, and food preparation and storage. Decline in kelp forests threatens these uses, and the cultural livelihoods of Northwest tribal nations.

(4) Washington state's native eelgrass meadows (*Zostera marina*) also provide vital habitat for many organisms, including nursery habitat for juvenile salmon and feeder fish. Native eelgrass can provide a refuge for shellfish from the effects of ocean acidification. Native eelgrass also helps prevent erosion and maintain shoreline stability by anchoring seafloor sediment with its spreading roots and rhizomes. Native eelgrass is used as an indicator of estuary health, because of its fast response to changes in water quality. Examples of rapid native eelgrass loss include Westcott Bay in San Juan county, where in 2000 there were 37 acres of eelgrass meadows and 20 years later less than one acre remains. Changes in the abundance or distribution of this resource are likely to reflect changes in environmental conditions and therefore are key species to monitor and protect to ensure marine ecosystem health.

(5) Kelp forests and eelgrass meadows also provide and enhance diverse recreational opportunities, including productive fishing and picturesque kayaking and diving. These activities are important for local economies and for

promoting strong senses of place and overall human well-being in communities.

(6) There is a need for greater education and outreach to communities to promote sustainable recreation practices in and near native kelp forests and eelgrass meadows, such as those called for in the Puget Sound kelp conservation and recovery plan.

(7) Existing regional plans for conservation of kelp forests and eelgrass meadows, including the Puget Sound kelp conservation and recovery plan (2020) and the Puget Sound eelgrass recovery strategy (2015), identify the need to prioritize areas for conservation and restoration based on historical and current distributions.

(8) Existing state plans for combatting ocean acidification in Washington, adopted in 2013 and 2017, identify actions to advance research and explore conservation and restoration of kelp and eelgrass, along with other aquatic vegetation, to help mitigate impacts of ocean acidification locally.

(9) The legislature further finds that our terrestrial and marine ecosystems are interlinked and the state must be proactive in conserving our resources from trees to seas by protecting and restoring our marine forests and meadows in concert with conservation and reforestation of terrestrial forests. Therefore, it is the intent of the legislature to conserve and restore 10,000 acres of native kelp forests and eelgrass meadows by 2040.

NEW SECTION. Sec. 2. A new section is added to chapter 79.135 RCW to read as follows:

(1) The department shall, consistent with this section, and subject to available funding, work with partners to establish a native kelp forest and eelgrass meadow health and conservation plan that endeavors to, by the year 2040, conserve and restore at least 10,000 acres of native kelp forests and eelgrass meadows. The plan should proactively and systematically address:

(a) The potential loss of native kelp forest and eelgrass meadow habitat throughout Puget Sound and along the Washington state coastline;

(b) Potential current and future stressors related to the decline of

native kelp forests and eelgrass meadows;
and

(c) Awareness, action, and engagement tools being used by public and private entities in the Puget Sound region to raise awareness of the importance of conserving and restoring native kelp forests and eelgrass meadows and reducing stressors related to their decline.

(2) The department shall develop the plan to assess and prioritize areas for coordinated conservation and restoration actions. The plan must consist of the following elements: Assessment and prioritization; identifying coordinated actions and success measures; monitoring; and reporting.

(a) The department shall, together with partners, develop a framework to identify and prioritize native kelp forest and eelgrass meadow areas in greatest need of conservation or restoration. The framework must:

(i) Incorporate conservation of native kelp forests and eelgrass meadows. Utilize and build on existing research to map and prioritize areas of native kelp forests and eelgrass meadows throughout Puget Sound and along the coast that are at highest risk of permanent loss, or contribute significant environmental, economic, and cultural benefits to tribal nations and local communities, including salmon recovery and water quality, and where opportunities for partnership and collaboration can accelerate progress towards the goal, and develop criteria by which an acre of kelp forests and eelgrass meadows can be considered to be conserved or restored;

(ii) Identify research necessary to analyze and assess potential ecological, environmental, and community benefits of aquaculture of native seaweed species;

(iii) Map and prioritize native kelp forest and eelgrass meadow areas throughout Puget Sound and along the coast where they were historically present, identifying priority locations for restoration, and where opportunities for partnership and collaboration exist that will accelerate progress towards the goal. This should include identification of sites where restoration may be possible and would most benefit nearshore ecosystem function, including where restoration could also support healthy kelp forests and eelgrass meadows, salmon recovery, water quality, and other ecosystem benefits, such as mitigating

the negative effects of ocean acidification;

(iv) Identify potential stressors impacting the health and vitality of native kelp forests and eelgrass meadows in prioritized areas in order to specifically address them in conservation and restoration efforts.

(b) In developing coordinated actions and success measures, the department shall:

(i) Conduct an assessment and inventory of existing tools relevant to conserving and restoring native kelp forests and eelgrass meadows and reducing stressors related to their decline;

(ii) Identify new or amended tools that would support the goals of the plan created under this section; and

(iii) Identify success measures to track progress toward the conservation and restoration goal.

(3) In developing the plan, the department shall:

(a) Involve impacted communities using the community engagement plan developed under RCW 70A.02.050;

(b) Consult with federally recognized tribal nations, including consultation on the cultural and ecological importance of native kelp forests and eelgrass meadows now threatened by urbanization or other disturbances;

(c) Engage and collaborate with state and federal agencies, such as the national oceanic and atmospheric administration, the Northwest straits commission, the department of ecology, the department of fish and wildlife, the Puget Sound partnership, the recreation and conservation office, and the marine resources advisory council;

(d) Engage with representatives from other stakeholder groups that may have vested and direct interest in the outcomes of the plan including, but not limited to, shellfish growers, the boating industry, and recreational user communities.

(4)(a) By December 1, 2022, the department must submit a report in compliance with RCW 43.01.036 to the office of financial management and the appropriate committees of the legislature, to include community engagement plans and schedule for plan development. The native kelp forest and

eelgrass meadow health and conservation plan must be finalized and submitted to the office of financial management and the appropriate committees of the legislature by December 1, 2023, including a map and justification of identified priority areas based on collaboratively developed criteria, and a list of potential tools and actions for conservation or restoration of these priority areas. A monitoring plan based on the identified success measures will also be submitted.

(b) Subsequently, each biennium, the department shall continue to monitor the distributions and trends of native kelp forests and eelgrass meadows to inform adaptive management of the plan and coordinated partner actions. The department shall submit a report to the legislature that describes the native kelp forest and eelgrass meadow conservation priority areas, and monitoring approaches and findings, including success measures established in the plan. Beginning December 1, 2024, and by December 1st of each even-numbered year thereafter, the department shall provide the appropriate committees of the legislature and the office of financial management with:

(i) An updated map of distributions and trends, and summary of success measures and findings, including relevant information from the prioritization process;

(ii) An updated list summarizing potential stressors, prioritized areas, and corresponding coordinated actions and success measures. The summary must include any barriers to plan implementation and legislative or administrative recommendations to address those barriers;

(iii) An update on the number of acres of native kelp forests and eelgrass meadows conserved by region, including restoration or loss in priority areas;

(iv) An update on consultation with federally recognized tribal nations; and

(v) An update on the department's community engagement plan or plans developed under RCW 70A.02.050.

NEW SECTION. Sec. 3. The department of natural resources shall map areas of native and nonnative kelp forests and eelgrass meadows, together with areas in which there are both native and nonnative kelp forests and eelgrass meadows,

throughout Puget Sound and along the coastline. The department of natural resources may utilize the map when establishing a native kelp forest and eelgrass meadow health and conservation plan under section 2 of this act. The map of areas of native and nonnative kelp forests and eelgrass meadows, together with areas in which there are both native and nonnative kelp forests and eelgrass meadows, must be submitted to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5649 Prime Sponsor, Committee on Ways & Means: Modifying the Washington state paid family and medical leave act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50A.05.010 and 2021 c 232 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such

service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group

life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; ~~((e))~~

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection (11) of this section; or

(d) During the seven calendar days following the death of the family member for whom the employee:

(i) Would have qualified for medical leave under subsection (15) of this section for the birth of their child; or

(ii) Would have qualified for family leave under (b) of this subsection.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under

chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Postnatal" means the first six weeks after birth.

(20) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

~~((20))~~ (21) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

~~((21))~~ (22)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the

compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

~~((22))~~ (23)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which

results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

~~((23))~~ (24) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

~~((24))~~ (25) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

~~((25))~~ (26) "State average weekly wage" means the most recent average

weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

~~((26))~~ (27) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

~~((27))~~ (28) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

~~((28))~~ (29) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

Sec. 2. RCW 50A.05.090 and 2019 c 13 s 37 are each amended to read as follows:

(1) Nothing in this title requires any party to a collective bargaining agreement in existence on October 19, 2017, to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this title unless and until the existing agreement is reopened or renegotiated by the parties or expires.

(2) This section expires December 31, 2023.

Sec. 3. RCW 50A.15.020 and 2020 c 125 s 4 are each amended to read as follows:

(1) Beginning January 1, 2020, family and medical leave are available and benefits are payable to a qualified employee under this section.

(a) Following a waiting period consisting of the first seven consecutive calendar days, benefits are payable when family or medical leave is required. However, no waiting period is required for leave for the birth or placement of a child, or for leave because of any qualifying exigency as defined under RCW 50A.05.010(10)(c). The waiting period begins the previous Sunday of the week when an otherwise eligible employee takes leave for the minimum claim duration under subsection (2)(c) of this section. Eligible employees may satisfy the waiting period requirement while simultaneously receiving paid time off for any part of the waiting period.

(b) Benefits may continue during the continuance of the need for family or medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title.

(2) The weekly benefit shall be prorated by the percentage of hours on leave compared to the number of hours provided as the typical workweek hours as defined in RCW 50A.05.010.

(a) The benefits in this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(b) Hours on leave claimed for benefits under this title, if not a multiple of one hour, shall be reduced to the next lower multiple of one hour.

(c) The minimum claim duration payment is for eight consecutive hours of leave.

(3)(a) The maximum duration of paid family leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks.

(b) The maximum duration of paid medical leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks. This leave may be extended an additional two times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(c) An employee is not entitled to paid family and medical leave benefits under this title that exceeds a combined total of sixteen times the typical workweek hours. The combined total of family and medical leave may be extended to eighteen times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(4)(a) Any paid leave benefits under this chapter used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B) must be medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title, unless the employee chooses to use family leave during the postnatal period.

(b) Certification of a serious health condition is not required for paid leave benefits used in the postnatal period by an employee eligible for benefits under RCW 50A.05.010(23)(a)(ii)(B).

(5) The weekly benefit for family and medical leave shall be determined as follows: If the employee's average weekly wage is: (a) Equal to or less than one-half of the state average weekly wage, then the benefit amount is equal to ninety percent of the employee's average weekly wage; or (b) greater than one-half of the state average weekly wage, then the benefit amount is the sum of: (i) Ninety percent of one-half of the state average weekly wage; and (ii) fifty percent of the difference of the employee's average weekly wage and one-half of the state average weekly wage.

~~((5))~~ (6)(a) The maximum weekly benefit for family and medical leave that occurs on or after January 1, 2020, shall be one thousand dollars. By September 30, 2020, and by each subsequent September 30th, the commissioner shall adjust the maximum weekly benefit amount to ninety percent of the state average weekly wage. The adjusted maximum weekly benefit amount takes effect on the following January 1st.

(b) The minimum weekly benefit shall not be less than one hundred dollars per week except that if the employee's average weekly wage at the time of family or medical leave is less than one hundred dollars per week, the weekly benefit shall be the employee's full wage.

Sec. 4. RCW 50A.25.020 and 2019 c 13 s 71 are each amended to read as follows:

(1) Any information or records concerning an individual or employer obtained by the department pursuant to the administration of this title shall be private and confidential, except as otherwise provided in this chapter or RCW 50A.05.040.

(2) This chapter does not create a rule of evidence.

(3) The department must publish, on its website, a current list of all employers that have approved voluntary plans under chapter 50A.30 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of actuarial services is established within the department.

(2) The head of the office must be qualified by education and experience in the field of actuarial science.

Sec. 6. RCW 50A.15.040 and 2019 c 13 s 6 are each amended to read as follows:

(1) Family and medical leave insurance benefits are payable to an employee during a period in which the employee is unable to perform his or her regular or customary work because he or she is on family and medical leave if the employee:

(a) Files an application for benefits as required by rules adopted by the commissioner;

(b) Has met the eligibility requirements of RCW 50A.15.010 or the elective coverage requirements under RCW 50A.10.010;

(c) Consents to the disclosure of information or records deemed private and confidential under state law. Initial disclosure of this information and these records by another state agency to the department is solely for purposes related to the administration of this title. Further disclosure of this information or these records is subject to chapter 50A.25 RCW~~((τ))~~ and RCW 50A.05.020(3)~~((τ))~~ and ~~((RCW))~~ 50A.20.030;

(d) Provides his or her social security number;

(e) Provides a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the

certification of a serious health condition;

(f) Provides the employer from whom family and medical leave is to be taken with written notice of the employee's intention to take family leave in the same manner as an employee is required to provide notice in RCW 50A.15.030 and, in the employee's initial application for benefits, attests that written notice has been provided, unless notice has been waived by the employer under RCW 50A.15.030(3); and

(g) Provides documentation of a military exigency, if requested by the employer.

(2) An employee who is not in employment for an employer at the time of filing an application for benefits is exempt from subsection (1)(f) and (g) of this section.

(3) Beginning July 1, 2022, and until the 12 months after the end of the state of emergency declared by the governor due to COVID-19, the department must ask the employee applicant whether their family or medical leave is related to the COVID-19 pandemic. Initial disclosure of this information is solely for purposes related to the administration of this title, including monitoring potential impacts on the solvency and stability of the family and medical leave insurance account created in RCW 50A.05.070. Further disclosure of this information or these records is subject to chapter 50A.25 RCW and RCW 50A.05.020(3) and 50A.20.030.

Sec. 7. RCW 50A.05.050 and 2017 3rd sp.s. c 5 s 86 are each amended to read as follows:

(1) Beginning December 1, 2020, and annually thereafter, the department shall report to the legislature on the entire program, including:

- ~~((1))~~ (a) Projected and actual program participation;
- ~~((2))~~ (b) Premium rates;
- ~~((3))~~ (c) Fund balances;
- ~~((4))~~ (d) Benefits paid;
- ~~((5))~~ (e) Demographic information on program participants, including income, gender, race, ethnicity, geographic distribution by county and legislative district, and employment sector;

~~((6))~~ (f) Costs of providing benefits;

~~((7))~~ (g) Elective coverage participation;

~~((8))~~ (h) Voluntary plan participation;

~~((9))~~ (i) Outreach efforts; and

~~((10))~~ (j) Small business assistance.

(2)(a) Beginning January 1, 2023, the office of actuarial services created in section 5 of this act must annually report, by November 1st, to the advisory committee in RCW 50A.05.030 on the experience and financial condition of the family and medical leave insurance account, and the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance account in the next four years while limiting fluctuation in premium rates.

(b) For calendar years 2023 through 2028, the annual reports in (a) of this subsection must be submitted to the appropriate committees of the legislature in compliance with RCW 43.01.036.

(3) Beginning October 1, 2023, the department must report quarterly to the advisory committee in RCW 50A.05.030 on premium collections, benefit payments, the family and medical leave insurance account balance, and other program expenditures.

NEW SECTION. Sec. 8. A new section is added to chapter 50A.05 RCW to read as follows:

(1) The office of financial management must enter into a contract with a public or private entity for actuarial services to provide a report to the appropriate committees of the legislature by October 1, 2022, on the following:

- (a) The experience and financial condition of the family and medical leave insurance account created in RCW 50A.05.070;
- (b) Any recommendations for options to modify the provisions of chapter 50A.10 RCW to maintain the long-term stability and solvency of the family and medical leave insurance account; and
- (c) A comparison of the provisions of RCW 50A.10.030 with similar provisions in those states with both paid medical leave

insurance and paid family leave insurance programs.

(2) The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(3) The report in this section must comply with RCW 43.01.036.

(4) This section expires December 31, 2023.

Sec. 9. RCW 44.44.040 and 2019 c 363 s 22 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under RCW 41.04.276.

(7) Provide actuarial assistance to the law enforcement officers' and

firefighters' plan 2 retirement board as provided in chapter 2, Laws of 2003. Reimbursement for services shall be made to the state actuary under RCW 39.34.130 and section 5(5), chapter 2, Laws of 2003.

(8) Provide actuarial assistance to the committee on advanced tuition payment pursuant to chapter 28B.95 RCW, including recommending a tuition unit price to the committee on advanced tuition payment to be used in the ensuing enrollment period. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(9) Provide actuarial assistance to the long-term services and supports trust commission pursuant to chapter 50B.04 RCW. Reimbursement for services shall be made to the state actuary under RCW 39.34.130.

(10) Provide actuarial assistance, as requested by the employment security department or the office of financial management, to the employment security department related to the family and medical leave program in Title 50A RCW.

Sec. 10. RCW 50A.25.070 and 2020 c 125 s 8 are each amended to read as follows:

(1) The department may enter into data-sharing contracts and may disclose records and information deemed confidential to state or local government agencies under this chapter only if permitted under subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law or for the actuarial services created under this act;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; ~~((and))~~

(j) To the consolidated technology services agency for the purpose of enterprise technology support;

(k) To the office of the state actuary for the purpose of performing actuarial services to assess the financial stability and solvency of the family and medical leave program, and specifically the family and medical leave insurance account created in RCW 50A.05.070; and

(l) To the joint legislative audit and review committee, in accordance with RCW 44.28.110, for the purpose of conducting performance audits.

NEW SECTION. Sec. 11. (1)(a) A legislative task force on paid family and medical leave insurance premiums is established, with members as provided in this subsection.

(i) The president of the senate must appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The voting members of the advisory committee in RCW 50A.05.030.

(iv) The governor shall appoint two members, one representing the governor's office and one representing the employment security department.

(b) The task force must choose its cochairs from among its legislative membership described in (a)(i) and (ii) of this subsection.

(2) The task force must review the reports submitted under RCW 50A.05.050 and make recommendations for any legislative modifications to the provisions of chapter 50A.10 RCW to ensure the lowest future premium rates necessary to maintain solvency of the family and medical leave insurance account created in RCW 50A.05.070 in the next four years while limiting fluctuation in family and medical leave insurance premium rates.

(3)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The staff must convene the initial meeting of the task force no later than November 4, 2022.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the committee must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall issue a final report on its findings and recommendations to the governor and the appropriate committees of the legislature by December 30, 2022.

(7) This section expires January 4, 2023.

NEW SECTION. Sec. 12. (1) By October 1, 2024, the joint legislative audit and review committee, in consultation with the employment security department and the advisory committee in RCW 50A.05.030, must conduct a performance audit analyzing the implementation of the paid family and medical leave insurance program. The analysis must include, at a minimum, the following components:

(a) Evaluate the extent to which the department makes fair and timely decisions, and communicates with employers and workers in a timely, responsive, and accurate manner;

(b) Determine if current organization and service delivery models are the most efficient available;

(c) Determine whether current initiatives improve service delivery, meet the needs of current and future workers, and are measurable;

(d) Evaluate whether the department prepares financial information for the account under RCW 50A.05.070 in accordance with generally accepted accounting principles;

(e) Evaluate the solvency of the account under RCW 50A.05.070 taking into account insurance risks and standard accounting principles; and

(f) Make recommendations regarding administrative changes that should be made to improve efficiency while maintaining quality service to help address system costs and identify any needed legislative changes to implement these recommendations.

(2) The joint legislative audit and review committee may contract with an outside consulting firm with expertise in insurance or social insurance and insurance principles.

(3) The joint legislative audit and review committee must submit a final report on their findings to the appropriate committees of the legislature by October 1, 2024, and must submit a progress report by October 1, 2023.

(4) This section expires December 31, 2025.

NEW SECTION. Sec. 13. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5664 Prime Sponsor, Committee on Ways & Means: Concerning forensic competency restoration programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.010 and 2021 c 263 s 9 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Community behavioral health agency" has the same meaning as "licensed

or certified behavioral health agency" defined in RCW 71.24.025.

(4) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(6) "Department" means the state department of social and health services.

(7) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(8) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(9) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(10) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(13) "Habilitative services" means those services provided by program personnel to assist persons in acquiring

and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(14) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(15) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(17) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(18) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for

proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(19) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; (~~(e)~~)

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(25) "Authority" means the Washington state health care authority.

Sec. 2. RCW 10.77.060 and 2021 c 263 s 5 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of

commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 3. RCW 10.77.068 and 2015 c 5 s 1 are each amended to read as follows:

(1)(a) The legislature establishes ~~((the following))~~ a performance ~~((targets and maximum time limits for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants))~~ target of seven days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services;

(ii) To extend an offer of admission to a defendant ordered to be committed to a state hospital following dismissal of charges based on incompetency to stand trial under RCW 10.77.086; and

(iii) To complete a competency evaluation in jail and distribute the evaluation report.

(b) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2) A maximum time limit of 14 days is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases ~~((without compromise to the quality of competency evaluation and restoration services))~~, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency ~~((evaluations and restorations, and to otherwise make sustainable improvements~~

~~and track performance related to the timeliness of competency services:~~

~~(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetency to proceed or stand trial:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days;~~

~~(ii) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized inpatient restoration treatment related to competency:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days;~~

~~(iii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody:~~

~~(A) A performance target of seven days or less; and~~

~~(B) A maximum time limit of fourteen days, plus an additional seven day extension if needed for clinical reasons to complete the evaluation at the determination of the department;~~

~~(iv) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant who is released from custody and makes a reasonable effort to cooperate with the evaluation, a performance target of twenty one days or less)) services.~~

~~((b))~~ The time periods measured in ~~((these performance targets and maximum time limits))~~ subsection (1) of this section shall run from the date on which the state hospital receives the court referral and charging documents, discovery, police reports, the names and addresses of the attorneys for the defendant and state or county, the name of the judge ordering the evaluation, information about the alleged crime, and criminal history information related to the defendant. ~~((The maximum time limits in (a) of this subsection shall be phased~~

~~in over a one year period beginning July 1, 2015, in a manner that results in measurable incremental progress toward meeting the time limits over the course of the year.~~

~~(e))~~ (4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in ~~((a) of this)~~ subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

~~((i))~~ (a) Despite a timely request, the department has not received necessary medical ~~((clearance))~~ information regarding the current medical status of a defendant ~~((in pretrial custody for the purposes of admission to a state hospital))~~;

~~((ii))~~ (b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to ~~((proceed or))~~ stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department ~~((Completion of a competency evaluation))~~, provided that completion shall not be postponed for procurement of ~~((mental health, substance use disorder, or medical history))~~ information which is merely supplementary ~~((to the competency determination))~~;

~~((iii))~~ (c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral ~~((is frustrated by lack of))~~ requires additional time to accommodate the availability or participation ~~((by))~~ of counsel, ~~((jail or))~~ court personnel, interpreters, or the defendant;

~~((iv) The department does not have access to appropriate private space to~~

~~conduct a competency evaluation for a defendant in pretrial custody;~~

~~(v))~~ (f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

~~((vi))~~ (g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

~~((2))~~ (5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

~~((3))~~ (7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits ~~((in))~~ under subsection (1) or (2) of this section ~~((after full implementation of the performance target or maximum time limit))~~, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report ~~((must))~~ shall

be made publicly available. An average may be used to determine timeliness under this subsection.

~~((4) Beginning December 1, 2013, the))~~ (8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to ~~((proceed or))~~ stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

~~((5))~~ (9) This section does not create any new entitlement or cause of action related to the timeliness of competency ~~((evaluations or admission for inpatient restoration))~~ to stand trial services ~~((related to competency to proceed or stand trial))~~, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

Sec. 4. RCW 10.77.086 and 2019 c 326 s 4 are each amended to read as follows:

(1)~~((a)(i))~~ If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than ~~((ninety))~~ 90 days, the court shall commit the defendant to the custody of the secretary for inpatient competency restoration ~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties ~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((A))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((I))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~and~~

~~((II))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((B))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

~~((C))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~and~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((D))~~ (d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the ~~((department shall remove the defendant from the outpatient restoration program and place the defendant instead))~~ director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration program and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that

the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be the same as if the outpatient competency restoration had not occurred, starting from admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration program.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance, and may authorize the peace officer to detain the defendant for transport to the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for medical clearance or inpatient competency restoration, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ~~((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

~~((E))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((ii) The ninety day period for competency restoration under this subsection (1) includes only the time the~~

~~defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~((b))~~ (2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial felony competency restoration period ~~((of commitment for competency restoration))~~ is ~~((forty five))~~ 45 days. ~~((The forty-five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~((e))~~ (3) If the court determines or the parties agree before the initial felony competency restoration period or at any subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ~~((+4))~~ (5) of this section.

~~((+2))~~ (4) On or before expiration of the initial felony competency restoration period ~~((of commitment under subsection (1) of this section))~~ the court shall conduct a hearing ~~((, at which it shall))~~ to determine whether ~~((or not))~~ the defendant is ~~((incompetent, +3))~~ now competent to stand trial. If the court finds by a preponderance of the evidence that ~~((a))~~ the defendant ~~((charged with a felony))~~ is incompetent to stand trial, the court ~~((shall have the option of extending the))~~ may order ~~((of commitment or alternative treatment))~~ an extension of the competency restoration period for an additional period of ~~((ninety))~~ 90 days, but the court must at the same time ~~((of extension))~~ set a date for a ~~((prompt))~~ new hearing to determine the defendant's competency to stand trial before the expiration of ~~((the))~~ this second restoration period. The defendant, the defendant's attorney, ~~((or))~~ and the prosecutor ~~((has))~~ have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third felony competency restoration period ~~((as provided in subsection (4) of this section))~~ if the defendant's incompetence has been

determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. ~~((The ninety day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.~~

~~(4) For persons charged with a felony, at))~~

(5) At the hearing upon the expiration of the second felony competency restoration period, or at the end of the first felony competency restoration period ((in the case of a) if the defendant ((with a developmental disability)) is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court finds that the defendant is incompetent(, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed)) to stand trial, the court shall dismiss the charges without prejudice(,) and ((the court shall)) order the defendant to be committed to a state hospital ((as defined in RCW 72.23.010)) for up to ((seventy two)) 120 hours if the defendant has not undergone competency restoration services and up to 72 hours if the defendant engaged in competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ((The criminal charges)) However, the court shall not ((be dismissed)) dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. ((In the event that)) If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. ((The six month))

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility and is in

addition to reasonable time for transport to or from the facility.

Sec. 5. RCW 10.77.088 and 2020 c 18 s 4 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for nonfelony competency restoration treatment, in which case the court shall schedule a hearing within seven days ~~((to determine whether to enter an order of competency restoration))~~.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order nonfelony competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether ~~((or not))~~ nonfelony competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering nonfelony competency restoration treatment, then the court shall issue an order ((competency restoration)) in accordance with subsection (2)~~((a))~~ of this section.

(2)~~((a))~~ If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing nonfelony competency restoration treatment, ~~((then))~~ the court shall commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((i))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((A))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~(and~~

~~(B))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((ii))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under ~~((b))~~ subsection (3) of this (subsection) section.

~~((iii))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ((for defendants who have a current substance use disorder diagnosis)). The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((iv))~~ (d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the ((department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead)) director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration program and intent to request

placement for the defendant in an appropriate facility of the department for inpatient competency restoration ((for no longer than twenty-nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility)). The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be the same as if the outpatient competency restoration had not occurred, starting from admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate of the outpatient competency restoration program.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance, and may authorize the peace officer to detain the defendant for transport to the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for medical clearance or inpatient competency restoration, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ((change in placement)) defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ((placement and)) conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

~~((v))~~) (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

~~((b))~~) (3) The placement under ~~((a))~~) subsection (2) of this ~~(subsection)~~) section shall not exceed ~~((twenty-nine))~~) 29 days if the defendant is ordered to receive inpatient competency restoration, ~~((or))~~) and shall not exceed ~~((ninety))~~) 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection ~~(, not to exceed ninety days. This period must be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility))~~.

~~((e))~~) (4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo nonfelony competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in ~~((d))~~) subsection (5) of this ~~(subsection)~~) section.

~~((d)(i))~~) (5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

~~((i))~~) (b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to ~~((seventy-two))~~) 120 hours if the defendant has not undergone competency restoration services and up to 72 hours if the defendant engaged in competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The ~~((seventy-two))~~) 120-hour or 72-hour

period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the ~~((seventy-two))~~) 120-hour or 72-hour period.

~~((3))~~) (6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least ~~((twenty-four))~~) 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((4))~~) (7) If at any time the court dismisses charges under subsections (1) through ~~((3))~~) (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

Sec. 6. RCW 10.77.220 and 2015 1st sp.s. c 7 s 8 are each amended to read as follows:

(1) No person who is criminally insane confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility. This section does not apply to confinement in a mental health facility located wholly within a correctional institution. Confinement of a person who is criminally insane in a county jail or other local facility while awaiting either placement in a treatment program or a court hearing pursuant to

this chapter is permitted for no more than seven days.

(2) In the event that a person remains in jail 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, the department shall upon the request of any party perform a competency to stand trial status check at reasonable intervals to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation, and provide a status update to the parties and the court.

Sec. 7. RCW 10.77.250 and 1987 c 75 s 1 are each amended to read as follows:

~~((The))~~ (1) Within amounts appropriated, the department shall be responsible for all costs relating to the evaluation and inpatient treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto except as otherwise provided by law. Reimbursement may be obtained by the department pursuant to RCW 43.20B.330.

(2) Within amounts appropriated, the authority shall be responsible for all costs relating to outpatient competency restoration programs.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to detain a person for medical clearance or treatment, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 9. A new section is added to chapter 10.77 RCW to read as follows:

The authority shall report annually to the governor and relevant committees of the legislature, beginning November 1, 2022, describing:

(1) How many individuals are being served by outpatient competency restoration programs and in what locations;

(2) The length of stay of individuals in outpatient competency restoration programs;

(3) The number of individuals who are revoked from an outpatient competency restoration program into inpatient treatment, and the outcomes of other individuals, if any, whose participation in an outpatient competency restoration program were terminated before the completion of the program; and

(4) For individuals who were revoked from an outpatient competency restoration program into an inpatient competency restoration program, how many days the individuals spent in outpatient competency restoration treatment and inpatient competency restoration treatment, and whether the restoration programs resulted in a finding of competent to stand trial or another outcome."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member and Jacobsen.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5695 Prime Sponsor, Committee on Ways & Means: Concerning a body scanner pilot program at the department of corrections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the drug free prisons act.

NEW SECTION. Sec. 2. The legislature recognizes that the department of corrections is responsible for enhancing public safety through the operation of safe and secure facilities. The legislature recognizes that safe and secure facilities improve safety and well-being for those experiencing incarceration, departmental employees, visitors, and volunteers. The legislature recognizes that one of the greatest risks to operating safe and secure facilities is the introduction and movement of contraband, including but not limited to alcohol and drugs. The legislature recognizes that undiagnosed, untreated, or unaddressed substance use disorder can lead to increased rates of recidivism. Therefore, the legislature intends to protect human dignity by reducing or eliminating strip searches, and to increase public safety by reducing access to drugs and alcohol in correctional facilities and to increase substance use disorder diagnosis, treatment, and services.

NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) The department shall establish a comprehensive body scanner program at the Washington corrections center for women and at a state correctional facility serving male incarcerated individuals as part of an expanded pilot program to create drug-free state correctional facilities. The scanner must be capable of detecting the presence of contraband contained under clothing and within body cavities, and must meet applicable federal and state radiation and safety standards.

(b) The department shall develop policies and procedures necessary to establish a comprehensive body scanner program that shall be utilized to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the correctional facility participating

in the pilot program under this section. Alternative search methods shall be used for persons who are minors, individuals who are health compromised, individuals with disabilities, individuals who may be pregnant, and individuals who may meet the maximum allowable monthly or annual radiation dosage limit specified by the department of health.

(2) The department shall provide appropriate custody and nursing staff levels for body scanners installed at a state correctional facility under this section. Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband.

(a) An incarcerated individual with a body scan indicating the presence of substance-related contraband shall undergo, if appropriate, a comprehensive assessment for substance use disorder and receive relevant substance use disorder treatment services, including medication-assisted treatment. The department shall prioritize substance use disorder treatment services for incarcerated individuals with cognitive, behavioral, and physiological symptoms indicating the incarcerated individual is experiencing a substance use disorder. The department shall distinguish between incarcerated individuals who have symptoms indicating a substance use disorder and incarcerated individuals who transport substances for other individuals and do not have symptoms indicating a substance use disorder.

(b) A department employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband shall be disciplined in accordance with department policies.

(3) The department shall provide appropriate radiation safety and body scanner operation training to all staff who will administer the body scan. Only staff who have completed all related trainings may be permitted to operate the body scanner and review body scans. The department shall develop policies, in consultation and collaboration with the department of health, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively utilizing the full body scanners to create drug-free correctional facilities. The department shall develop a method to track and maintain records on the

frequency of body scans conducted on any individual subject to the comprehensive body scanner program to comply with any maximum allowable monthly and annual radiation dosage limits that may be set by the department of health.

(4) The secretary shall adopt any rules and policies necessary to implement the requirements of this section.

(5) By December 1st each year, and in compliance with RCW 43.01.036, the department shall submit a report to the governor and the legislature on:

(a) The number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;

(b) The types of contraband detected by the body scanner;

(c) The number of confiscated substances in the prior five years;

(d) The number of incarcerated individuals with positive body scans for substance-related contraband in the prior year who were assessed for substance use disorder and received substance use disorder treatment services while incarcerated; and

(e) The number and length of time incarcerated individuals with positive body scans were placed on dry cell watch in the prior year.

(6) For the purposes of this section:

(a) "Contraband" has the meaning as in RCW 9A.76.010;

(b) "Dry cell watch" means the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed contraband; and

(c) "Substance use disorder treatment services" means services licensed by the department of health or provided as part of a substance use disorder treatment program that has been approved by the department of health.

(7) This section expires June 30, 2024.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5720 Prime Sponsor, Committee on Ways & Means: Providing student financial literacy education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the financial education public-private partnership shall establish a grant program to provide assistance to school districts for the purpose of integrating financial literacy education into professional development for certificated staff.

(2) Grants provided under this section shall be made available for the 2023-24, 2024-25, and 2025-26 school years, and shall be funded at the amount of \$7.50 per enrolled student in the school district, as determined by the annual average full-time equivalent student enrollment reported to the office of the superintendent of public instruction. A school district that receives a grant under this section may only receive a grant for one school year and is prohibited from receiving a grant in subsequent grant cycles.

(3) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee integrate financial literacy education into at least seven hours of its current in-person professional development schedule over the course of the entire

school year for which the school district receives the grant.

(4) Additional activities permitted for the use of these grants include, but are not limited to:

(a) Coordinating teachers from across a school district to develop new instructional strategies and to share successful strategies;

(b) Sharing successful practices across a group of school districts; and

(c) Facilitating coordination between educational service districts and school districts to provide training.

(5) The office of the superintendent of public instruction, in coordination with the financial education public-private partnership, may adopt rules for the effective implementation of this section.

(6) This section expires August 1, 2026.

Sec. 2. RCW 28A.300.460 and 2015 c 211 s 2 are each amended to read as follows:

(1) The task of the financial education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial education shall include the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under RCW 28A.300.462, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs, online instructional materials and resources, and school-wide programs that

include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Work with the office of the superintendent of public instruction to integrate financial education skills and content knowledge into the state learning standards;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; ~~((and))~~

(h) Provide an annual report beginning December 1, 2009, as provided in RCW 28A.300.464, to the governor, the superintendent of public instruction, and the committees of the legislature with oversight over K-12 education and higher education; and

(i) Administer grant programs including, but not limited to, the program established in section 1 of this act or related programs established in the omnibus operating appropriations act.

(3) In addition to the duties in subsection (2) of this section and subject to the availability of amounts appropriated for this specific purpose, the partnership may perform other tasks in support of financial literacy, including, but not limited to:

(a) Hiring support staff;

(b) Contracting with educational service districts;

(c) Facilitating the creation and implementation of professional development for certificated educational staff relating to financial literacy and

education, in particular the professional development utilized as part of the grant program created in section 1 of this act;

(d) Working to facilitate, and confirm receipt of, specific outreach for financial literacy training to foster students and homeless youth, students receiving special education services, and tribal communities; and

(e) Coordinating with providers in the early childhood education and assistance program established under chapter 43.216 RCW for the purpose of providing a curriculum on financial literacy that can be shared with the parents or legal guardians of participants in the early childhood education and assistance program.

(4) The partnership may seek federal and private funds to support the school districts in providing access to the materials listed pursuant to RCW 28A.300.468(1), as well as related professional development opportunities for certificated staff.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Each school district, by March 1, 2023, shall adopt one or more goals for expanding financial education instruction to students in their district. Examples of goals that school districts may adopt include:

(a) Increasing the number of financial education courses available to students in grades nine through 12;

(b) Increasing the number of grades, schools, or both that provide students with instruction in, or access to instruction in, financial education; and

(c) Expanding the amount financial education professional development training available to certificated staff.

(2) The financial education public-private partnership, by September 1, 2022, shall develop a nonexhaustive menu of model goals that school districts may consider when complying with this section. The model goals must be published on the website of the office of the superintendent of public instruction by September 10, 2022.

(3) Subsection (1) of this section governs school operation and management

under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5722 Prime Sponsor, Committee on Environment, Energy & Technology: Reducing greenhouse gas emissions in buildings. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in order to meet the statewide greenhouse gas emissions limits in RCW 70A.45.020, the state must require performance standards for existing buildings.

In order to have a comprehensive understanding of the need and potential for updating the state's building stock, including the "split incentive issue" in which tenants are responsible for energy costs and building owners are responsible for choices about energy systems and building maintenance, more robust benchmarking and reporting for building performance, operations, and maintenance is needed. While the state has adopted comprehensive reporting requirements for larger buildings, it currently lacks

similar requirements for smaller buildings. It is the intent of the legislature to extend existing building benchmarking, energy management, and operations and maintenance planning requirements to smaller commercial and multifamily residential buildings in order to assess the needs and opportunities for job creation and incentives and environmental and public health improvements.

The legislature further finds that in order to meet the statewide greenhouse gas emissions limits in the energy sectors of the economy, more resources must be directed toward achieving decarbonization of building heating and cooling loads, while continuing to relieve energy burdens that exist in overburdened communities. These resources must include comprehensive customer support, outreach, and technical assistance. These efforts must include notifying building owners of requirements through communications campaigns, providing resources to aid in compliance, and delivering training to equip building owners, and the industry, to be successful.

Sec. 2. RCW 19.27A.200 and 2019 c 285 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 19.27A.210, 19.27A.220, 19.27A.230, ~~((and))~~ 19.27A.240, and sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products, and that is not a place used by the public or a place of human habitation or employment where agricultural products are processed, treated, or packaged.

(2) "Baseline energy use intensity" means a building's weather normalized energy use intensity measured using the previous year to making an application for an incentive under RCW 19.27A.220.

(3)(a) "Building owner" means an individual or entity possessing title to a building.

(b) In the event of a land lease, "building owner" means the entity possessing title to the building on leased land.

(4) "Building tenant" means a person or entity occupying or holding possession of a building or premises pursuant to a rental agreement.

(5) "Conditional compliance" means a temporary compliance method used by covered building owners that demonstrate the owner has implemented energy use reduction strategies required by the standard, but has not demonstrated full compliance with the energy use intensity target.

(6) "Consumer-owned utility" has the same meaning as defined in RCW 19.27A.140.

(7) "Covered ~~((commercial))~~ building" ~~((means))~~ includes a tier 2 covered building or a building where the sum of nonresidential, hotel, motel, and dormitory floor areas exceeds ~~((fifty thousand))~~ 50,000 gross square feet, excluding the parking garage area.

(8) "Department" means the department of commerce.

(9) "Director" means the director of the department of commerce or the director's designee.

(10) "Electric utility" means a consumer-owned utility or an investor-owned utility.

(11) "Eligible building owner" means:
(a) The owner of a covered ~~((commercial))~~ building required to comply with the standard established in RCW 19.27A.210; or (b) the owner of a multifamily residential building where the floor area exceeds ~~((fifty thousand))~~ 50,000 gross square feet, excluding the parking garage area.

(12) "Energy" includes: Electricity, including electricity delivered through the electric grid and electricity generated at the building premises using solar or wind energy resources; natural gas, including natural gas derived from renewable sources, synthetic sources, and fossil fuel sources; district steam; district hot water; district chilled water; propane; fuel oil; wood; coal; or other fuels used to meet the energy loads of a building.

(13) "Energy use intensity" means a measurement that normalizes a building's site energy use relative to its size. A building's energy use intensity is calculated by dividing the total net energy consumed in one year by the gross floor area of the building, excluding the

parking garage. "Energy use intensity" is reported as a value of thousand British thermal units per square foot per year.

(14) "Energy use intensity target" means the net energy use intensity of a covered (~~commercial~~) building that has been established for the purposes of complying with the standard established under RCW 19.27A.210.

(15) "Gas company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receiver appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any gas plant within this state.

(16) "Greenhouse gas" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(17)(a) "Gross floor area" means the total number of square feet measured between the exterior surfaces of the enclosing fixed walls of a building, including all supporting functions such as offices, lobbies, restrooms, equipment storage areas, mechanical rooms, break rooms, and elevator shafts.

(b) "Gross floor area" does not include outside bays or docks.

(18) "Investor-owned utility" means a (~~company owned by investors, that meets one of the definitions of RCW 80.04.010, and that is engaged in distributing electricity~~) corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(19) "Multifamily residential building" means a covered multifamily building containing sleeping units or more than ~~(two)~~ five dwelling units where occupants are primarily permanent in nature.

(20) "Net energy use" means the sum of metered and bulk fuel energy entering the building, minus the sum of metered energy leaving the building or campus. Renewable energy produced on a campus that is not attached to a covered building may be included.

(21) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than

(~~twenty five thousand~~) 25,000 customers in the state of Washington.

(22) "Savings-to-investment ratio" means the ratio of the total present value savings to the total present value costs of a bundle of an energy or water conservation measure estimated over the projected useful life of each measure. The numerator of the ratio is the present value of net savings in energy or water and nonfuel or nonwater operation and maintenance costs attributable to the proposed energy or water conservation measure. The denominator of the ratio is the present value of the net increase in investment and replacement costs less salvage value attributable to the proposed energy or water conservation measure.

(23) "Standard" means the state energy performance standard for covered (~~commercial~~) buildings established under RCW 19.27A.210.

(24) "Thermal energy company" has the same meaning as defined in RCW 80.04.550.

(25) "Weather normalized" means a method for modifying the measured building energy use in a specific weather year to energy use under normal weather conditions.

(26) "Tier 1 covered building" means a building where the sum of nonresidential, hotel, motel, and dormitory floor areas are equal to or exceed 50,000 gross square feet, excluding the parking garage area.

(27) "Tier 2 covered building" means a building where the sum of multifamily residential, nonresidential, hotel, motel, and dormitory floor areas exceeds 20,000 gross square feet, excluding the parking garage area, but does not exceed 50,000 gross square feet. Tier 2 covered buildings also include multifamily buildings where floor areas are equal to or exceed 50,000 gross square feet.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:

(1)(a) By December 1, 2023, the department must adopt by rule a state energy management and benchmarking requirement for tier 2 covered buildings. The department shall include a small business economic impact statement pursuant to chapter 19.85 RCW as part of the rule making.

(b) In establishing the requirements under (a) of this subsection, the department must adopt requirements for building owner implementation consistent with the standard established pursuant to RCW 19.27A.210(1) and limited to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking and associated reporting and administrative procedures. Administrative procedures must include exemptions for financial hardship and an appeals process for administrative determinations, including penalties imposed by the department.

(c) The department must provide a customer support program to building owners including, but not limited to, outreach and informational materials that connect building owners to utility resources, periodic training, phone and email support, and other technical assistance. The customer support program must include enhanced technical support, such as benchmarking assistance and assistance in developing energy management and operations and maintenance plans, for covered buildings whose owners typically do not employ dedicated building managers including, but not limited to, multifamily housing, child care facilities, and houses of worship. The department shall consider underresourced buildings with a high energy use per square foot, buildings in rural communities, buildings whose tenants are primarily small businesses, and those located in high-risk communities according to the department of health's environmental health disparities map.

(d) The department shall establish an incentive program. Incentive assistance must be directed to supplement the cost to the building owner or tenant for these activities, less utility incentives and annual utility savings resulting from these requirements.

(e) The department is authorized to implement a tiered incentive structure for upgrading multifamily buildings to provide an enhanced incentive payment to multifamily building owners willing to commit to antidisplacement provisions.

(f)(i) The department is authorized to adopt rules related to the imposition of an administrative penalty not to exceed 30 cents per square foot upon a building owner for failing to submit documentation demonstrating compliance with the requirements of this section.

(ii) Administrative penalties collected under this section must be deposited into the low-income weatherization and structural rehabilitation assistance account created in RCW 70A.35.030 and reinvested into the program, where feasible, to support compliance with the standard.

(2) By July 1, 2025, the department must provide the owners of tier 2 covered buildings with notification of the requirements the department has adopted pursuant to this section that apply to tier 2 covered buildings.

(3) The owner of a tier 2 covered building must report the building owner's compliance with the requirements adopted by the department to the department in accordance with the schedule established under subsection (4) of this section and every five years thereafter. For each reporting date, the building owner must submit documentation to demonstrate that the building owner has developed and implemented the procedures adopted by the department by rule, limited to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking.

(4) By July 1, 2027, tier 2 covered building owners must submit reports to the department as required by the rules adopted in subsection (1) of this section.

(5) By July 1, 2029, the department must evaluate benchmarking data to determine energy use and greenhouse gas emissions averages by building type. The department must submit a report to the legislature and the governor by October 1, 2029, with recommendations for cost-effective building performance standards for tier 2 covered buildings. The report must contain information on estimated costs to building owners to implement the standard and anticipated implementation challenges. The department is authorized to adopt rules for inclusion of tier 2 covered buildings in the state energy performance standard, including greenhouse gas emissions, created in RCW 19.27A.210, beginning in 2030. In adopting performance standards, the department shall consider age of the building in setting targets for tier 2 buildings. The department is authorized to adopt performance standards for multifamily residential buildings on a longer timeline schedule than other tier 2 buildings. By December 31, 2030, the department shall adopt rules for

performance standards for tier 2 buildings. The rules may not take effect before the end of the 2031 regular legislative session.

(6) The department shall include a small business economic impact statement pursuant to chapter 19.85 RCW as part of the rule making.

Sec. 4. RCW 19.27A.220 and 2021 c 315 s 18 are each amended to read as follows:

(1) The department must establish a state energy performance standard early adoption incentive program consistent with the requirements of this section.

(2) The department must adopt application and reporting requirements for the incentive program. Building energy reporting for the incentive program must be consistent with the energy reporting requirements established under RCW 19.27A.210.

(3) Upon receiving documentation demonstrating that a building owner qualifies for an incentive under this section, the department must authorize each applicable entity administering incentive payments, as provided in RCW 19.27A.240, to make an incentive payment to the building owner. When a building is served by more than one entity offering incentives or more than one type of fuel, incentive payments must be proportional to the energy use intensity reduction of each specific fuel provided by each entity for tier 1 buildings. The department may authorize any participating utility, regardless of fuel specific savings, serving a tier 2 building to administer the incentive payment.

(4) ~~((A))~~ A tier 1 eligible building owner may receive an incentive payment in the amounts specified in subsection (6)(a) of this section only if the following requirements are met:

(a) The building is either: (i) A covered commercial building subject to the requirements of the standard established under RCW 19.27A.210; or (ii) a multifamily residential building where the floor area exceeds ~~((fifty thousand))~~ 50,000 gross square feet, excluding the parking garage area;

(b) The building's baseline energy use intensity exceeds its applicable energy use intensity target by at least ~~((fifteen))~~ 15 energy use intensity units;

(c) At least one electric utility, gas company, or thermal energy company providing or delivering energy to the covered commercial building is participating in the incentive program by administering incentive payments as provided in RCW 19.27A.240; and

(d) The building owner complies with any other requirements established by the department.

(5)~~((a))~~ An eligible building owner who meets the requirements of subsection (4) of this section may submit an application to the department for an incentive payment in a form and manner prescribed by the department. The application must be submitted in accordance with the following schedule:

~~((i))~~ (a) For a building with more than ~~((two hundred twenty thousand))~~ 220,000 gross square feet, beginning July 1, 2021, through June 1, 2025;

~~((ii))~~ (b) For a building with more than ~~((ninety thousand))~~ 90,000 gross square feet but less than ~~((two hundred twenty thousand and one))~~ 220,001 gross square feet, beginning July 1, 2021, through June 1, 2026; and

~~((iii))~~ (c) For a building with more than ~~((fifty thousand))~~ 50,000 gross square feet but less than ~~((ninety thousand and one))~~ 90,001 gross square feet, beginning July 1, 2021, through June 1, 2027.

(6)(a) A tier 2 eligible building owner may receive an incentive payment in the amounts specified in (b) of this subsection only if all required benchmarking, energy management, and operations and maintenance planning documentation has been submitted to the department and an incentive application has been completed. An eligible tier 2 building owner may submit an application beginning July 1, 2024, through June 1, 2030.

(b) The department must review each application and determine whether the applicant is eligible for the incentive program and if funds are available for the incentive payment within the limitation established in RCW 19.27A.230. If the department certifies an application, it must provide verification to the building owner and each entity participating as provided in RCW 19.27A.240 and providing service to the building owner.

~~((6))~~ (7)(a) A tier 1 eligible building owner that demonstrates early compliance with the applicable energy use intensity target under the standard established under RCW 19.27A.210 may receive a base incentive payment of ~~((eighty five))~~ 85 cents per gross square foot of floor area, excluding parking, unconditioned, or semiconditioned spaces.

~~((7))~~ (b) A tier 2 eligible building owner that demonstrates compliance with the applicable benchmarking, energy management, and operations and maintenance planning requirements may receive a base incentive payment of 30 cents per gross square foot of floor area, excluding parking, unconditioned, or semiconditioned spaces.

(8) The incentives provided in subsection ~~((6))~~ (7) of this section are subject to the limitations and requirements of this section, including any rules or procedures implementing this section.

~~((8))~~ (9) The department must establish requirements for the verification of energy consumption by the building owner and each participating electric utility, gas company, and thermal energy company.

~~((9))~~ (10) The department must provide an administrative process for an eligible building owner to appeal a determination of an incentive eligibility or amount.

~~((10))~~ (11) By September 30, 2025, and every two years thereafter, the department must report to the appropriate committees of the legislature on the results of the incentive program under this section and may provide recommendations to improve the effectiveness of the program. The 2025 report to the legislature must include recommendations for aligning the incentive program established under this section consistent with a goal of reducing greenhouse gas emissions from substitutes, as defined in RCW 70A.60.010.

~~((11))~~ (12) The department may adopt rules to implement this section.

Sec. 5. RCW 19.27A.230 and 2019 c 285 s 5 are each amended to read as follows:

(1) The department may not issue a certification for ~~((an))~~ a tier 1 incentive application under RCW

19.27A.220~~(6)(a)~~ if doing so is likely to result in total incentive payments under RCW 19.27A.220 in excess of ~~((seventy five million dollars))~~ \$75,000,000.

(2) The department may not issue certification for a tier 2 incentive application under RCW 19.27A.220~~(6)(b)~~ if doing so is likely to result in total incentive payments under RCW 19.27A.220~~(6)(b)~~ in excess of \$150,000,000.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5745 Prime Sponsor, Committee on Ways & Means: Increasing the personal needs allowance for persons receiving state financed care. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SB 5750 Prime Sponsor, Senator Wilson, C.: Designating the Washington state leadership board a trustee of the state of Washington. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SSB 5764 Prime Sponsor, Committee on Ways & Means: Concerning apprenticeships and higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.92.030 and 2019 c 406 s 21 are each amended to read as follows:

((As used in this chapter:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the student achievement council.

(2) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

(4) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond

the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students;

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

(iv) An approved apprenticeship program under chapter 49.04 RCW.

(5) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for fifteen quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is nine thousand seven hundred thirty-nine dollars and may increase each year afterwards by no more than the tuition growth factor.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is three thousand six hundred ninety-four dollars and may increase each year afterwards by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington, in the

2019-20 academic year, is eight thousand five hundred seventeen dollars and may increase each year afterwards by no more than the tuition growth factor.

(e) For students attending two-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is two thousand eight hundred twenty-three dollars and may increase each year afterwards by no more than the tuition growth factor.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, in the 2019-20 academic year, is five thousand six hundred nineteen dollars and may increase each year afterwards by no more than the tuition growth factor.

(g) For students attending approved apprenticeship programs, beginning in the 2022-23 academic year, is ((tuition and fees, as determined by the office, in addition to required program supplies and equipment)) the same amount as the maximum Washington college grant for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors.

(6) "Office" means the office of student financial assistance.

(7) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

NEW SECTION. Sec. 2. (1) It is the intent of the legislature to remove barriers for students enrolled in a state registered apprenticeship program under chapter 49.04 RCW to access the Washington college grant.

(2) It is the goal of the legislature that students enrolled in state registered apprenticeship programs and receiving related supplemental instruction at a community and technical college have access to the Washington college grant through the financial aid office at their college. The Washington student achievement council shall verify access to the Washington college grant for students enrolled in state registered apprenticeship programs receiving their related supplemental instruction other

than at a community and technical college.

(3) The state board for community and technical colleges must fully implement this goal by the beginning of the 2025-26 academic year.

(4) As part of the implementation process, the state board for community and technical colleges must collaborate with the office of student financial assistance, as defined in RCW 28B.92.030, to create a student information technology interface to simplify the application, verification of registration, eligibility, and award to students.

(5) The state board for community and technical colleges and the office of student financial assistance must establish data-sharing agreements with other state agencies to verify student data.

NEW SECTION. Sec. 3. (1) The student achievement council shall contract with the William D. Ruckelshaus Center to do the following:

(a) Evaluate paths to credentials for apprentices, including recommendations on the requirements and benefits of expanding the multioccupational trades degree, and exploration of other credentials that will support transfer to baccalaureate degrees or other advanced credentials for apprentices. This evaluation may include options for instructional modality and analysis of the opportunities and limitations for incorporating general education course requirements into degree pathways for apprentices. The evaluation may also include reviewing credit articulation within the college system, prior learning assessments, and competency-based models, as applicable;

(b) Examine national best practices in delivery and award of educational credentials to apprentices. This exploration may include assessment of the governance structures and operational models for delivery of apprenticeship degree pathways, including operational considerations and costs associated with those models, and make recommendations on the model or models best suited for implementation in Washington with consideration on sustainably funding and growing state registered apprenticeships in the future;

(c) Research apprentices' demand for degrees, for individuals in, or who have completed, a state registered apprenticeship program;

(d) Review the current funding model for apprentices within the community and technical college system, with consideration on the use of state funds for apprenticeships, and national funding structures for apprenticeship programs that could be applied within Washington state. The center must consult with the Washington state apprenticeship council established under chapter 49.04 RCW, the state board for community and technical colleges, the associated general contractors of Washington, the association of Washington business, and any other relevant or impacted parties as needed to provide recommendations to the legislature on a sustainable funding model for related supplemental instruction and credit for apprentices through the community and technical college system to ensure it fully covers institutional and apprenticeship program costs of related supplemental instruction. This funding model review may include institutional costs of developing, administering, delivering, hosting, instructing, and contracting. These recommendations must be included in the annual report established in subsection (2) of this section;

(e) Consult with the state board for community and technical colleges, an organization representing the presidents of the public four-year institutions of higher education, the office of the superintendent of public instruction, the joint transfer council of Washington, the department of labor and industries, the Washington state labor council, the associated general contractors of Washington, the association of Washington business, the Washington building trades council, the student achievement council, the independent colleges of Washington, private career colleges, an accrediting body, career connect, and other stakeholders with interests and expertise in apprenticeship training and higher education mobility;

(f) Identify and remove barriers for apprentices to access the Washington college grant program, established under RCW 28B.92.200, and all other student services and support programs and resources.

(2) The student achievement council shall report annually by December 1st, beginning in 2023, in compliance with RCW 43.01.036, the William D. Ruckelshaus Center's progress, findings, and recommendations to the appropriate higher education committees of the legislature on the evaluations in subsection (1) of this section. The annual report in 2026 shall provide viable policy options for degree pathways for individuals who complete state registered apprenticeship programs.

(3) The apprenticeship council, in consultation with the state board for community and technical colleges, the student achievement council, an organization representing the presidents of the public four-year institutions of higher education, and any other relevant or impacted parties as needed, shall explore whether the state should establish an institution, or centralized program, for apprentices to receive related supplemental instruction for credit towards a degree. A report on their findings, with a recommendation, must be included in the December 1, 2023, annual report established in subsection (2) of this section.

(4) This section expires July 1, 2028.

NEW SECTION. Sec. 4. All institutions of higher education, as defined in RCW 28B.10.016, must establish a policy for granting as many credits as possible and appropriate, for related supplemental instruction in active state apprenticeship programs, registered during or before July 1, 2022, by the 2028-29 school year. For all state registered apprenticeship programs approved after July 1, 2022, all institutions of higher education, as defined in RCW 28B.10.016, must establish a policy for granting as many credits, as possible and appropriate, for related supplemental instruction within six years of the program's registration. While establishing credits, institutions of higher education must consult with their faculty representatives. Credits are at the sole discretion of each institution of higher education and must be determined in consultation with their faculty representatives. Credits established by institutions of higher education are not intended to impact the possible revision of previously approved related supplemental instruction in a state registered apprenticeship program.

NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Calder; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Hoff and Schmick.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5789 Prime Sponsor, Committee on Ways & Means: Creating the Washington career and college pathways innovation challenge program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on College & Workforce Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.120 RCW to read as follows:

(1) The Washington career and college pathways innovation challenge program is established. The purpose of the program is to meet statewide educational attainment goals established in RCW 28B.77.020 by developing local and regional partnerships that foster innovations to:

(a) Increase postsecondary enrollment and completion for students enrolling directly from high school and adults returning to education; and

(b) Eliminate educational opportunity gaps for students of color, English language learners, students with disabilities, and foster and homeless youth.

(2)(a) The student achievement council shall administer the program and award grants, based on a competitive grant process, to local and regional partnerships that represent cross-sector collaborations among education and higher education agencies and institutions, local education agencies, local government, community-based organizations, employers, and other local entities. The student achievement council must consult, in both the design of the grant program as well as in the administration of the grant program, with stakeholders including representatives of:

(i) The state board for community and technical colleges;

(ii) An organization representing the presidents of the public four-year institutions of higher education;

(iii) The workforce training and education coordinating board;

(iv) An organization representing the private, not-for-profit, four-year institutions of higher education;

(v) The commission on African American affairs;

(vi) The commission on Hispanic affairs;

(vii) The commission on Asian Pacific American affairs;

(viii) The Washington state LGBTQ commission;

(ix) The governor's office of Indian affairs; and

(x) The Washington state women's commission.

(b) In awarding the grants, the student achievement council shall consider applications that:

(i) Plan and pilot innovative initiatives to raise educational attainment and decrease opportunity gaps;

(ii) Engage community-based organizations and resources;

(iii) Expand the use of integrated work-based learning;

(iv) Provide financial support to cover expenses beyond educational tuition and fees, and other services and supports for students to enroll and complete education and training; and

(v) Include local matching funds.

(c) In administering the program the student achievement council may hire staff to support grant oversight and provide technical assistance to grantees.

(d) The student achievement council may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(3) The student achievement council shall provide a report each year beginning September 1, 2022, to the governor and the education and higher education committees of the legislature in accordance with RCW 43.01.036. The report shall:

(a) Describe grants awarded;

(b) Report the progress of each local and regional partnership by reporting on high school graduation, postsecondary enrollment, and completion for each of the regions that partnerships serve; and

(c) Disaggregate data by income, race, ethnicity, and other demographic characteristics.

Sec. 2. RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The ~~((student achievement council fund for innovation and quality))~~ Washington career and college pathways innovation challenge program account is hereby established in the custody of the state treasurer. The student achievement council shall deposit in the fund all moneys received ~~((under RCW 28B.120.030))~~ for the Washington career and college pathways innovation challenge program. Moneys in the fund may be spent only for the purposes of ~~((RCW 28B.120.010 and 28B.120.020))~~ awarding grants under the Washington career and college pathways innovation challenge program. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure

provided under chapter 43.88 RCW, but ~~((no))~~ an appropriation is not required for disbursements.

Sec. 3. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship ~~((account))~~ account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian

scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the

school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) RCW 28B.120.005 (Findings) and 2010 c 245 s 6, 1999 c 169 s 2, & 1991 c 98 s 1;

(2) RCW 28B.120.010 (Washington fund for innovation and quality in higher education program-Incentive grants) and 2012 c 229 s 571, 2010 c 245 s 7, 1999 c 169 s 5, 1996 c 41 s 1, & 1991 c 98 s 2;

(3)RCW 28B.120.020 (Program administration-Powers and duties of student achievement council) and 2012 c 229 s 572, 2011 1st sp.s. c 11 s 235, 2010 c 245 s 8, 1999 c 169 s 3, 1996 c 41 s 2, & 1991 c 98 s 3;

(4)RCW 28B.120.025 (Program administration-Powers and duties of state board for community and technical colleges) and 2012 c 229 s 573 & 1999 c 169 s 4;

(5)RCW 28B.120.030 (Receipt of gifts, grants, and endowments) and 2012 c 229 s 574, 1999 c 169 s 6, & 1991 c 98 s 4; and

(6)RCW 28B.120.900 (Intent-1999 c 169) and 1999 c 169 s 1."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Hoff; Rude and Steele.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5790 Prime Sponsor, Committee on Ways & Means: Strengthening critical community support services for individuals with intellectual and developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.29.010 and 2010 c 94 s 26 are each reenacted and amended to read as follows:

(1) "Independence" means a reasonable degree of restoration from dependency upon others to self-direction and greater control over circumstances of one's life for personal needs and care and includes

but is not limited to the ability to live in one's home.

(2) "Individual with disabilities" means an individual:

(a) Who has a physical, mental, or sensory disability, which requires vocational rehabilitation services to prepare for, enter into, engage in, retain, or engage in and retain gainful employment consistent with his or her capacities and abilities; or

(b) Who has a physical, mental, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of vocational rehabilitation or independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment.

(3) "Individual with severe disabilities" means an individual with disabilities:

(a) Who has a physical, mental, or sensory impairment that seriously limits one or more functional capacities, such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills, in terms of employment outcome, and/or independence and participation in family or community life;

(b) Whose rehabilitation can be expected to require multiple rehabilitation services over an extended period of time; and

(c) Who has one or more physical, mental, or sensory disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and rehabilitation needs to

cause comparable substantial functional limitation.

(4) "Job support services" means ongoing goods and services provided after vocational rehabilitation, subject to available funds, that support an individual with severe disabilities in employment. Such services include, but are not limited to, extraordinary supervision or job coaching.

(5) "Physical, mental, or sensory disability" means a physical, mental, or sensory condition which materially limits, contributes to limiting or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

(6) "Rehabilitation services" means goods or services provided to: (a) Determine eligibility and rehabilitation needs of individuals with disabilities, and/or (b) enable individuals with disabilities to attain or retain employment and/or independence, and/or (c) contribute substantially to the rehabilitation of a group of individuals with disabilities. To the extent federal funds are available, goods and services may include, but are not limited to, the establishment, construction, development, operation and maintenance of community rehabilitation programs and independent living centers, as well as special demonstration projects.

(7) "~~(State agency)~~ Department" means the department of social and health services.

Sec. 2. RCW 74.29.020 and 1993 c 213 s 3 are each amended to read as follows:

Subject to available funds, and consistent with federal law and regulations the ~~((state agency))~~ department shall:

(1) Develop statewide rehabilitation programs;

(2) Provide vocational rehabilitation services, independent living services, and/or job support services to individuals with disabilities or severe disabilities;

(3) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying

out rehabilitation services as specified by law and the regulations of the ~~((state agency))~~ department; and may sell, lease or exchange real or personal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;

(4) Appoint and fix the compensation and prescribe the duties, of the personnel necessary for the administration of this chapter, unless otherwise provided by law;

(5) Make exploratory studies, do reviews, and research relative to rehabilitation;

(6) Coordinate with the state rehabilitation advisory council and the state independent living advisory council on the administration of the programs;

(7) Report to the governor and to the legislature on the administration of this chapter, as requested; and

(8) Adopt rules, in accord with chapter 34.05 RCW, necessary to carry out the purposes of this chapter.

Sec. 3. RCW 74.29.037 and 1993 c 213 s 6 are each amended to read as follows:

The ~~((state agency))~~ department may establish cooperative agreements with other state and local agencies.

Sec. 4. RCW 74.29.050 and 1969 ex.s. c 223 s 28A.10.050 are each amended to read as follows:

The state of Washington does hereby:

(1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this chapter, and authorize the state treasurer to make disbursements therefrom upon the order of the ~~((state agency))~~ department; and

(3) Empower and direct the ~~((state agency))~~ department to cooperate with the federal government in carrying out the provisions of this chapter or of any federal law or regulation pertaining to vocational rehabilitation, and to comply

with such conditions as may be necessary to assure the maximum possible benefits resulting from any such federal law or regulation.

Sec. 5. RCW 74.29.080 and 1993 c 213 s 4 are each amended to read as follows:

(1) Determination of eligibility and need for rehabilitation services and determination of eligibility for job support services shall be made by the (~~(state agency)~~) department for each individual according to its established rules, policies, procedures, and standards.

(2) The (~~(state agency)~~) department may purchase, from any source, rehabilitation services and job support services for individuals with disabilities, subject to the individual's income or other resources that are available to contribute to the cost of such services.

(3) The (~~(state agency)~~) department shall maintain registers of individuals and organizations which meet required standards and qualify to provide rehabilitation services and job support services to individuals with disabilities. Eligibility of such individuals and organizations shall be based upon standards and criteria promulgated by the (~~(state agency)~~) department.

NEW SECTION. Sec. 6. A new section is added to chapter 74.29 RCW to read as follows:

The department of social and health services shall:

(1) Establish a school to work program in all counties in the state to work with all students with intellectual and developmental disabilities who are potentially eligible to receive adult support services from the developmental disabilities administration of the department and are receiving high school transition services in order to connect these students with supported employment services; and

(2) In collaboration with the office of the superintendent of public instruction, the counties administering supported employment services in collaboration with the developmental disabilities administration of the department, the department of services for the blind, and any other relevant state agency working with students who

are potentially eligible for adult support services from the developmental disabilities administration of the department shall:

(a) Create a statewide council to:

(i) Establish common guidelines and outcome goals across regional interagency transition networks to ensure equitable access through system navigation for individuals receiving high school transition services and connection to services after leaving the school system; and

(ii) Establish a referral and information system that helps students who are potentially eligible for adult support services from the developmental disabilities administration of the department who are transitioning from high school, and their families or guardians, connect to the necessary services and agencies that support the needs of adults with intellectual and developmental disabilities; and

(b) Establish regional interagency transition networks as proposed in the 2020 transition collaborative summative report. Each regional network shall include representation from schools, counties, the developmental disabilities administration of the department, the regional division of vocational rehabilitation, service providers, community members, and students and families. The regional networks shall identify improvement goals and report no less than annually on progress or barriers to achieving these goals to the statewide council.

Sec. 7. RCW 28A.155.220 and 2015 c 217 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services, the department of services for the blind, and any other state agency that provides high school transition services for special education students. Such interagency agreements shall not interfere with existing individualized education programs, nor override any individualized education program team's decision-making power. The purpose of the interagency agreements is to foster effective collaboration among the multiple agencies providing transition services for individualized education program-eligible special education

students from the beginning of transition planning, as soon as educationally and developmentally appropriate, through age twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency.

(2)(a) When educationally and developmentally appropriate, the interagency responsibilities and linkages with transition services under subsection (1) of this section must be addressed in a transition plan to a postsecondary setting in the individualized education program of a student with disabilities.

(b) Transition planning shall be based upon educationally and developmentally appropriate transition assessments that outline the student's individual needs, strengths, preferences, and interests. Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, as well as academic assessments.

(c) The transition services that the transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals.

(d) Transition activities that the transition plan may address include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

(e) When educationally and developmentally appropriate, a discussion must take place with the student and parents, and others as needed, to determine the postsecondary goals or postschool vision for the student. This discussion may be included as part of an annual individualized education program review, high school and beyond plan meeting, or any other meeting that includes parents, students, and educators. The postsecondary goals included in the transition plan shall be goals that are measurable and must be based on appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. The goals must also be based on the student's

needs, while considering the strengths, preferences, and interests of the student.

(f) As the student gets older, changes in the transition plan may be noted in the annual update of the student's individualized education program.

(g) A ~~((student with disabilities who has a high school and beyond plan may use the plan to comply with the))~~ transition plan required under this subsection (2) must be aligned with a student's high school and beyond plan.

(3) To the extent that data is available through data-sharing agreements established by the education data center under RCW 43.41.400, the education data center must monitor the following outcomes for individualized education program-eligible special education students after high school graduation:

(a) The number of students who, within one year of high school graduation:

(i) Enter integrated employment paid at the greater of minimum wage or competitive wage for the type of employment, with access to related employment and health benefits; or

(ii) Enter a postsecondary education or training program focused on leading to integrated employment;

(b) The wages and number of hours worked per pay period;

(c) The impact of employment on any state and federal benefits for individuals with disabilities;

(d) Indicators of the types of settings in which students who previously received transition services primarily reside;

(e) Indicators of improved economic status and self-sufficiency;

(f) Data on those students for whom a postsecondary or integrated employment outcome does not occur within one year of high school graduation, including:

(i) Information on the reasons that the desired outcome has not occurred;

(ii) The number of months the student has not achieved the desired outcome; and

(iii) The efforts made to ensure the student achieves the desired outcome.

(4) To the extent that the data elements in subsection (3) of this section are available to the education data center through data-sharing agreements, the office of the superintendent of public instruction must prepare an annual report using existing resources and submit the report to the legislature.

(5) To minimize gaps in services through the transition process, no later than three years before students receiving special education services leave the school system, the office of the superintendent of public instruction shall transmit a list of potentially eligible students to the department of social and health services, the counties, the department of services for the blind, and any other state agency working with individuals with intellectual and developmental disabilities. The office of the superintendent of public instruction shall ensure that consent be obtained prior to the release of this information as required in accordance with state and federal requirements.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

2SSB 5793 Prime Sponsor, Committee on Ways & Means: Allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that equitable public policy discussions should include individuals directly impacted by that policy. In order to do so, the legislature supports removing barriers to that participation. The legislature finds that asking community members with lower financial means to volunteer their time and expertise while state employees and representatives of advocacy organizations receive compensation from their respective agency or organization for their time and experience ultimately hinders full and open public participation. As a result, the legislature finds that removing financial barriers for those individuals fosters increased access to government and enriches public policy discussions and decisions, ultimately leading to more equitable and sustainable policy outcomes.

Sec. 2. RCW 43.03.220 and 2011 1st sp.s. c 21 s 55 and 2011 c 5 s 902 are each reenacted and amended to read as follows:

(1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group. Unless otherwise identified in law, all newly formed and existing groups are a class one group.

(2) Absent any other provision of law to the contrary, ~~((no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups))~~ a stipend may be provided to a member of a class one group in accordance with this subsection.

(a) Subject to available funding, an agency may provide a stipend to individuals who are low income or have lived experience to support their participation in class one groups when the agency determines such participation is desirable in order to implement the principles of equity described in RCW 43.06D.020, provided that the individuals are not otherwise

compensated for their attendance at meetings.

(b) Stipends shall not exceed \$200 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chairperson of the group.

(c) Individuals eligible for stipends under this section are eligible for reasonable allowances for child and adult care reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060 in addition to stipend amounts.

(d) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, for this or any other title due to the payment of a stipend, lodging and travel expenses, or child care expenses provided under this section where such a relationship, membership, or qualification did not already exist.

(e) As allowable by federal and state law, state agencies will minimize, to the greatest extent possible, the impact of stipends and reimbursements on public assistance eligibility and benefit amounts.

(3)((a) No) Except for members who qualify for a stipend under subsection (2) of this section, no person designated as a member of a class one board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class one groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

((b)) (4) Class one groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

(5) Agencies exercising their authority to provide stipends and allowances under this section must follow the guidelines established by the office

of equity pursuant to section 3 of this act.

(6) For purposes of this section:

(a) "Lived experience" means direct personal experience in the subject matter being addressed by the board, commission, council, committee, or other similar group.

(b) "Low income" means an individual whose income is not more than 400 percent of the federal poverty level, adjusted for family size.

NEW SECTION. Sec. 3. A new section is added to chapter 43.03 RCW to read as follows:

(1) By December 1, 2022, the office of equity shall develop uniform equity-driven guidelines for agencies on the issuance of stipends and allowances authorized under RCW 43.03.220 to provide for consistent application of the law. In developing the guidelines, the office of equity shall consult with stakeholders including, but not limited to, state agencies and impacted communities. The guidelines for providing allowances must include the reasonable allowances as prescribed by the office of financial management under RCW 43.03.050.

(2) Agencies exercising their authority under RCW 43.03.220 to provide stipends or allowances to members of class one groups shall adhere to the guidelines established under subsection (1) of this section.

Sec. 4. RCW 28A.300.802 and 2011 1st sp.s. c 21 s 53 are each amended to read as follows:

In addition to any board, commission, council, committee, or other similar group established by statute or executive order, the superintendent of public instruction may appoint advisory groups on subject matters within the superintendent's responsibilities or as may be required by any federal legislation as a condition to the receipt of federal funds by the federal department. The advisory groups shall be constituted as required by federal law or as the superintendent may determine.

Members of advisory groups under the authority of the superintendent may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Except as provided in this section or as authorized by RCW 43.03.220, members

of advisory groups under the authority of the superintendent are volunteering their services and are not eligible for compensation. A person is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group if the person (1) occupies a position, normally regarded as full-time in nature, as a certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside the period in which school days as defined by RCW 28A.150.030 are conducted. The superintendent may reimburse local school districts for substitute certificated employees to enable members to meet or perform duties on school days. A person is eligible to receive compensation from federal funds in an amount to be determined by personal service contract for groups required by federal law.

Sec. 5. RCW 43.03.050 and 2011 1st sp.s. c 21 s 61 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board,

commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary child and adult care expenses incurred by eligible members of a class one board, commission, council, committee, or similar group, who are authorized under RCW 43.03.220 to receive such allowances, while attending an official meeting or performing statutorily prescribed duties approved by the chairperson of the group.

(6) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of

representatives and the senate at each regular session of the legislature.

~~((6))~~ (7) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund(~~(- Exceptions may be granted)~~), unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

Sec. 6. RCW 43.03.060 and 2011 1st sp.s. c 21 s 62 are each amended to read as follows:

(1) Whenever it becomes necessary for elective or appointive officials or employees of the state to travel away from their designated posts of duty while engaged on official business, and it is found to be more advantageous or economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate established by the director of financial management shall be allowed. The mileage rate established by the director shall not exceed any rate set by the United States treasury department above which the substantiation requirements specified in Treasury Department Regulations section 1.274-5T(a)(1), as now law or hereafter amended, will apply.

(2) The director of financial management may prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed. The reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous or economical to the state.

(3) The mileage rate established by the director of financial management pursuant to this section and any subsequent changes thereto shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

(4) No person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or

travel expenses if the allowance cost is funded by the state general fund(~~(- Exceptions may be granted)~~), unless authorized under RCW 43.03.220 or granted an exception under RCW 43.03.049.

NEW SECTION. Sec. 7. A new section is added to chapter 43.03 RCW to read as follows:

(1) An agency exercising its authority to provide stipends under RCW 43.03.220(2) must report to the Washington state office of equity by August 30, 2023, and August 30, 2024, for state fiscal years 2023 and 2024 respectively, the following information:

(a) A brief description of the groups for which stipends have been made available including:

(i) Number of members receiving a stipend or allowance; and

(ii) Aggregate demographic information of members of class one groups including race, ethnicity, income, and geographic representation by county;

(b) The amount of stipends distributed;

(c) The amount of allowances distributed;

(d) An analysis of whether and how the availability of stipends and allowances has reduced barriers to participation and increased the diversity of group participants; and

(e) An analysis of whether the provision of stipends and allowances resulted in more applications and willingness to participate.

(2) The Washington state office of equity shall:

(a) Compile and analyze the information received from agencies under this section; and

(b) Prepare a report, in compliance with RCW 43.01.036, to the governor and legislature by December 1, 2024. The report must include:

(i) An overall evaluation of the stipend process authorized in RCW 43.03.220(2);

(ii) Recommendations for improving the process; and

(iii) Recommendations to further decrease barriers to participation and

increase the diversity of group applicants.

Sec. 8. RCW 41.40.035 and 1987 c 146 s 1 are each amended to read as follows:

(1) No person appointed to membership on any committee, board, or commission on or after July 1, 1976, who is compensated for service on such committee, board, or commission for fewer than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month: PROVIDED, That on and after October 1, 1977, appointive and elective officials who receive monthly compensation earnable from an employer in an amount equal to or less than ninety times the state minimum hourly wage shall not receive any service credit for such employment.

(2) No person appointed on or after the effective date of this subsection to membership on any committee, board, or commission described in RCW 43.03.220 may receive service credit for service on such committee, board, or commission due to the payment of a stipend or allowance as authorized under RCW 43.03.220.

(3) This section does not apply to any person serving on a committee, board, or commission on June 30, 1976, who continued such service until subsequently appointed by the governor to a different committee, board, or commission."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Dye and Schmick.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SSB 5796 Prime Sponsor, Committee on Ways & Means: Restructuring cannabis revenue appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The joint legislative audit and review committee shall conduct a review of the appropriation and expenditure of cannabis revenues pursuant to RCW 69.50.540 and report to the appropriate legislative committees by July 1, 2023. The report shall include an examination on the appropriation and expenditure of these funds to evaluate: how these funds have been appropriated and expended; whether the appropriations and expenditures are consistent with the provisions of RCW 69.50.540; and whether information related to the appropriations and expenditures is readily available to the general public. The report shall include options for increasing the transparency and accountability related to the appropriation and expenditure of cannabis related revenues."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Boehnke; Caldier; Chandler and Dye.

Referred to Committee on Rules for second reading.

February 28, 2022

E2SSB 5803 Prime Sponsor, Committee on Ways & Means: Mitigating the risk of wildfires caused by an electric utility's equipment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Rural Development, Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) It is in the best interest of the state, our citizens, and our landscapes to identify the sources of wildland fires; identify and implement best practices to reduce the prevalence and intensity of those wildland fires; put those practices in place; and by putting those practices in place, reduce the risk of wildland fires and damage resulting from those fires.

(2) The legislature finds that electric utilities are partners with relevant state agencies, emergency responders, and public and private entities in identifying best practices to reduce the risk of and prevent wildland fires. Many electric utilities have developed and are implementing wildfire mitigation plans. The legislature further finds that electric utilities should adopt and implement wildfire mitigation plans, and that electric utilities should be informed by recognized best practices, as applicable to their geography, terrain, vegetation, and other characteristics specific in their service area, for reducing wildland fire risk and reducing damage from wildland fires as may be ignited by electric utility equipment.

(3) Therefore, the legislature intends to authorize the development of best practices guidelines and to require that electric utilities provide their wildfire mitigation plans to the state in order to promote public transparency and to obtain review of the plans for inclusion of applicable best practices guidelines.

NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall contract with an independent consultant with experience in developing utility wildfire mitigation plans to recommend a format and a list of elements to be included in electric utility wildfire mitigation plans, including best practices guidance that may apply to each element as appropriate. In developing the format and list of elements, the department shall seek input from the utilities and transportation commission, the energy emergency management office of the department of commerce, the utility wildland fire prevention advisory committee, electric utilities, the state

fire marshal, the governor's office of Indian affairs, and the public. By July 1, 2023, the department shall make public a recommended format and list of elements for electric utility wildfire mitigation plans.

(2) The recommended elements must acknowledge that utilities serve areas that vary in topography, vegetation, population, and other characteristics, and that best practices guidelines within each element must recognize that a utility's wildfire mitigation plan will be designed to fit site-specific circumstances. The recommended elements must include, but are not limited to:

(a) Vegetation management along transmission and distribution lines and near associated equipment;

(b) Infrastructure inspection and maintenance repair activities, schedules, and recordkeeping;

(c) Modifications or upgrades to facilities and construction of new facilities to incorporate cost-effective measures to minimize fire risk;

(d) Preventative programs, including adoption of new technologies to harden utility infrastructure; and

(e) Operational procedures.

(3) The recommended format and list of elements developed by the department must be forwarded to the utilities and transportation commission, the energy emergency management office of the department of commerce, and all electric utilities in Washington state for a review period of three months prior to finalizing the format and list of elements that utilities will use to adopt or update their electric utility wildfire mitigation plan.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility, public utility district, irrigation district, cooperative, or mutual corporation association.

(b) "Electric utility" means: (i) An electrical company as defined in RCW 80.04.010 that is engaged in the business of distributing electricity to one or more electric customers in the state; or (ii) a consumer-owned utility that is engaged in the business of distributing

electricity to one or more electric customers in the state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 80.28 RCW to read as follows:

(1) By October 31, 2023, and at a minimum every two years thereafter, each electrical company must review and revise, if appropriate, its wildfire mitigation plan and submit it to the commission. The plan should include a review of specific circumstances of that electrical company and incorporate as appropriate the recommendations developed pursuant to section 2 of this act. The electrical company must submit its plan to the commission and make the plan publicly available. Within six months of submission by the electrical company, the commission shall review the plan and confirm whether or not the plan contains the recommended elements. In reviewing the plan, the commission must consult with the department of natural resources and the energy emergency management office of the department of commerce. The commission's review of an electrical company's wildfire mitigation plan does not relieve an electrical company from proactively managing wildfire risk, including by monitoring emerging practices and technologies, and mitigating and responding to wildfires. The commission is not liable for an electrical company's performance implementing its wildfire mitigation plan. An electrical company may pursue recovery of reasonable costs and investments associated with a wildfire mitigation plan through a proceeding to set rates at the commission. Nothing in this section or sections 2, 4, and 6 of this act may be construed to preclude electrical companies from continuing to develop and implement wildfire mitigation measures. After the commission's review, the electrical company must provide a copy of the plan to the department of natural resources along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 6 of this act.

(2) For the purposes of this section, "electrical company" means a company owned by investors that meets the definition of "corporation" in RCW 80.04.010 and is engaged in distributing

electricity to more than one retail electric customer in the state.

NEW SECTION. **Sec. 4.** A new section is added to chapter 19.29A RCW to read as follows:

(1) By December 31, 2023, and every two years thereafter, each consumer-owned utility must review and revise, if appropriate, its wildfire mitigation plan. The plan should include a review of specific circumstances of that utility and incorporate as appropriate the recommendations developed pursuant to section 2 of this act.

(a) The governing board of each consumer-owned utility shall review the plan and confirm whether the plan contains the recommended elements. Local fire districts must be provided the opportunity to review and provide feedback during this period. After the governing board's review, the utility must provide a copy to the department of natural resources, along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 6 of this act.

(b) Each consumer-owned utility must also provide its plan to the energy emergency management office of the department of commerce for review, which must review the plans and provide feedback within six months for consideration for inclusion in the next plan revision.

(c) By December 31, 2022, each utility must provide a copy of their most recent plan to the department of natural resources and it must be posted on a website.

(d) By December 31, 2023, the energy emergency management office will be available to provide technical assistance to consumer-owned utilities to include the best practices guidelines in their revision of plans.

(2) Two or more abutting utilities may codevelop a wildfire mitigation plan. Wildfire mitigation plans that are codeveloped by more than one utility may identify areas of common implementation, including communication protocols, that will assist in implementing the recommended elements pursuant to section 2 of this act.

(3) Nothing in this section prohibits a utility from reviewing or updating its wildfire mitigation plan more often than every two years or requires that the utility submit their plan beyond the requirements of subsection (1) of this section.

Sec. 5. RCW 76.04.780 and 2021 c 183 s 1 are each amended to read as follows:

(1) The commissioner shall convene a utility wildland fire prevention advisory committee with electrical power distribution utilities by August 1, 2021. The duties of the advisory committee are to advise the department on issues including, but not limited to:

(a) Matters related to the ongoing implementation of the relevant recommendations of the electric utility wildland fire prevention task force established in chapter 77, Laws of 2019, and by August 1, 2021:

(i) Finalizing a model agreement for managing danger trees and other vegetation adjacent to utility rights-of-way on state uplands managed by the department;

(ii) Implementing recommendations of the task force related to communications and information exchanges between the department and utilities;

(iii) Implementing recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 76.04.015; and

(iv) Implementing recommendations of the task force related to creating rosters of certified wildland fire investigator firms or persons and qualified utility operations personnel who may be called upon as appropriate;

(b) Providing a forum for electric utilities, the department, and other fire suppression organizations of the state to identify and develop solutions to issues of ~~((wildfire))~~ wildland fire prevention and risk mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, electric utility infrastructure protection, and wildland fire suppression and response;

(c) Establishing joint public communications protocols among members of the advisory committee, and other entities, to inform residents of the state of potential critical fire weather

events and the potential for power outages or disruptions;

(d) Providing comment to the wildland fire advisory committee established in RCW 76.04.179 through an annual presentation addressing policies and priorities of the utility wildland fire prevention advisory committee; and

(e) All other related issues deemed necessary by the commissioner.

(2) By August 1, 2021, the department must post on its website and update quarterly as necessary:

(a) Communication protocols and educational exchanges between the department and electric utilities;

(b) A voluntary model danger tree management agreement to utilities for their consideration for execution with the department;

(c) Protocols and thresholds that may be utilized when the department's investigation involves electric utility infrastructure or potential electric utility liability; and

(d) A roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire.

(3) Beginning July 1, 2022, and at the beginning of each subsequent biennium thereafter, the department must submit, in compliance with RCW 43.01.036, a report describing the prior biennium proceedings of the advisory committee, including identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities. In addition, by July 1, 2023, the department must submit to the appropriate committees of the senate and house of representatives:

(a) A compilation and summary of existing wildfire mitigation plans maintained by electric utilities;

(b) An analysis of the costs and benefits of preparing and maintaining a comprehensive statewide wildland fire risk map that identifies relative risk classes, with detail at a level to assist property owners, local governments, utilities, wildland management agencies, and fire response agencies in taking actions to minimize wildland fire starts and resulting damage. The analysis must

also address incorporating the boundaries of the wildland urban interface as mapped pursuant to RCW 19.27.031; and

(c) Recommendations for strengthening state agency coordination of wildland fire risk reduction, prevention, and suppression. In this work the utility wildland fire prevention advisory committee shall seek the views of the wildland fire advisory committee created under RCW 76.04.179, as well as the views of the department of commerce energy policy division and the emergency management division of the military department.

(4) The commissioner or the commissioner's designee must chair the advisory committee created in subsection (1) of this section and must appoint advisory committee members. The advisory committee must include a representative of the energy emergency management office of the department of commerce and a representative of the utilities and transportation commission. Advisory committee membership should also include:

(a) Entities providing retail electric service, including:

(i) One person representing each investor-owned utility;

(ii) Two persons representing municipal utilities;

(iii) Two persons representing public utility districts;

(iv) Two persons representing rural electric cooperatives;

(v) One person representing small forestland owners;

(vi) One person representing industrial forestland owners;

(b) Other persons with expertise in wildland fire risk reduction and prevention; and

(c) No more than two other persons designated by the commissioner.

(5) In addition to the advisory committee membership established in subsection (4) of this section, the commissioner shall designate two additional advisory committee members representing historically marginalized or underrepresented communities.

(6) The commissioner or the commissioner's designee shall convene the initial meeting of the advisory committee. The advisory committee chair must schedule and hold meetings on a regular basis in order to expeditiously accomplish the duties and make recommendations regarding the elements described in subsection (3) of this section.

(7) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

(8) Participation on the advisory committee created in subsection (1) of this section is strictly voluntary and without compensation.

(9) Any requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. Sec. 6. A new section is added to chapter 76.04 RCW to read as follows:

(1) The department must create a public website to host electric utility wildfire mitigation plans developed under sections 3 and 4 of this act.

(2) Nothing in this act may be construed to preclude electric utilities from continuing to develop and implement their wildfire mitigation plans. Electric utilities are encouraged to submit their 2022 plans to the department's energy emergency management office for inclusion on the website under subsection (1) of this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility, public utility district, irrigation district, cooperative, or mutual corporation association.

(b) "Electric utility" means: (i) An electrical company as defined in RCW 80.04.010 that is engaged in the business of distributing electricity to one or more electric customers in the state; or (ii) a consumer-owned utility that is engaged in the business of distributing electricity to one or more electric customers in the state."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5819 Prime Sponsor, Committee on Ways & Means: Concerning the developmental disabilities administration's no-paid services caseload. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.10 RCW to read as follows:

(1) The department shall hire two permanent, full-time employees to regularly review and maintain the no-paid services caseload. This includes, but is not limited to, updating the no-paid services caseload to accurately reflect a current headcount of eligible individuals and identifying the number of individuals contacted who are currently interested in receiving a paid service from the developmental disabilities administration and if the individual would like services now or within the next year. Beginning December 1, 2022, the department shall annually report this information to the governor and the appropriate committees of the legislature.

(2) A client on the no-paid services caseload shall receive case resource management services. The case resource manager's duties include: (a) Contacting and responding to the client to discuss the client's service needs, and (b) explaining to the client the service options available through the department or other community resources.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act,

referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5838 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Harris; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Caldier; Hoff and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye and Rude.

Referred to Committee on Rules for second reading.

February 28, 2022

ESSB 5847 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing information to public service employees about the public service loan forgiveness program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on College & Workforce Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that our country faces a student loan debt crisis. Nationally, Americans owe \$1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly \$27.4 billion of outstanding debt, more than \$35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

(a) Develop materials to increase awareness of the federal public service loan forgiveness program;

(b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;

(c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and

(d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted towards the definition of full time for the public service loan forgiveness program as set forth in 34 C.F.R. Sec. 685.219.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

(3) For purposes of this section, the definitions in this subsection apply:

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system,

authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

NEW SECTION. Sec. 3. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall:

(a) Develop a program for state agencies to certify employment for the purposes of the public service loan forgiveness program by July 1, 2023.

(b) Assist the student loan advocate in creating and distributing materials designed to increase awareness of the public service loan forgiveness program set forth in section 1 of this act.

(c) Collaborate with the student achievement council, the employment security department, the department of retirement systems, nonprofit entities, local government representatives, and other public service employers in developing a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees. The program established for state agencies in this section and the certification process in section 4 of this act may be considered in the development of the initiative. A plan for a statewide initiative must be developed and submitted to the higher education committees of the legislature by December 1, 2024, in compliance with RCW 43.01.036.

(2) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education that corresponds to the information required for the public service loan

forgiveness form, as allowed by the United States department of education.

(b) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(c) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(d) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) As soon as available, a state agency shall provide the materials described in section 2 of this act in written or electronic form to:

(a) All employees annually;

(b) Newly hired employees within 30 days of the employee's first day of employment.

(2) A state agency must certify employment for the purposes of the public service loan forgiveness program in accordance with the program established in section 3 of this act beginning July 1, 2023.

(a) If a state agency does not directly certify employment with the United States department of education, the state agency must annually provide notice of renewal and a copy of the public service loan forgiveness form with employer information and employment certification

sections of the form already completed reflecting at least the last 12 months of employment to:

(i) An employee who requests a public service loan forgiveness form;

(ii) Any current employee for whom the state agency has previously certified employment, unless the employee has opted out; and

(iii) An employee upon separation from service or employment, unless the employee has opted out. The notice of renewal and completed employer sections of the public service loan forgiveness form provided to a separated employee must be sent within 60 days of separation and are exempted from the annual requirement set forth in subsection (2)(a) of this section.

(b) A state agency shall not unreasonably delay in certifying employment.

(c) A state agency must seek permission from its employees prior to certifying their employment.

(d) Institutions of higher education must use the calculation established in section 5 of this act and may apply it retroactively to determine whether a part-time academic employee is considered full time for the public service loan forgiveness program.

(e) A state agency may send the information necessary for public service loan forgiveness employment certification to the United States department of education, or its agents, if the United States department of education permits public service employers to certify employment for past or present individual employees or groups of employees directly, notwithstanding other provisions of law.

(f) The office of financial management is authorized to adopt rules for the purpose of this section.

(3) An employee of a state agency may opt out of the employment certification process established in section 3 of this act at any time.

(4) For purposes of this section, the definitions in this subsection apply:

(a) "Certifying employment" means either completing the employer sections of the public service loan forgiveness form or sharing data directly with the United States department of education

that corresponds to the information required for the public service loan forgiveness form.

(b) "Full time" has the same meaning as set forth in 34 C.F.R. Sec. 685.219.

(c) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(d) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219.

(e) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

NEW SECTION. Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

For the purpose of determining whether a part-time academic employee at an institution of higher education is considered full time for certifying employment for the public service loan forgiveness program, duties performed in support of, or in addition to, contractually assigned in-class teaching hours must be included. To calculate this, each hour of in-class teaching time shall be multiplied by 3.35 hours. This section shall not supersede any calculation or adjustment established by a collective bargaining agreement or employer policy for additional work done outside of in-class teaching. An institution of higher education shall not treat any adjusted total hours worked differently from hours worked without an adjustment when determining whether an

employee is full time. "Institution of higher education" has the same meaning as "institutions of higher education" in RCW 28B.10.016.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Jacobsen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Caldier and Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris; Hoff; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 28, 2022

ESSB 5874 Prime Sponsor, Committee on Higher Education & Workforce Development: Concerning residency of students affiliated with the military. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on College & Workforce Development.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.012 and 2021 c 272 s 9 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or

community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed and obtained a high school diploma, or a person who has received the equivalent of a diploma; who has continuously lived in the state of Washington for at least a year primarily for purposes other than postsecondary education before the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary

to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than ~~((educational))~~ postsecondary education, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is on active military duty who is stationed out-of-state after having been stationed in Washington and is either:

(i) Admitted to an institution of higher education in Washington before the reassignment and enrolls in that institution for the term the student was admitted;

(ii) Enrolled in an institution of higher education in Washington and remains continuously enrolled at the institution; or

(iii) Enrolls in an institution of higher education in Washington within three years from the date of reassignment out-of-state;

(j) A student who is the spouse, state registered domestic partner, or a dependent as defined in Title 10 U.S.C. Sec. 1072(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule of a person defined in (g) or (h) of this subsection. If the

person defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; ~~((or))~~

(ii) Enrolled in an institution and remains continuously enrolled at the institution; or

(iii) Enrolled in an institution of higher education in Washington within three years from the date of reassignment out-of-state;

~~((j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;~~

~~(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;~~

~~(l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;~~

~~(m) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation;~~

~~(n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;~~

~~(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in~~

~~Washington within three years of the service member's date of separation;~~

~~(p)) (k) A student who is eligible for veterans administration educational assistance or rehabilitation benefits under Title 38 U.S.C. or educational assistance under Title 10 U.S.C. chapter 1606 as the titles existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;~~

~~(l) A student who ((is the spouse or child to an individual who)) has separated or retired from the uniformed services with at least ((ten)) 10 years of honorable service and at least ((ninety)) 90 days of active duty service, and who enters an institution of higher education in Washington within three years of the ((service member's)) date of separation or retirement;~~

~~((q)) (m) A student who is the spouse, state registered domestic partner, or child under the age of 26 years of an individual who has separated or retired from the uniformed services with at least 10 years of honorable service and at least 90 days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation or retirement;~~

~~(n) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;~~

~~((r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;~~

~~(s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service connected disabilities under 38 U.S.C. Sec. 3102(a);~~

~~(t)) (o) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on ((July 28, 2019)) January 18, 2022, or such subsequent date as the student achievement council may determine by rule;~~

~~((u)) (p) A student of an out-of-state institution of higher education who is attending a Washington state~~

institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

~~((v)) (q) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;~~

~~((w)) (r) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or~~

~~((x)) (s) A student who resides in Washington and is the spouse or a dependent of a person defined in ((w)) (r) of this subsection. If the person defined in ((w)) (r) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:~~

~~(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or~~

~~(ii) Enrolled in an institution and remains continuously enrolled at the institution.~~

~~(3)(a) A student who qualifies under subsection (2)(k), (l), (m), (n), or (o)((, (p), (q), (r), (s), or (t))) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.~~

~~(b) Nothing in subsection (2)(k), (l), (m), (n), or (o)((, (p), (q), (r), (s), or (t))) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a~~

dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or ~~((+))~~ (p) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under Title 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States space force, United States public health service commissioned

corps, and the national oceanic and atmospheric administration commissioned officer corps.

(10) "Washington national guard" means that part of the military force of the state that is organized, equipped, and federally recognized under the provisions of the national defense act of the United States, and in the event the national guard is called into federal service or in the event the state guard or any part or individual member thereof is called into active state service by the commander-in-chief. National guard service includes being subject to call up for active duty under Title 32 U.S.C. or Title 10 U.S.C. status or when called to state active service by the governor under the provisions of RCW 38.08.040.

(11) "Child" includes, but is not limited to:

- (a) A legitimate child;
- (b) An adopted child;
- (c) A stepchild;
- (d) A foster child; and
- (e) A legal dependent."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5880 Prime Sponsor, Committee on Business, Financial Services & Trade: Concerning fire protection sprinkler system contractors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed (~~one hundred dollars~~) \$125, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed (~~three hundred dollars~~) \$375;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ninety days of March 31, 1992;

(iii) Subject to RCW 18.160.120, adopt rules defining infractions under this chapter and fines to be assessed for those infractions;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;

(e) Assign a certificate number to each certificate of competency holder; and

(f) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

Sec. 2. RCW 18.160.050 and 2018 c 37 s 1 are each amended to read as follows:

(1)(a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1st, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within (~~sixty~~) 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2)(a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1st, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within (~~sixty~~) 60 days after the due date shall constitute sufficient cause for the

state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1st.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. (~~All~~) Except for penalties received under RCW 18.160.120, all receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter and for providing assistance in identifying fire sprinkler system components that have been subject to either a recall or voluntary replacement program by a manufacturer of fire sprinkler products, a nationally recognized testing laboratory, or the federal consumer product safety commission; and for use in developing and publishing educational materials related to the effectiveness of residential fire sprinklers. Assistance shall include, but is not limited to, aiding in the identification of recalled components, information sharing strategies aimed at ensuring the consumer is made aware of recalls and voluntary replacement programs, and providing training and assistance to local fire authorities, the fire sprinkler industry, and the public. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 3. RCW 18.160.120 and 2003 c 74 s 2 are each amended to read as follows:

(1) A fire protection sprinkler system contractor found to have committed an infraction under this chapter as defined in rule under RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than (~~two hundred dollars~~) \$300 and not more

than ~~((five thousand dollars))~~ \$7,500 for the first infraction, a fine of not less than \$400 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$1,000 and not more than \$15,000 for the third and any subsequent infractions by the same contractor.

(2) A fire protection sprinkler system contractor who fails to obtain a certificate of competency under RCW 18.160.040 shall be assessed a fine of not less than ~~((one thousand dollars))~~ \$1,500 and not more than ~~((five thousand dollars))~~ \$7,500 for the first infraction, and a fine of not less than \$2,500 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$5,000 and not more than \$25,000 for the third and any subsequent infractions by the same contractor.

(3) All fines collected under this section shall be deposited into the fire protection ~~((contractor license fund))~~ compliance account.

NEW SECTION. Sec. 4. A new section is added to chapter 18.160 RCW to read as follows:

The fire protection compliance account is created in the custody of the state treasurer. All fines collected under RCW 18.160.120 and the rules and regulations adopted under RCW 18.160.120 must be deposited into the account. Expenditures from the account may only be used for the purposes of enforcing this chapter. Only the state director of fire protection or their designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 5. RCW 18.270.050 and 2007 c 435 s 6 are each amended to read as follows:

(1) A certificate expires on December 31st.

(2) The certificate shall be renewed every other year.

(3) Before the expiration date of the certificate, every applicant shall reapply to the director on an application form provided by the director and pay the application fee as provided by rule.

(4) If a certificate is not renewed before its expiration date, an applicant must:

(a) Apply to the director on an application form provided by the director;

(b) Pay an application fee to the director as provided by rule;

(c) Pay an examination fee as provided by rule; and

(d) Successfully pass the written examination required by this chapter.

(5) Upon approval of a certificate renewal, the director must provide the certificate holder with the renewal directly through certified mail.

Sec. 6. RCW 18.270.070 and 2007 c 435 s 8 are each amended to read as follows:

An authorized representative of the director ~~((may))~~ must investigate alleged violations of this chapter upon receipt of a complaint submitted to the director or an authorized representative of the director. The director must adopt rules providing the procedures and process for submitting a complaint, and must also provide a form for use in the submission of a complaint. Upon request of an authorized representative, a person performing fire protection sprinkler fitting or residential sprinkler fitting work must produce evidence of a certificate issued by the director in accordance with this chapter. Failure to produce such evidence is an infraction as provided by RCW 18.270.020."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Frame; Hansen; Johnson, J.; Lekanoff; Pollet; Ryu; Senn; Springer; Stonier; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Chandler; Dye; Harris; Hoff; Jacobsen; Rude; Schmick and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Caldier.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5892

Prime Sponsor, Committee on Health & Long Term Care: Establishing pilot

projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2022

SSB 5910 Prime Sponsor, Committee on Environment, Energy & Technology: Accelerating the availability and use of renewable hydrogen in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT AND FINDINGS. (1) The legislature finds that while hydrogen fuel has been used in a variety of applications in the state, the source of hydrogen has been derived from fossil fuel feedstocks, such as natural gas. Hydrogen is an essential building block and energy carrier molecule that is necessary in the production of conventional and renewable fuels and a valuable decarbonization tool when used in sectors such as marine, aviation, steel, aluminum, and cement, as well as surface transportation including heavy-duty vehicles, such as transit, trucking, and drayage equipment. Hydrogen can be a carbon-free fuel with an energy per unit mass that is three to four times greater than jet fuel, whose energy can be extracted either through thermochemical (combustion) or electrochemical (fuel cell) processes. In both cases, the only by-product is water, instead of the greenhouse gases and other conventional and toxic pollutants that are emitted from using fossil fuels.

(2) The legislature further finds that the use of renewable hydrogen and hydrogen produced from carbon-free feedstocks through electrolysis is an essential tool to a clean energy ecosystem and emissions reduction for challenging infrastructure needs. Clean hydrogen fuel can be produced or "charged" closer to the generation of the electricity when the electrical supply grid has surplus energy, at times of low electricity use, such as evenings, then made available at times of higher need and convenient locations, such as fueling stations, avoiding the need to build or upgrade larger electrical infrastructure, including distribution systems, to meet higher peak demand for electricity.

(3) Therefore, the legislature intends by this act to establish policies and a framework for the state to become a national and global leader in the production and use of these hydrogen fuels. This act will create an office of renewable fuels to: Promote partnerships among industrial, transportation, agriculture, and commercial interests as well as fuel producers, the technology research sector, and public sector agencies; identify barriers to and opportunities for market development; provide greater clarity and certainty in regulatory and siting standards; provide incentives and financial assistance in the deployment of hydrogen fuel infrastructure; support a clean and just energy transition; help create good quality, clean energy jobs; and improve air quality in degraded areas, particularly in communities that have borne disproportionate levels of air pollution from the combustion of fossil fuels.

Part 1

OFFICE OF RENEWABLE FUELS

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 102, 103, and 104 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Green electrolytic hydrogen" means hydrogen produced through electrolysis and does not include hydrogen manufactured using steam

reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(3) "Office" means the statewide office of renewable fuels established in section 102 of this act.

(4) "Overburdened communities" has the same meaning as defined in RCW 70A.02.010.

(5) "Renewable fuel" means fuel produced using renewable resources and includes renewable hydrogen.

(6) "Renewable hydrogen" has the same meaning as defined in RCW 54.04.190.

(7) "Renewable resource" has the same meaning as defined in RCW 19.405.020.

NEW SECTION. Sec. 102. A new section is added to chapter 43.330 RCW to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The office may employ staff as necessary to carry out the office's duties as prescribed by this act, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Enhance resiliency by using renewable fuels and green electrolytic hydrogen to support climate change mitigation and adaptations; and

(e) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

NEW SECTION. Sec. 103. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels and green electrolytic hydrogen initiatives, policies, and public and private investments;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator

account created in section 104 of this act.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

NEW SECTION. Sec. 104. A new section is added to chapter 43.330 RCW to read as follows:

The renewable fuels accelerator account is created in the state treasury. Revenues to the account consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes designated in sections 102, 103, and 201 of this act. Only the director or the director's designee may authorize expenditures from the account.

Part 2

FEDERAL FUNDING

NEW SECTION. Sec. 201. (1)(a) The legislature finds that the federal infrastructure investment and jobs act, P.L. 117-58, provides \$8,000,000,000 over five years to support the development of regional clean hydrogen hubs. The federal infrastructure investment and jobs act requires the United States secretary of energy to establish a program to fund at least four regional hubs to aid in achieving a hydrogen fuel production carbon intensity standard provided in that legislation; to demonstrate the production, processing, delivery, storage, and end use of hydrogen; and

that can be developed into a national network to facilitate a clean hydrogen economy. The federal infrastructure investment and jobs act requires the secretary of energy to select regional hubs that demonstrate a diversity of feedstocks, a diversity of end uses, and a diversity of geographic regions of the country. The federal infrastructure investment and jobs act requires the secretary of energy to solicit proposals for regional hubs by May 15, 2022, and to make selections of the hubs within one year after the deadline for submission of proposals.

(b) The legislature further finds that Washington state is strongly positioned to develop a regional clean energy hub meeting the criteria of the federal infrastructure investment and jobs act because the state:

(i) Has adopted a state energy strategy that recognizes hydrogen as an integral part of the state's decarbonization pathway;

(ii) Has an abundance of low cost, low carbon, reliable electricity as the primary energy resource for production of clean hydrogen;

(iii) Already has under construction the nation's first renewable hydrogen electrolyzer and has several hydrogen fueling facilities as well as production facilities in planning and design phases;

(iv) Has multiple manufacturers designing, engineering, and manufacturing fuel cell electric engines and zero-emission vehicles, vessels, and airplanes;

(v) Has numerous industrial, maritime, and freight shipping concerns that are moving toward cleaner fuels and that would help provide demand for hydrogen, as well as state and local governments currently considering hydrogen uses;

(vi) Has a demonstrated track record of building partnerships across the public and private sector to advance clean energy technologies;

(vii) Has policies in place supporting and engaging overburdened communities, including the healthy environment for all act, which will facilitate alignment with the justice40 initiative; and

(viii) Has policies, including tax incentives, that support high labor standards in clean energy production.

(c) The legislature further finds that the state may help to promote and strengthen applications for regional hydrogen hub federal funding through state funding assistance to support a timely and competitive application to the United States department of energy by a public-private partnership entity that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state.

(2) Subject to amounts appropriated for this specific purpose, the director of the department of commerce must provide support to a public-private partnership entity as described in subsection (1)(c) of this section, which may include department staff support and direct funding. The entity should:

(a) Agree to prepare a timely and responsive application for federal funding to develop a regional clean hydrogen hub in Washington state, consistent with the requirements of the federal application process and the policies and strategy of the state of Washington;

(b) Demonstrate meaningful engagement with a range of entities across the state, including federally recognized tribes, labor unions, and communities around the state including overburdened communities, in the development of a hydrogen hub;

(c) Include entities that provide training and expand employment opportunities for the hydrogen workforce, including labor organizations, institutions of higher education, community and technical colleges, and vocational institutions; and

(d) Include specific commitments, as required by the federal application, from industries, transportation agencies, utilities, and other public and private sector entities to assist in funding the application and to develop plans to either construct infrastructure for or to incorporate, or both, the production, distribution, and end use of renewable hydrogen and green electrolytic hydrogen fuels into their transition to cleaner energy.

(3) In addition to the assistance in applying for federal funding provided

through subsection (2) of this section, the legislature intends that the state fully support a regional clean energy hub in the state, including further direct financial assistance in developing the hub and the acquisition of hydrogen fuels for state agency and local government uses.

Part 3

VALUATION OF PROPERTY RELATED TO RENEWABLE ENERGY

NEW SECTION. Sec. 301. A new section is added to chapter 84.40 RCW to read as follows:

(1) It is the policy of this state to promote the development of renewable energy projects to support the state's renewable energy goals.

(2) The department must publish guidance, in cooperation with industry stakeholders, to advise county assessors when appraising renewable energy facilities for determining true and fair value, in accordance with RCW 84.40.030. This guidance must include a cost-based appraisal method, and the development of industry-specific valuation tables for the following types of renewable energy property:

(a) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate solar power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024;

(b) A cost-based appraisal method and industry-specific valuation tables for equipment used to generate wind power must be published by January 1, 2023, for property taxes levied for collection in calendar year 2024; and

(c) A cost-based appraisal method and industry-specific valuation tables for equipment used to store electricity must be published by January 1, 2024, for property taxes levied for collection in calendar year 2025.

(3) County assessors must refer to this guidance, including cost-based appraisal method and industry-specific valuation tables, when valuing renewable energy property but may also consider one or more additional valuation methods in determining the true and fair value of a property when there is a compelling reason to do so.

(4) For the purposes of this section, "renewable energy property" means property that uses solar or wind energy as the sole fuel source for the generation of at least one megawatt of nameplate capacity, alternating current, and all other equipment and materials that comprise the property, including equipment used to store electricity from the property to be released at a later time. "Renewable energy property" does not include any equipment or materials attached to a single-family residential building.

Part 4

EXPANDING THE PRODUCTION, DISTRIBUTION, AND USE OF HYDROGEN NOT PRODUCED FROM A FOSSIL FUEL FEEDSTOCK

Sec. 401. RCW 82.08.816 and 2019 c 287 s 11 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations;

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information

provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, green electrolytic hydrogen production facilities, and renewable hydrogen production facilities.

(d) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(e) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set

forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((e))~~ (f) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

~~((f))~~ (g) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

~~((g))~~ (h) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(5) This section expires July 1, 2025.

Sec. 402. RCW 82.12.816 and 2019 c 287 s 12 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable

an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, green electrolytic hydrogen production facilities, and renewable hydrogen production facilities.

(d) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(e) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((e))~~ (f) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

~~((f))~~ (g) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

~~((g))~~ (h) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal

to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) This section expires July 1, 2025.

Sec. 403. RCW 82.29A.125 and 2019 c 287 s 14 are each amended to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, green electrolytic hydrogen production facilities, and renewable hydrogen production facilities.

(d) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion

technology that produces hydrogen from a fossil fuel feedstock.

(e) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((e))~~ (f) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for energy input into the production process.

~~((f))~~ (g) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(3) This section expires July 1, 2025.

Sec. 404. RCW 54.04.190 and 2019 c 24 s 1 are each amended to read as follows:

(1) In addition to any other authority provided by law, public utility districts are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

(2) In addition to any other authority provided by law:

(a) Public utility districts are authorized to produce renewable natural gas, green electrolytic hydrogen, and renewable hydrogen and utilize the renewable natural gas, green electrolytic hydrogen, or renewable hydrogen they produce for internal operations.

(b) Public utility districts may sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen that is delivered into a gas transmission pipeline located in the state of Washington or delivered in pressurized containers:

(i) At wholesale;

(ii) To an end-use customer; or

(iii) If delivered in a pressurized container, or if the end-use customer takes delivery of the renewable natural gas, green electrolytic hydrogen, or renewable hydrogen through a pipeline, and the end-use customer is an eligible purchaser of natural gas from sellers other than the gas company from which that end-use customer takes transportation service and:

(A) When the sale is made to an end-use customer in the state of Washington, the sale is made pursuant to a transportation tariff approved by the Washington utilities and transportation commission; or

(B) When the sale to an end-use customer is made outside of the state of Washington, the sale is made pursuant to a transportation tariff approved by the state agency which regulates retail sales of natural gas.

(c) Public utility districts may sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen at wholesale or to an end-use customer through a pipeline directly from renewable natural gas, green electrolytic hydrogen, or renewable hydrogen production facilities to facilities that compress, liquefy, or dispense compressed natural gas, liquefied natural gas, green electrolytic hydrogen, or renewable hydrogen fuel for end use as a transportation fuel.

(d) Public utility districts may sell green electrolytic hydrogen or renewable hydrogen at wholesale or to an end-use customer in pressurized containers directly from green electrolytic hydrogen or renewable hydrogen production facilities to facilities that utilize green electrolytic hydrogen or renewable hydrogen as a nonutility related input for a manufacturing process.

(3) Except as provided in subsection (2)(b)(iii) of this section, nothing in this section authorizes a public utility district to sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen delivered by pipeline to an end-use customer of a gas company.

(4)(a) Except as provided in this subsection (4), nothing in this section

authorizes a public utility district to own or operate natural gas distribution pipeline systems used to serve retail customers.

(b) For the purposes of subsection (2)(b) of this section, public utility districts are authorized to own and operate interconnection pipelines that connect renewable natural gas, green electrolytic hydrogen, or renewable hydrogen production facilities to gas transmission pipelines.

(c) For the purposes of subsection (2)(c) of this section, public utility districts may own and/or operate pipelines to supply, and/or compressed natural gas, liquefied natural gas, green electrolytic hydrogen, or renewable hydrogen facilities to provide, renewable natural gas, green electrolytic hydrogen, or renewable hydrogen for end use as a transportation fuel if all such pipelines and facilities are located in the county in which the public utility district is authorized to provide utility service.

(5) Exercise of the authorities granted under this section to public utility districts does not subject them to the jurisdiction of the utilities and transportation commission, except that public utility districts are subject only to administration and enforcement by the commission of state and federal requirements related to pipeline safety and fees payable to the commission that are applicable to such administration and enforcement.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis, and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(b) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

~~((b))~~ (c) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

~~((e))~~ (d) "Renewable resource" means: (i) Water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

~~((d))~~ (e) "Gas company" has the same meaning as in RCW 80.04.010.

Sec. 405. RCW 35.92.050 and 2002 c 102 s 3 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, green electrolytic hydrogen as defined in RCW 54.04.190, renewable hydrogen as defined in RCW 54.04.190, and other means of power and facilities for lighting, including streetlights as an integral utility service incorporated within general rates, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

Part 5

MISCELLANEOUS

NEW SECTION. Sec. 501. Sections 104 and 201 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the

application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Frame; Hansen; Harris; Hoff; Jacobsen; Johnson, J.; Lekanoff; Pollet; Rude; Ryu; Schmick; Senn; Springer; Steele; Stonier; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee, supplemental committee and 2nd supplemental committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2124 which was placed on the second reading calendar.

There being no objection, the House adjourned until 9:00 a.m., March 1, 2022, the 51st Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 1, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by House Counsel Ohad Lowy.

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

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

MESSAGE FROM THE SENATE

March 1, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5252,
SUBSTITUTE SENATE BILL NO. 5546,
SUBSTITUTE SENATE BILL NO. 5564,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1286
HOUSE BILL NO. 1719
SUBSTITUTE HOUSE BILL NO. 1735
HOUSE BILL NO. 1798
SUBSTITUTE HOUSE BILL NO. 1878
HOUSE BILL NO. 1899
SUBSTITUTE SENATE BILL NO. 5252
SUBSTITUTE SENATE BILL NO. 5546
SUBSTITUTE SENATE BILL NO. 5564

The Speaker called upon Representative Orwall to preside.

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

INTRODUCTION & FIRST READINGHB 2133 by Representatives Johnson, J. and Stonier

AN ACT Relating to providing relief from taxes, penalties, interest, and fees for eligible restaurants that ceased engaging in business during the COVID-19 pandemic; adding a new section to chapter 82.32 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 2134 by Representatives Young and Rule

AN ACT Relating to prohibiting the sale of spirits products that are marketed, labeled, classified, or typed as vodka if the spirits products were produced in or imported or sourced from Russia or contain any ingredient, input, or material from Russia; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Gaming.

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

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

SECOND READING**SENATE BILL NO. 5489, by Senators Pedersen, Padden, Dhingra and Mullet****Concerning business entities.**

The bill was read the second time.

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

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representatives Sullivan and J. Johnson were excused.

On motion of Representative Griffey, Representative Kretz was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5489.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5489, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives J. Johnson, Kretz and Sullivan.

SENATE BILL NO. 5489, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5763, by Senators Randall, Sheldon, Lovelett, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.

Eliminating subprevailing wage certificates for individuals with disabilities.

The bill was read the second time.

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

Representatives Sells and Hoff spoke in favor of the passage of the bill.

Representative McCaslin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5763.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5763, and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Dufault, Kraft, McCaslin, McEntire, Orcutt, Robertson, Sutherland and Walsh.

Excused: Representatives J. Johnson, Kretz and Sullivan.

SENATE BILL NO. 5763, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5582, by Senators Hunt and Kuderer

Concerning the deadline for a port commission to send new district boundaries to the county auditor when expanding from three commissioners to five.

The bill was read the second time.

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

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5582.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5582, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives J. Johnson, Kretz and Sullivan.

SENATE BILL NO. 5582, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5583, by Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen, Nobles, Randall, Rivers, Saldaña, Stanford, Wellman and Wilson, C.

Requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons.

The bill was read the second time.

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

Representatives Valdez and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5583.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5583, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye, Kraft, MacEwen, McCaslin, Orcutt and Schmick.

Excused: Representatives J. Johnson, Kretz and Sullivan.

SENATE BILL NO. 5583, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Brown, Wilson, L., Rolfes and Wagoner)

Concerning the safety of crime victims.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Mosbrucker, Goodman and Simmons spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Chopp was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5245, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Chopp, J. Johnson, Kretz and Sullivan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5694, by Senators Stanford, Robinson and Wilson, C.

Recognizing Indian tribes as among the governmental entities with which the department of

corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court.

The bill was read the second time.

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

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5694.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5694, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Sullivan.

SENATE BILL NO. 5694, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5701, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Frockt, Hasegawa, Nobles and Wilson, C.)

Determining monthly wages for workers' compensation.

The bill was read the second time.

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

Representative Berry spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5701.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5701, and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representatives Chopp, J. Johnson and Sullivan.

SUBSTITUTE SENATE BILL NO. 5701, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5821, by Senate Committee on Ways & Means (originally sponsored by Rivers, Billig, Conway, Dhingra, Nobles, Stanford, Van De Wege, Wilson, C. and Wilson, L.)

Evaluating the state's cardiac and stroke emergency response system.

The bill was read the second time.

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

Representatives Schmick and Bateman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5821.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5821, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Sullivan.

SUBSTITUTE SENATE BILL NO. 5821, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, by Senate Committee on Ways & Means (originally sponsored by Keiser, Billig, Conway, Das, Dhingra, King, Kuderer, Lias, Lovick, Mullet, Nguyen, Nobles, Randall, Robinson, Rolfes, Stanford and Wilson, C.)

Concerning unemployment insurance, family leave, and medical leave premiums. Revised for 1st Substitute: Concerning unemployment insurance. (REVISED FOR ENGROSSED: Concerning the social cost factor in unemployment insurance premiums.)

The bill was read the second time.

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

Representatives Berg and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu,

Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, J. Johnson and Sullivan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5496, by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall and Cleveland)

Concerning health professional monitoring programs.

The bill was read the second time.

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

Representatives Schmick and Bateman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5496.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5496, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representatives Chopp, J. Johnson and Sullivan.

SUBSTITUTE SENATE BILL NO. 5496, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

March 1, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1122,
 ENGROSSED HOUSE BILL NO. 1165,
 HOUSE BILL NO. 1612,
 SUBSTITUTE HOUSE BILL NO. 1794,
 HOUSE BILL NO. 1834,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5497, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Nobles, Conway, Das, Hunt, Lovelett, Lovick, Nguyen, Saldaña and Wellman)

Extending voting authority to student members on the state board of education.

The bill was read the second time.

With the consent of the House, amendments (1248), (1249) and (1250) were withdrawn.

Representative Rude moved the adoption of amendment (1251):

On page 2, line 34, after "members" strike "~~((except the student members))~~" and insert ", except the student members who are in grade 11 or an earlier grade,"

Representatives Rude and McCaslin spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (1251) was not adopted.

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

Representatives Berg, Santos and Stonier spoke in favor of the passage of the bill.

Representatives Ybarra, Walsh, McEntire, Orcutt, Walsh (again) and Young spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5497.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5497, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5753, by Senate Committee on Health & Long Term Care (originally sponsored by Robinson and Lovick)

Increasing board and commission capacities.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5753, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5753, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5753, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5490, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra, Mullet and Nobles)

Creating the interbranch advisory committee.

The bill was read the second time.

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

Representative Lekanoff spoke in favor of the passage of the bill.

Representatives Volz and Young spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5490.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5490, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, McCaslin,

Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5490, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5860, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier and Schoesler)

Concerning water policy in regions with regulated reductions in aquifer levels.

The bill was read the second time.

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

Representatives Shewmake, Chandler and Dent spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Ramos was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5860.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5860, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Ramos.

SUBSTITUTE SENATE BILL NO. 5860, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5747, by Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.

Concerning the statewide master oil and hazardous substance spill prevention and contingency plan.

The bill was read the second time.

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

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5747.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5747, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Ramos.

SENATE BILL NO. 5747, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2124, by Representatives Riccelli, Sullivan, Frame, Ramel, Chapman, Ryu, Paul, Simmons, Stonier, Bergquist, Wicks, Valdez, Gregerson, Santos, Ramos, Johnson, J., Walen, Tharinger, Bateman, Callan, Thai, Taylor, Leavitt, Senn, Wylie, Macri, Ormsby, Pollet, Morgan, Bronoske, Kloba, Davis, Slatter, Berg, Lekanoff, Entenman, Ortiz-Self, Duerr, Peterson, Harris-Talley, Cody, Hackney, Chopp, Orwall and Rule

Concerning extending collective bargaining to legislative employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2124 was substituted for House Bill No. 2124 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2124 was read the second time.

With the consent of the House, amendment (1255) was withdrawn.

Representative Riccelli moved the adoption of amendment (1267):

On page 4, line 8, after "(3)" insert "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

(4) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

(5) "

Re-number the remaining subsection consecutively and correct any internal references accordingly.

On page 4, line 20, after "5." insert "(1)"

On page 4, after line 26, insert the following:

"(2) Except as may be specifically limited by this chapter, the commission shall determine all questions pertaining to ascertaining exclusive bargaining representatives for legislative employees and collectively bargaining under this chapter."

On page 5, line 2, after "employer" insert "in the legislative branch of state government"

On page 5, line 17, after "the" insert "exclusive bargaining"

Representative Riccelli spoke in favor of the adoption of the amendment.

Representative Hoff spoke against the adoption of the amendment.

Amendment (1267) was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Harris-Talley and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Rude, Kraft, Hoff and McCaslin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2124.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2124, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

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

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

Excused: Representative Ramos.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5761, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Randall, Keiser, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

Concerning employer requirements for providing wage and salary information to applicants for employment.

The bill was read the second time.

Representative Mosbrucker moved the adoption of amendment (1233):

On page 1, line 13, after "applicant." insert "The wage scale or salary range required to be disclosed for a specific available position must reflect what the employer is intending to offer and does not need to reflect any bonuses, compensatory incentives, or merit-based salary increases the employer has provided or plans to provide to its existing employees in similar positions. Nothing in this section requires an employer to change the wage scale or salary range in a posting for a position based on the employer providing a merit-based increase, bonus, or other compensatory incentive to an existing employee in a similar position."

Representative Mosbrucker spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1233) was not adopted.

Representative Hoff moved the adoption of amendment (1228):

On page 2, line 5, after "~~((fifteen))~~" strike "15" and insert "50"

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1228) was not adopted.

Representative Hoff moved the adoption of amendment (1229):

On page 2, after line 10, insert the following:

"NEW SECTION. Sec. 2. This act takes effect January 1, 2023."

Correct the title.

Representatives Hoff and Berry spoke in favor of the adoption of the amendment.

Amendment (1229) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berry, Sells and Frame spoke in favor of the passage of the bill.

Representatives Hoff, Chambers, McCaslin, Walsh and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5761, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5761, as amended by the House, and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1.

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

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

Excused: Representative Ramos.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5761, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

MESSAGE FROM THE SENATE

March 1, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1286,
HOUSE BILL NO. 1719,
SUBSTITUTE HOUSE BILL NO. 1735,
HOUSE BILL NO. 1798,

SUBSTITUTE HOUSE BILL NO. 1878,
HOUSE BILL NO. 1899,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, by Senate Committee on Transportation (originally sponsored by Liias, Saldaña, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Salomon, Trudeau, Wellman and Wilson, C.)

Addressing transportation resources.

The bill was read the second time.

With the consent of the House, amendment (1214) was withdrawn.

Representative Fey moved the adoption of striking amendment (1215):

Strike everything after the enacting clause and insert the following:

"Part I

Climate Commitment Act Allocations

Sec. 101. RCW 70A.65.240 and 2021 c 316 s 27 are each amended to read as follows:

(1) The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. These can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the

18th Amendment of the Washington state Constitution, other than specified in this section, and shall be made in accordance with subsection (2) of this section. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

(2) Appropriations in an omnibus transportation appropriations act from the carbon emissions reduction account shall be made exclusively to fund the following activities:

(a) Active transportation;

(b) Transit programs and projects;

(c) Alternative fuel and electrification;

(d) Ferries; and

(e) Rail.

NEW SECTION. Sec. 102. The legislature intends to program funding from the carbon emissions reduction account, the climate active transportation account, and the climate transit programs account for the activities identified in LEAP Transportation Document 2022-A as developed February 8, 2022.

NEW SECTION. Sec. 103. A new section is added to chapter 46.68 RCW to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2022, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account.

NEW SECTION. Sec. 104. A new section is added to chapter 46.68 RCW to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2022, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account.

Sec. 105. RCW 70A.65.030 and 2021 c 316 s 4 are each amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, ~~((or))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 104 of this act, or the climate active transportation account created in section 103 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, ~~((or))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 104 of this act, or the climate active transportation account created in section 103 of this act, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 314, Laws of 2021, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who

face barriers, language or otherwise, to participation.

Sec. 106. RCW 70A.65.040 and 2021 c 316 s 5 are each amended to read as follows:

(1) The environmental justice council created in RCW 70A.02.110 must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in RCW 70A.65.060 through 70A.65.210, and the programs funded from the carbon emissions reduction account created in RCW 70A.65.240 ~~((and from))~~, the climate investment account created in RCW 70A.65.250, the climate transit programs account created in section 104 of this act, and the climate active transportation account created in section 103 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.02 RCW to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in RCW 70A.65.060 through 70A.65.210 including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under RCW 70A.65.110, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in RCW 70A.65.250 for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under RCW 70A.65.020 and 70A.65.030; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

Part II

Exported Fuel Tax, Aircraft Fuel Tax, Stolen Vehicle Check, Dealer

Temporary Permit, Enhanced Driver's License and Identocard, Driver's

Abstract, License Plate, Documentary Service, and Other

Driver and Vehicle Fees

NEW SECTION. Sec. 201. FINDINGS AND INTENT. (1) The legislature finds that a portion of the state's greenhouse gas emissions are directly related to petroleum fuel products produced by the state's five refineries that are exported to other states and jurisdictions. These carbon emissions have a real impact on the citizens of the state of Washington and these impacts are not adequately compensated for under the existing taxing structures.

(2) The legislature further finds that carbon emissions directly attributable to just the refining process associated with petroleum fuel products that are subsequently exported has been estimated at 3,300,000 metric tons per year.

(3) The legislature further finds that the costs associated with carbon emissions are global in nature and the impacts associated with carbon emissions

are not simply felt by those within a state's geographic boundary. However, applying a standard societal costs of carbon method results in estimated annual impacts over \$250,000,000 associated with the current amount of exported petroleum fuel products.

(4) Therefore, the legislature intends to modify state fuel tax law in a manner that compensates the state for a portion of the societal costs of carbon attributable to the refining process associated with petroleum fuel products that are subsequently exported, but also ensures that the current favorable tax treatment for petroleum fuel products that are exported continues.

Sec. 202. RCW 82.38.020 and 2013 c 225 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biofuel" means fuel derived from biomass that has at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when compared to petroleum fuel for which biofuel is capable of serving as a substitute.

(2) "Blended fuel" means a mixture of fuel and another liquid, other than a de minimis amount of the liquid.

~~((2))~~ (3) "Blender" means a person who produces blended fuel outside the bulk transfer-terminal system.

~~((3))~~ (4) "Bond" means a bond duly executed with a corporate surety qualified under chapter 48.28 RCW payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter.

~~((4))~~ (5) "Bulk transfer-terminal system" means the fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Fuel in a refinery, pipeline, vessel, or terminal is in the bulk transfer-terminal system.

~~((5))~~ (6) "Bulk transfer" means a transfer of fuel by pipeline or vessel.

~~((6))~~ (7) "Bulk storage" means the placing of fuel into a receptacle other than the fuel supply tank of a motor vehicle.

~~((7))~~ (8) "Department" means the department of licensing.

~~((8))~~ (9) "Distributor" means a person who acquires fuel outside the bulk transfer-terminal system for importation into Washington, from a terminal or refinery rack located within Washington for distribution within Washington, or for immediate export outside the state of Washington.

~~((9))~~ (10) "Dyed special fuel user" means a person authorized by the internal revenue code to operate a motor vehicle on the highway using dyed special fuel, in which the use is not exempt from the fuel tax.

~~((10))~~ (11) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement; omission; misrepresentation of fact; or other act of deception;

(b) An intentional: Failure to file a return or report; or other act of deception; or

(c) The unlawful use of dyed special fuel.

~~((11))~~ (12) "Exempt sale" means the sale of fuel to a person whose use of fuel is exempt from the fuel tax.

~~((12))~~ (13) "Export" means to obtain fuel in this state for sales or distribution outside the state. Fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside this state.

~~((13))~~ (14) "Exporter" means a person who purchases fuel physically located in this state at the time of purchase and directly exports the fuel by a means other than the bulk transfer-terminal system to a destination outside of the state. If the exporter of record is acting as an agent, the person for whom the agent is acting is the exporter. If there is no exporter of record, the owner of the fuel at the time of exportation is the exporter.

~~((14))~~ (15) "Fuel" means motor vehicle fuel or special fuel.

~~((15))~~ (16) "Fuel user" means a person engaged in uses of fuel that are not specifically exempted from the fuel tax imposed under this chapter.

~~((16))~~ (17) "Highway" means every way or place open to the use of the

public, as a matter of right, for the purpose of vehicular travel.

~~((17))~~ (18) "Import" means to bring fuel into this state by a means of conveyance other than the fuel supply tank of a motor vehicle.

~~((18))~~ (19) "Importer" means a person who imports fuel into the state by a means other than the bulk transfer-terminal system. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record, the owner of the fuel at the time of importation is the importer.

~~((19))~~ (20) "International fuel tax agreement licensee" means a fuel user operating qualified motor vehicles in interstate commerce and licensed by the department under the international fuel tax agreement.

~~((20))~~ (21) "Licensee" means a person holding a license issued under this chapter.

~~((21))~~ (22) "Motor vehicle" means a self-propelled vehicle utilizing fuel as a means of propulsion.

~~((22))~~ (23) "Motor vehicle fuel" means gasoline and any other inflammable gas or liquid, by whatsoever name the gasoline, gas, or liquid may be known or sold the chief use of which is as a fuel for the propulsion of motor vehicles or vessels.

~~((23))~~ (24) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

~~((24))~~ (25) "Person" means any individual, partnership, association, public or private corporation, limited liability company, or any other type of legal or commercial entity, including their members, managers, partners, directors, or officers.

~~((25))~~ (26) "Position holder" means a person who holds the inventory position in fuel, as reflected by the records of the terminal operator. A person holds the inventory position if the person has a contractual agreement with the terminal for the use of storage facilities and terminating services. "Position holder" includes a terminal operator that owns fuel in their terminal.

~~((26))~~ (27) "Rack" means a mechanism for delivering fuel from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer.

~~((27))~~ (28) "Refiner" means a person who owns, operates, or otherwise controls a refinery.

~~((28))~~ (29) "Removal" means a physical transfer of fuel other than by evaporation, loss, or destruction.

~~((29))~~ (30) "Special fuel" means diesel fuel, propane, natural gas, kerosene, biodiesel, and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways, except it does not include motor vehicle fuel.

~~((30))~~ (31) "Supplier" means a person who holds a federal certificate of registry issued under the internal revenue code and authorizes the person to engage in tax-free transactions of fuel in the bulk transfer-terminal system.

~~((31))~~ (32) "Terminal" means a fuel storage and distribution facility that has been assigned a terminal control number by the internal revenue service.

~~((32))~~ (33) "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

~~((33))~~ (34) "Two-party exchange" or "buy-sell agreement" means a transaction in which taxable fuel is transferred from one licensed supplier to another licensed supplier whereby the supplier that is the position holder agrees to deliver taxable fuel to the other supplier or the other supplier's customer at the terminal at which the delivering supplier is the position holder.

(35) "United States" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States. "United States" also includes all federally recognized tribal reservations and federal trust lands within the geographic boundaries of the United States as they exist now or in the future.

Sec. 203. RCW 82.38.030 and 2015 3rd sp.s. c 44 s 103 are each amended to read as follows:

(1) There is levied and imposed upon fuel licensees a tax at the rate of ~~((twenty three))~~ 23 cents per gallon of fuel.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of fuel is imposed on fuel licensees. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of fuel is imposed on fuel licensees.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of fuel is imposed on fuel licensees.

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of fuel is imposed on fuel licensees.

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of fuel is imposed on fuel licensees.

(7) Beginning August 1, 2015, an additional and cumulative tax rate of seven cents per gallon of fuel is imposed on fuel licensees.

(8) Beginning July 1, 2016, an additional and cumulative tax rate of four and nine-tenths cents per gallon of fuel is imposed on fuel licensees.

(9) ~~((Taxes))~~ Except as provided in subsection (10) of this section, taxes are imposed when:

(a) Fuel is removed in this state from a terminal ~~((if the fuel is removed at the rack))~~ unless the removal is by a licensed supplier or distributor for direct delivery to a destination outside of the ~~((state))~~ United States, or the removal is by a fuel supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the fuel immediately before the removal is not a licensed supplier; or

(ii) The removal is at the refinery rack or by bulk transfer unless the

removal is to a licensed supplier or distributor for direct delivery to a destination outside of the ~~((state))~~ United States, or the removal is to a licensed supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Fuel enters into this state for sale, consumption, use, or storage, unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensed supplier; or

(ii) The entry is not by bulk transfer;

(d) Fuel enters this state by means outside the bulk transfer-terminal system and is delivered directly to a licensed terminal unless the owner is a licensed distributor or supplier;

(e) Fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the fuel;

(f) Blended fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended fuel subject to tax is the difference between the total number of gallons of blended fuel removed or sold and the number of gallons of previously taxed fuel used to produce the blended fuel;

(g) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the fuel tax;

(h) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(i) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(j) Fuel is sold by a licensed fuel supplier to a fuel distributor or fuel blender and the fuel is not removed from the bulk transfer-terminal system.

(10) Taxes are not imposed under subsection (9) of this section when the fuel is a biofuel and the removal is for export.

Sec. 204. RCW 82.38.035 and 2013 c 225 s 105 are each amended to read as follows:

(1) A licensed supplier is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~((7))~~) (9) (a) and (i). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall be liable for and pay the tax.

(2) A refiner is liable for and must pay tax on fuel removed from a refinery as provided in RCW 82.38.030(~~((7))~~) (9)(b).

(3) A licensed distributor is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~((7))~~) (9)(c).

(4) A licensed blender is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~((7))~~) (9)(f).

(5) A licensed dyed special fuel user is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~((7))~~) (9)(g).

(6) A terminal operator is jointly and severally liable for and must pay tax on fuel if, at the time of removal:

(a) The position holder of the fuel is a person other than the terminal operator and is not a licensee;

(b) The terminal operator is not a licensee;

(c) The position holder has an expired internal revenue notification certificate;

(d) The terminal operator has reason to believe that information on the internal revenue notification certificate is false.

(7) A terminal operator is jointly and severally liable for and must pay tax on special fuel if the special fuel is removed and is not dyed or marked in accordance with internal revenue service requirements, and the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating the special fuel is dyed or marked in accordance with internal revenue service requirements.

(8) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay

tax on fuel used to operate motor vehicles on state highways.

(9) Dyed special fuel users are liable for and must pay tax on dyed special fuel used on state highways unless the use of the fuel is exempt from the tax.

(10) The department shall adopt rules under RCW 82.38.260 to ensure compliance with this chapter with respect to fuel exported from the state, including necessary audits and data reporting requirements.

NEW SECTION. Sec. 205. A new section is added to chapter 82.38 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for fuel exported from the state. Except as provided in subsection (2) of this section, the credit is equal to the number of gallons of fuel exported multiplied by the total rate of tax imposed under this chapter, less six cents per gallon. Fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported from this state.

(2) If the total rate of a comparable fuel tax imposed by the importing state exceeds the total rate of tax imposed under this chapter less six cents per gallon, the credit is equal to the number of gallons of fuel exported multiplied by the total rate of tax imposed by the importing state.

(3) The amount of credit earned under this section may not exceed the tax otherwise due under this chapter with respect to the fuel exported.

(4) The department may adopt rules under chapter 34.05 RCW regarding the administration of the credit under this section.

Sec. 206. RCW 82.38.180 and 2013 c 225 s 119 are each amended to read as follows:

(1) Any person who has purchased fuel on which tax has been paid may file a claim with the department for a refund of the tax for:

(a) Fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state. However, a refund may not be made under this subsection (1)(a) for motor vehicle fuel consumed by a motor vehicle required

to be registered under chapter 46.16A RCW or under a comparable motor vehicle registration requirement in an importing state.

(b) Fuel exported for use outside of ~~((this state))~~ the United States. Fuel carried from this state outside of the United States in the fuel tank of a motor vehicle is deemed to be exported from this state under this subsection (1)(b). Fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside ~~((this state))~~ of the United States.

(c) Tax, penalty, or interest erroneously or illegally collected or paid.

(d) Fuel which is lost or destroyed, while the licensee is the owner thereof, through fire, lightning, flood, windstorm, or explosion.

(e) Fuel of ~~((five hundred))~~ 500 gallons or more which is lost or destroyed while the licensee is the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

(f) Fuel used in power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or by a formula determined by the department.

(2) Any person who has purchased special fuel on which tax has been paid may file a claim with the department for a refund of tax for:

(a) Special fuel used for the operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway;

(b) Special fuel used by special mobile equipment as defined in RCW 46.04.552;

(c) Special fuel used in a motor vehicle for movement between two pieces

of private property wherein the movement is incidental to the primary use of the vehicle; and

(d) Special fuel inadvertently mixed with dyed special fuel.

(3) Any person who has purchased motor vehicle fuel on which tax has been paid may file a claim with the department for a refund of tax for:

(a) Motor vehicle fuel used by a private, nonprofit transportation provider regulated under chapter 81.66 RCW or under a comparable regulation in an importing state to provide transportation services for persons with special transportation needs; and

(b) Motor vehicle fuel used by an urban passenger transportation system. For purposes of this subsection "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles or trackless trolleys, each having a seating capacity of over ~~((fifteen))~~ 15 persons, over prescribed routes in such a manner that the routes of such motor vehicles or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles or trackless trolleys subject to the routing by the same transportation system, do not extend for a distance exceeding ~~((fifteen))~~ 15 road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles or trackless trolleys are located. No refunds are authorized for fuel used on any trip where any portion of the trip is more than ~~((fifteen))~~ 15 road miles beyond the corporate limits of the city in which the trip originated.

(4) Recovery for such loss or destruction under subsections (1)(d) or (e) or (2)(d) of this section must be susceptible to positive proof thereby enabling the department to conduct such investigation and require such information as it may deem necessary. In the event that the department is not satisfied that the fuel was lost, destroyed, or contaminated as claimed because information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, it may deem such as sufficient cause to deny all right relating to the refund or

credit for the excise tax paid on fuel alleged to be lost or destroyed.

(5) No refund or claim for credit may be approved by the department unless the gallons of fuel claimed as nontaxable satisfy the conditions specifically set forth in this section and the nontaxable event or use occurred during the period covered by the refund claim. Refunds or claims for credit are not ~~((be))~~ allowed for anticipated nontaxable use or events.

(6) The department shall establish, by rule, minimum acceptable requirements and conditions on refunds subject to the authority in this section.

Sec. 207. RCW 46.68.090 and 2015 3rd sp.s. c 44 s 105 are each amended to read as follows:

(1) ~~((All))~~ Except as provided in subsection (8) of this section, all moneys that have accrued or may accrue to the motor vehicle fund from the fuel tax must be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount must be distributed monthly by the state treasurer in accordance with subsections (2) through ~~((8))~~ (9) of this section.

(a) For payment of refunds of fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the fuel tax, which sums must be distributed monthly.

(2) All of the remaining net tax amount collected under RCW 82.38.030(1) must be distributed as set forth in (a) through (j) of this subsection.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(b)(i) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

(ii) The following criteria, listed in order of priority, must be used in determining which special category C projects have the highest priority:

(A) Accident experience;

(B) Fatal accident experience;

(C) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(D) Continuity of development of the highway transportation network.

(iii) Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (2)(b);

(c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(e) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 7.5597 percent;

(f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there must be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an

amount equal to 1.9565 percent. These funds must be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and must be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board must adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(3) The remaining net tax amount collected under RCW 82.38.030(2) must be distributed to the transportation 2003 account (nickel account).

(4) The remaining net tax amount collected under RCW 82.38.030(3) must be distributed as follows:

(a) 8.3333 percent must be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent must be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder must be distributed to the transportation partnership account created in RCW 46.68.290.

(5) The remaining net tax amount collected under RCW 82.38.030(4) must be distributed as follows:

(a) 8.3333 percent must be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent must be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder must be distributed to the transportation partnership account created in RCW 46.68.290.

(6) The remaining net tax amount collected under RCW 82.38.030 (5) and (6) must be distributed to the transportation partnership account created in RCW 46.68.290.

(7) The remaining net tax amount collected under RCW 82.38.030 (7) and (8) must be distributed to the connecting

Washington account created in RCW 46.68.395.

(8) Revenues generated from the fuel tax imposed on fuel exported from the state under chapter 82.38 RCW must be deposited into the move ahead WA account created in section 401 of this act.

(9) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on fuel.

Sec. 208. RCW 82.42.020 and 2013 c 225 s 302 are each amended to read as follows:

There is levied upon every distributor of aircraft fuel, an excise tax at the rate of (~~eleven~~) 18 cents on each gallon of aircraft fuel sold, delivered, or used in this state. There must be collected from every user of aircraft fuel either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020. The taxes imposed by this chapter must be collected and paid to the state but once in respect to any aircraft fuel.

Sec. 209. RCW 46.17.200 and 2014 c 80 s 4 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment or qualifies for a reduced original license plate fee as provided in (e) of this subsection:

FEE TYPE	FEE	DISTRIBUTION
Original issue	(10.0) (\$ 0)) <u>\$50.00</u>	RCW 46.68.070
Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	(10.0) (\$ 0)) <u>\$30.00</u>	RCW 46.68.070

FEE TYPE	FEE	DISTRIBUTION
Original issue, motorcycle	(4.00) (\$)) <u>\$20.00</u>	RCW 46.68.070
Replacement, motorcycle	(4.00) (\$)) <u>\$12.00</u>	RCW 46.68.070
Original issue, moped	\$ 1.50	RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200(9)(a), of (~~twenty dollars~~) \$20 if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The (~~twenty dollar~~) \$20 fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A (~~ten dollar~~) \$10 license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The (~~ten dollar~~) \$10 license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a (~~five dollar~~) \$5 license plate fee, in addition to any other fee required by law.

(e) An original issue license plate fee of \$40 for each plate if the vehicle is a used car as defined in RCW 46.04.660.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to (~~five dollars~~) \$5 per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The

fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(3) \$40 of the original issue license plate fee imposed under subsection (1)(a) of this section, \$30 of the original issue license plate fee imposed under subsection (1)(e) of this section, and \$16 of the original issue motorcycle license plate fee imposed under subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act.

(4) \$20 of the replacement license plate fee imposed under subsection (1)(a) of this section and \$8 of the replacement motorcycle license plate fee imposed under subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act.

Sec. 210. RCW 46.17.120 and 2020 c 239 s 1 are each amended to read as follows:

(1) Before accepting an application for a certificate of title for a vehicle previously registered in any other state or country, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fee of ~~((fifteen dollars))~~ \$50. ~~((The fifteen dollar fee))~~

(a) \$15 of the fee required by this section must be distributed under RCW 46.68.020.

(b) \$35 of the fee required by this section must be deposited in the move ahead WA account created in section 401 of this act.

(2) An applicant is exempt from the ~~((fifteen dollar))~~ \$50 fee if the applicant previously registered the vehicle in Washington state and maintained ownership of the vehicle while registered in another state or country.

Sec. 211. RCW 46.17.400 and 2011 c 171 s 62 are each amended to read as follows:

(1) Before accepting an application for one of the following permits, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay the following permit fee by permit type in addition to any other fee or tax required by law:

PERM IT TYPE	FEE	AUTHORI TY	DISTRIBUTI ON
(a) Dealer temporary	((15.00)) <u>\$40.00</u>	RCW 46.16A.300	RCW 46.68.030
(b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
(c) Farm vehicle trip	\$ 6.25	RCW 46.16A.330	RCW 46.68.035
(d) Nonresident military	\$ 10.00	RCW 46.16A.340	RCW 46.68.070
(e) Nonresident temporary snowmobile	\$ 5.00	RCW 46.10.450	RCW 46.68.350
(f) Special fuel trip	\$ 30.00	RCW 82.38.100	RCW 46.68.460
(g) Temporary ORV use	\$ 7.00	RCW 46.09.430	RCW 46.68.045
(h) Vehicle trip	\$ 25.00	RCW 46.16A.320	RCW 46.68.455

(2) Permit fees as provided in subsection (1) of this section are in addition to the filing fee required under RCW 46.17.005, except an additional filing fee may not be charged for:

- (a) Dealer temporary permits;
- (b) Special fuel trip permits; and
- (c) Vehicle trip permits.

(3) ~~((Five dollars))~~ \$5 of the ~~((fifteen dollar))~~ \$40 dealer temporary permit fee provided in subsection (1)(a) of this section must be credited to the payment of vehicle license fees at the time application for registration is made. \$25 of the \$40 dealer temporary permit fee provided in subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act. The remainder must be deposited to the state patrol highway account created in RCW 46.68.030.

Sec. 212. RCW 46.20.202 and 2021 c 317 s 21 and 2021 c 158 s 9 are each reenacted and amended to read as follows:

(1) The department may enter into a memorandum of understanding with any

federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From

time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning (~~on July 23, 2017~~) October 1, 2022, the fee for an enhanced driver's license or enhanced identicard is (~~(thirty two dollars)~~) \$56, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the fee for each class is (~~four dollars~~) \$7 for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5)(a) The first \$4 per year of issuance, to a maximum of \$32 of the enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a)(i) or (~~(b)~~) (ii) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(~~(a)~~) (i) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(~~(b)~~) (ii) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

~~((e))~~ (iii) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) \$24 of the enhanced driver's license and enhanced identicard fee under this section must be deposited into the move ahead WA flexible account created in section 402 of this act. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the amount deposited into the move ahead WA flexible account created in section 402 of this act is \$3 for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

Sec. 213. RCW 46.52.130 and 2021 c 93 s 8 are each amended to read as follows:

Upon a proper request, the department may only furnish information contained in an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

(ii) Whether the vehicles were legally parked or moving;

(iii) Whether the vehicles were occupied at the time of the accident; and

(iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** Unless otherwise required in this

section, the release of an abstract does not require a signed statement by the subject of the abstract. An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or agents acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) The department may provide employers or their agents a three-year insurance carrier driving record of existing employees only for the purposes of sharing the driving record with its insurance carrier for underwriting. Employers may not provide the employees' full driving records to its insurance carrier.

(iii) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or the agent(s) acting on behalf of an employer or prospective employer of the named individual for purposes unrelated to driving by the individual when a driving record is required by federal or state law, or the employee or prospective employee will be handling heavy equipment or machinery.

(iv) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes agents to obtain this information on their behalf, this must be noted in the statement. The statement must also note that any information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee may not be used by the employer or prospective employer, or an agent authorized to obtain this information on their behalf, unless required by federal regulation or law. The employer or prospective employer must afford the employee or prospective employee an opportunity to demonstrate that an adjudication contained in the abstract is subject to a court order sealing the juvenile record.

(v) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(vi) No employer or prospective employer, nor any agents of an employer or prospective employer, may use information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee for any purpose unless required by federal regulation or law. The employer or prospective employer must furnish a copy of the court order sealing the juvenile record to the employer or prospective employer, or the agents of the employer or prospective employer, as may be required to ensure the application of this subsection.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for

which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agents of a transit authority checking prospective or existing volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agents:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty, or by registered tow truck operators as defined in RCW 46.55.010 in the performance of their occupational duties while at the scene of a roadside impound or recovery so long as they are not issued a citation. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the

abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agents, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agents, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles. For the purposes of this subsection, "commercial motor vehicle" has the same meaning as in RCW 46.25.010(6).

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of health to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **Attorneys—City attorneys, county prosecuting attorneys, and named individual's attorney of record.** An

abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting attorneys, or the named individual's attorney of record. City attorneys, county prosecuting attorneys, or the named individual's attorney of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031, or their agents, for employment and risk management purposes. "Unit of local government" includes an insurance pool established under RCW 48.62.031.

(i) **Superintendent of public instruction.** (i) An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(ii) The superintendent of public instruction is exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section.

(j) **State and federal agencies.** An abstract of the driving record maintained by the department may be furnished to state and federal agencies, or their agents, in carrying out its functions.

(k) **Transportation network companies.** An abstract of the full driving record maintained by the department may be furnished to a transportation network company or its agents acting on its behalf of the named individual for purposes related to driving by the

individual as a condition of being a contracted driver.

(1) **Research.** (i) The department may furnish driving record data to state agencies and bona fide scientific research organizations. The department may require review and approval by an institutional review board. For the purposes of this subsection, "research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, or by a scientific research professional associated with a bona fide scientific research organization with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(ii) The state agency, or a scientific research professional associated with a bona fide scientific research organization, are exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section. However, the department may charge a cost-recovery fee for the actual cost of providing the data.

(3) **Reviewing of driving records.** (a) In addition to the methods described herein, the director may enter into a contractual agreement for the purpose of reviewing the driving records of existing employees for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that does not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(b) The department may provide reviewing services to the following entities:

(i) Employers for existing employees, or their agents;

(ii) Transit authorities for current vanpool drivers, or their agents;

(iii) Insurance carriers for current policyholders, or their agents;

(iv) State colleges, universities, or agencies, or units of local government, or their agents;

(v) The office of the superintendent of public instruction for school bus drivers statewide; and

(vi) Transportation network companies, or their agents.

(4) **Release to third parties prohibited.** (a) Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (1) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(b) The following release of records to third parties are hereby authorized:

(i) Employers may divulge driving records to regulatory bodies, as defined by the department by rule, such as the United States department of transportation and the federal motor carrier safety administration.

(ii) Employers may divulge a three-year driving record to their insurance carrier for underwriting purposes.

(iii) Employers may divulge driving records to contracted motor carrier consultants for the purposes of ensuring driver compliance and risk management.

(5) ~~((Fee-))~~ **Fees.** (a) The director shall collect a ~~((thirteen dollar))~~ \$15 fee for each abstract of a person's driving record furnished by the department. After depositing \$2 of the driver's abstract fee in the move ahead WA flexible account created in section 402 of this act, the remainder shall be distributed as follows:

(i) Fifty percent ((of the fee)) must be deposited in the highway safety fund((7)); and ((fifty))

(ii) Fifty percent ((of the fee)) must be deposited according to RCW 46.68.038.

(b) Beginning July 1, 2029, the director shall collect an additional \$2 fee for each abstract of a person's driving record furnished by the department. The \$2 additional driver's abstract fee must be deposited in the

move ahead WA flexible account created in section 402 of this act.

(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the department for use in criminal proceedings.

(6) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

(7) Effective July 1, 2019, the contents of a driving abstract pursuant to this section shall not include any information related to sealed juvenile records unless that information is required by federal law or regulation.

Sec. 214. RCW 46.17.015 and 2010 c 161 s 502 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a ~~((twenty-five))~~ 25 cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.68.370.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license plate technology fee, except for a vehicle registered under RCW 46.16A.455(3).

(3) The revenue from the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3) must be deposited in the move ahead WA account created in section 401 of this act.

Sec. 215. RCW 46.17.025 and 2010 c 161 s 503 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a ~~((fifty))~~ 50 cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license service fee, except for a vehicle registered under RCW 46.16A.455(3).

(3) The revenue from the license service fee imposed on vehicles registered under RCW 46.16A.455(3) must be deposited in the move ahead WA account created in section 401 of this act.

Sec. 216. RCW 46.20.200 and 2012 c 80 s 10 are each amended to read as follows:

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of ~~((twenty dollars))~~ \$20 to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of ~~((ten dollars))~~ \$20 and surrender of the permit, identicard, or driver's license being replaced.

Sec. 217. RCW 46.68.041 and 2020 c 330 s 18 are each amended to read as follows:

(1) Except as provided in ~~((subsection))~~ subsections (2) and (3) of this section, the department ~~((shall))~~ must forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who ~~((shall))~~ must deposit such moneys to the credit of the highway safety fund.

(2) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) ~~((shall))~~ must be deposited in the impaired driving safety account.

(3) Fifty percent of the revenue from the fees imposed under RCW 46.20.200(2) must be deposited in the move ahead WA flexible account created in section 402 of this act.

Sec. 218. RCW 46.70.180 and 2017 c 41 s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading,

including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed (~~one hundred fifty dollars~~) \$200 per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the

requirements of this chapter or any other provisions of state law.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount up to (~~one hundred fifty dollars~~) \$200 may be added to the sale price or the capitalized cost.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as

follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within the "bushing" period, which is four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or

indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

A dealer may inform a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by sending an email message to the buyer's or lessee's supplied email address, by phone call, by leaving a voice message or sending a text message to a phone number provided by the buyer or lessee, by in-person oral communication, by mailing a letter by first-class mail if the buyer or lessee expresses a preference for a letter or declines to provide an email address and a phone number capable of receiving a free text message, or by another means agreed to by the buyer or lessee or approved by the department, effective upon the execution, mailing, or sending of the communication and before expiration of the "bushing" period;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of (~~five hundred~~) 500 miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the

mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee

in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the

following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept

delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor,

transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or ~~((one thousand dollars))~~ \$1,000, whichever amount is greater. A manufacturer or new motor

vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

Part III

General Fund and Other Related Support

Sec. 301. RCW 82.32.385 and 2020 c 219 s 703 are each amended to read as follows:

(1) Beginning September 2019 and ending December 2019, by the last day of September and December, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~thirteen million six hundred eighty thousand dollars~~) \$13,680,000.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from

the general fund to the multimodal transportation account created in RCW 47.66.070 (~~((thirteen million six hundred eighty thousand dollars))~~) \$13,680,000.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((thirteen million eight hundred five thousand dollars))~~) \$13,805,000.

(4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((thirteen million nine hundred eighty seven thousand dollars))~~) \$13,987,000.

(5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((eleven million six hundred fifty eight thousand dollars))~~) \$11,658,000.

(6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((seven million five hundred sixty four thousand dollars))~~) \$7,564,000.

(7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((four million fifty six thousand dollars))~~) \$4,056,000.

(8) For fiscal year 2026 through fiscal year 2038, the state treasurer must transfer from the general fund to the move ahead WA flexible account created in section 402 of this act \$31,000,000 each fiscal year in four equal quarterly transfers. This amount represents the estimated state sales and use tax generated from new transportation projects and activities funded as a result of this act.

Sec. 302. RCW 82.08.993 and 2021 c 171 s 2 are each amended to read as follows:

(1)(a) Subject to the limitations in this subsection, beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, (~~((fifty))~~) 50 percent of the tax levied by RCW 82.08.020 does not apply to sales or leases of new electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b)(i) By the end of the fifth working day of each month, until the expiration of the exemption as described in (c) of this subsection, the department must determine the cumulative number of vehicles that have claimed the exemption as described in (a) of this subsection.

(ii) The department of licensing must collect and provide, upon request, information in a form or manner as required by the department to determine the number of exemptions that have been claimed.

(c) The exemption under this section expires after the last day of the calendar month immediately following the month the department determines that the total number of vehicles exempt under (a) of this subsection reaches 650. All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under (a) of this subsection on lease payments due through the remainder of the lease.

(d) The department must provide notification on its website monthly on the amount of exemptions that have been applied for, the amount issued, and the amount remaining before the limit described in (c) of this subsection has been reached, and, once that limit has been reached, the date the exemption expires pursuant to (c) of this subsection.

(e) A person may not claim the exemption under this subsection if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(f) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles.

(2)(a) Subject to the limitations in this subsection (2), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, the entire tax levied by RCW 82.08.020 does not apply to the sale or lease of used electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles. However, the maximum value amount eligible for the exemption under (a) of this subsection is the lesser of either ~~((sixteen thousand dollars))~~ \$16,000 or the fair market value of the vehicle.

(c) A person may not claim the exemption under this subsection (2) if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(3)(a) For qualifying vehicles sold by a person licensed to do business in the state of Washington, the seller must keep records necessary for the department to verify eligibility under this section. The seller reporting the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) For vehicles purchased from (i) a seller that is not licensed to do business in the state of Washington, or (ii) a private party, the buyer must keep records necessary for the department to verify eligibility under this section. The buyer claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; date of sale; sales price; and the total amount qualifying for the incentive claimed for each

vehicle. This information must be provided in a form and manner prescribed by the department.

(4)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section and RCW 82.12.817 until the expiration of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria.

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsections (1) and (2) of this section.

~~(5) ((On the last day of July, October, January, and April of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior fiscal quarter but for the exemptions provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(6))~~ By the last day of August 2023, and annually thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of fuel cell electric vehicles that qualified for the exemptions under this section and RCW 82.12.817 by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and RCW 82.12.817; and estimates of the future costs of leased vehicles that qualified for the exemptions under this section and RCW 82.12.817.

~~((7))~~ (6)(a) Sales of vehicles delivered to the buyer after the expiration of this section, or leased vehicles for which the lease agreement was signed after the expiration of this section, do not qualify for the exemptions under this section.

(b) All leased vehicles that qualified for the exemption under this section before the expiration of this section must continue to receive the exemption on any lease payments due through the remainder of the lease.

~~((8))~~ (7) For the purposes of this section:

(a) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(b) "Fuel cell" means a technology that uses an electrochemical reaction to generate electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Selling price" and "sales price" have the same meaning as in RCW 82.08.010.

(e) "Used vehicle" has the same meaning as in RCW 46.04.660.

~~((9))~~ (8) This section expires June 30, 2029.

Sec. 303. RCW 82.12.817 and 2021 c 171 s 3 are each amended to read as follows:

(1) Subject to the limitations in this subsection and RCW 82.08.993(1)(c), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, ~~((fifty))~~ 50 percent of the tax levied by RCW 82.12.020 does not apply to sales or leases of new electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(2)(a) Subject to the limitations in this subsection (2), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, the entire tax levied by RCW 82.12.020 does not apply to the sale or lease of used electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles. However, the maximum value amount eligible for the exemption under (a) of this subsection is the lesser of

either ~~((sixteen thousand dollars))~~ \$16,000 or the fair market value of the vehicle.

(c) A person may not claim the exemption under this subsection (2) if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(3) The buyer must keep records necessary for the department to verify eligibility under this section. The buyer claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

~~(4) ((On the last day of July, October, January, and April of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior fiscal quarter but for the exemptions provided in this section. Information provided by the department to the state treasurer must be based on the best available data.~~

~~(5))~~(a) Sales of vehicles delivered to the buyer after the expiration of this section, or leased vehicles for which the lease agreement was signed after the expiration of this section, do not qualify for the exemptions under this section.

(b) All leased vehicles that qualified for the exemption under this section before the expiration of this section must continue to receive the exemption on any lease payments due through the remainder of the lease.

~~((6))~~ (5) The definitions in RCW 82.08.993 apply to this section.

~~((7))~~ (6) This section expires June 30, 2029.

Sec. 304. RCW 82.08.9999 and 2021 c 145 s 13 are each amended to read as follows:

(1) Beginning August 1, 2019, with sales made or lease agreements signed on or after the qualification period start date:

(a) The tax levied by RCW 82.08.020 does not apply as provided in (b) of this subsection to sales or leases of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least ~~((thirty))~~ 30 miles using only battery power; and

(iii)(A) Have a vehicle selling price plus trade-in property of like kind for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000;

(b)(i) The exemption in this section is applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's selling price, for sales made; or

(B) The total lease payments made plus any additional selling price of the leased vehicle if the original lessee

purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty five thousand dollars))~~ \$25,000;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty thousand dollars))~~ \$20,000;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is ~~((fifteen thousand dollars))~~ \$15,000.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is ~~((sixteen thousand dollars))~~ \$16,000.

(2) The seller must keep records necessary for the department to verify eligibility under this section. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(3)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section or RCW 82.12.9999 until the expiration date of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria. A seller is not responsible for repayment of the tax exemption under this section and RCW 82.12.9999 for a vehicle if the

department of licensing's published list of qualifying vehicle models on the purchase date or the date the lease agreement was signed includes the vehicle model and the department of licensing subsequently removes the vehicle model from the published list, and, if applicable, the vehicle meets the qualifying criterion under subsection (1)(a)(iii)(B) of this section and RCW 82.12.9999(1)(a)(iii)(B).

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsection (1)(a)(iii)(B) of this section and RCW 82.12.9999(1)(a)(iii)(B).

~~(4) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(5))~~ By the last day of October 2019, and every six months thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of vehicles that qualified for the exemption under this section and RCW 82.12.9999 by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and RCW 82.12.9999; and estimates of the future costs of leased vehicles that qualified for the exemption under this section and RCW 82.12.9999.

~~((6))~~ (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California

motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2019, and the rules of the Washington state department of ecology.

(b) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Qualification period end date" means August 1, 2025.

(e) "Qualification period start date" means August 1, 2019.

(f) "Used vehicle" has the same meaning as in RCW 46.04.660.

~~((7))~~ (6)(a) Sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

~~((8))~~ (7) This section expires August 1, 2028.

~~((9))~~ (8) This section is supported by the revenues generated in RCW 46.17.324, and therefore takes effect only if RCW 46.17.324 is enacted by June 30, 2019.

Sec. 305. RCW 82.12.9999 and 2019 c 287 s 10 are each amended to read as follows:

(1) Beginning August 1, 2019, beginning with sales made or lease agreements signed on or after the qualification period start date:

(a) The provisions of this chapter do not apply as provided in (b) of this subsection in respect to the use of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of

electricity and are capable of traveling at least (~~(thirty)~~) 30 miles using only battery power; and

(iii)(A) Have a fair market value at the time use tax is imposed for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~(forty five thousand dollars)~~) \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~(thirty thousand dollars)~~) \$30,000; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~(forty five thousand dollars)~~) \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~(thirty thousand dollars)~~) \$30,000;

(b)(i) The exemption in this section is only applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's purchase price, for sales made; or

(B) The total lease payments made plus any additional purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is (~~(twenty five thousand dollars)~~) \$25,000;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is (~~(twenty thousand dollars)~~) \$20,000;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is (~~(fifteen thousand dollars)~~) \$15,000.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is (~~(sixteen thousand dollars)~~) \$16,000.

(2)(a) The seller must keep records necessary for the department to verify eligibility under this section, except as provided in (b) of this subsection. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; fair market value of the vehicle; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) (a) of this subsection applies only if the seller or person claiming the exemption is a vehicle dealer, as defined under RCW 46.70.011. When the seller is not a vehicle dealer, the department of licensing must establish a process for granting the tax exemption under this section for use tax otherwise collected at the time the ownership of a vehicle is transferred when the vehicle qualifies for the use tax exemption under subsection (1)(a) of this section, and must provide any information required under (a) of this subsection that it obtains as part of the vehicle titling and registration process for these vehicles to the department on at least a quarterly basis.

(3) (~~(On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data.~~)

~~(4)~~(a) Vehicles purchased or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

~~(5)~~ (4) The definitions in RCW 82.08.9999 apply to this section.

~~(6)~~ (5) This section is supported by the revenues generated in RCW 46.17.324, and therefore takes effect only if RCW 46.17.324 is enacted by June 30, 2019.

~~(7)~~ (6) This section expires August 1, 2028.

Sec. 306. RCW 82.04.4496 and 2019 c 287 s 8 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	75% of incremental cost	\$50,000	\$2,000,000

Above 26,500 pounds	75% of incremental cost	\$100,000	\$2,000,000
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(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to ~~(fifty)~~ 50 percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of ~~(two million dollars)~~ \$2,000,000.

(b) On September 1st of each year, any unused credits from any category identified in (a) of this subsection must be made available to applicants applying for credits under any other category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.16.0496 is subject to a maximum annual credit amount of ~~(six million dollars)~~ \$6,000,000, and a maximum total credit amount of ~~(thirty two and one half million dollars)~~ \$32,500,000 since the credit became available on July 15, 2015.

(c) The credit provided in (a)(i) of this subsection is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of ~~(twenty five thousand dollars)~~ \$25,000 or ~~(fifty)~~ 50 percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed

the lesser of (~~two hundred fifty thousand dollars~~) \$250,000 or (~~twenty five~~) 25 vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.16 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.16.0496, during any calendar year to exceed (~~six million dollars~~) \$6,000,000. The department must provide notification on its website monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.16.0496 to exceed (~~thirty two and one half million dollars~~) \$32,500,000. The department must provide notification on its website monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within (~~fifteen~~) 15 days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit;

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support

administration or reporting of the program.

(c) Provide final documentation within ~~((thirty))~~ 30 days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of each vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its website monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit and total limit are reached;

(b) Within ~~((fifteen))~~ 15 days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for

are anticipated to be delivered, constructed, or installed;

(c) Within ~~((fifteen))~~ 15 days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within ~~((fifteen))~~ 15 days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel;

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

(14) ~~((a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.~~

~~(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.~~

~~(15))~~ The department must conduct outreach to interested parties to obtain input on how best to streamline the application process required for the credit made available in this section and RCW 82.16.0496 to further adoption of alternative fuel technologies in commercial vehicle fleets, and must incorporate the findings resulting from this outreach effort into the rules and practices it adopts to implement and administer this section and RCW 82.16.0496 to the extent permitted under law.

~~((16))~~ (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative fuel vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a clean alternative fuel vehicle.

(b) "Auto transportation company" means any corporation or person owning, controlling, operating, or managing any motor propelled vehicle, used in the business of transporting persons for compensation over public highways within the state of Washington, between fixed points or over a regular route. For the purposes of this section, "auto transportation company" also includes the following categories of providers irrespective of whether they provide service between fixed points or over a regular route: "Private, nonprofit transportation provider" as defined in RCW 81.66.010, "charter party carrier" as defined in RCW 81.70.020, and paratransit service providers who primarily provide special needs transportation to individuals with disabilities and the elderly.

(c) "Clean alternative fuel" means electricity, dimethyl ether, hydrogen, methane, natural gas, liquefied natural gas, compressed natural gas, or propane.

(d) "Commercial vehicle" means any commercial vehicle that is purchased by a private business and that is used exclusively in the provision of

commercial services or the transportation of commodities, merchandise, produce, refuse, freight, animals, or passengers, and that is displaying a Washington state license plate. All commercial vehicles that provide transportation to passengers must be operated by an auto transportation company.

(e) "Gross capitalized cost" means the agreed upon value of the commercial vehicle and including any other items a person pays over the lease term that are included in such cost.

(f) "Lease reduction factor" means the vehicle gross capitalized cost less the residual value, divided by the gross capitalized cost.

(g) "Qualifying used commercial vehicle" means vehicles that:

(i) Have an odometer reading of less than ~~((four hundred fifty thousand))~~ 450,000 miles;

(ii) Are less than ~~((ten))~~ 10 years past their original date of manufacture;

(iii) Were modified after the initial purchase with a United States environmental protection agency certified conversion that would allow the propulsion units to be principally powered by a clean alternative fuel; and

(iv) Are being sold for the first time after modification.

(h) "Residual value" means the lease-end value of the vehicle as determined by the lessor, at the end of the lease term included in the lease contract.

~~((17))~~ (16) Credits may be earned under this section from January 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached.

Sec. 307. RCW 82.16.0496 and 2019 c 287 s 13 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The

credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	75% of incremental cost	\$50,000	\$2,000,000
Above 26,500 pounds	75% of incremental cost	\$100,000	\$2,000,000

(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to ~~((fifty))~~ 50 percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of ~~((two million dollars))~~ \$2,000,000.

(b) On September 1st of each year, any unused credits from any category identified in (a) of this subsection must be made available to applicants applying for credits under any other category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.04.4496 is subject to a maximum annual credit amount of ~~((six million dollars))~~ \$6,000,000, and a maximum total credit amount of ~~((thirty two and one half million~~

~~dollars))~~ \$32,500,000 beginning July 15, 2015.

(c) The credit provided in (a)(i) of this subsection is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of ~~((twenty five thousand dollars))~~ \$25,000 or ~~((fifty))~~ 50 percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of ~~((two hundred fifty thousand dollars))~~ \$250,000 or ~~((twenty five))~~ 25 vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.04.4496, during any calendar year to exceed ~~((six million dollars))~~ \$6,000,000. The department must provide notification on its website monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.04.4496 to exceed ~~((thirty two and one half million dollars))~~ \$32,500,000. The department must provide notification on its website monthly on the total amount of credits

that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within (~~fifteen~~) 15 days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit;

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within (~~thirty~~) 30 days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of the vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply

for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its website monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit and total limit are reached;

(b) Within ~~((fifteen))~~ 15 days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within ~~((fifteen))~~ 15 days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within ~~((fifteen))~~ 15 days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel;

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction

or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) The definitions in RCW 82.04.4496 apply to this section.

(14) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

~~(15) ((a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.~~

~~(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.~~

~~(16))~~ Credits may be earned under this section from January 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached.

Sec. 308. RCW 82.08.816 and 2019 c 287 s 11 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or

improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations;

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a

fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

~~((4))~~ (4) This section expires July 1, 2025.

Sec. 309. RCW 82.12.816 and 2019 c 287 s 12 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from

crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ This section expires July 1, 2025.

Sec. 310. RCW 82.70.040 and 2016 c 32 s 3 are each amended to read as follows:

(1)(a) The department must keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department may not allow any credits that would cause the total amount allowed to exceed ~~((two million seven hundred fifty thousand dollars))~~ \$2,750,000 in any fiscal year.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department must ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

(b) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the

credits accrue. For credits approved by the department through June 30, 2015, the approved credit may be carried forward and used for tax reporting periods through December 31, 2016. Credits approved after June 30, 2015, must be used for tax reporting periods within the calendar year for which they are approved by the department and may not be carried forward to subsequent tax reporting periods. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person may be approved for tax credits under RCW 82.70.020 in excess of ~~((one hundred thousand dollars))~~ \$100,000 in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, 2024.

~~((5) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by chapter 361, Laws of 2003 are terminated.))~~

Sec. 311. RCW 82.70.050 and 2015 3rd sp.s. c 44 s 415 are each amended to read as follows:

~~((1))~~ The director must on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under RCW 82.70.020 during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

~~((2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must deposit to the general fund a sum equal to the dollar amount of the credit provided under RCW 82.70.020 from the multimodal transportation account.~~

~~((3) This section expires January 1, 2025.))~~

Sec. 312. RCW 82.21.030 and 2021 c 333 s 705 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of hazardous substances in this state. Except as

provided in (b) of this subsection, the rate of the tax is seven-tenths of one percent multiplied by the wholesale value of the substance. Moneys collected under this subsection (1)(a) must be deposited in the model toxics control capital account.

(b) Beginning July 1, 2019, the rate of the tax on petroleum products is one dollar and nine cents per barrel. The tax collected under this subsection (1)(b) on petroleum products must be deposited as follows, after first depositing the tax as provided in (c) of this subsection, except that during the 2021-2023 biennium the deposit as provided in (c) of this subsection may be prorated equally across each month of the biennium:

(i) Sixty percent to the model toxics control operating account created under RCW 70A.305.180;

(ii) Twenty-five percent to the model toxics control capital account created under RCW 70A.305.190; and

(iii) Fifteen percent to the model toxics control stormwater account created under RCW 70A.305.200.

(c) Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, ~~((fifty million dollars))~~ \$50,000,000 per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act enacted after June 30, 2023, in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed ~~((two billion dollars))~~ \$2,000,000,000 per biennium attributable solely to an increase in revenue from the enactment of the act.

(d) The department must compile a list of petroleum products that are not easily measured on a per barrel basis. Petroleum products identified on the list are subject to the rate under (a) of this subsection in lieu of the volumetric rate under (b) of this subsection. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet website. In compiling the list, the department may accept technical assistance from persons that sell, market, or distribute petroleum products and consider any other resource the

department finds useful in compiling the list.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(3) Beginning July 1, 2020, and every July 1st thereafter, the rate specified in subsection (1)(b) of this section must be adjusted to reflect the percentage change in the implicit price deflator for nonresidential structures as published by the United States department of commerce, bureau of economic analysis for the most recent (~~twelve month~~) 12-month period ending December 31st of the prior year.

Part IV

Account Creation, Local Options, and Other Provisions

NEW SECTION. Sec. 401. A new section is added to chapter 46.68 RCW to read as follows:

The move ahead WA account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as move ahead WA projects or improvements in an omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. Sec. 402. A new section is added to chapter 46.68 RCW to read as follows:

The move ahead WA flexible account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation projects, programs, or activities identified as move ahead WA flexible projects, programs, or activities in an omnibus transportation appropriations act.

Sec. 403. RCW 43.84.092 and 2021 c 199 s 504 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account,

the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account,

the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the

transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 404. RCW 43.84.092 and 2021 c 199 s 505 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund

with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the

public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund

accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent

fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 405. RCW 82.47.020 and 1991 c 173 s 1 are each amended to read as follows:

(1) The legislative authority of a border area jurisdiction may, by resolution for the purposes authorized in this chapter and by approval of a majority of the registered voters of the jurisdiction voting on the proposition at a general or special election, fix and impose an excise tax on the retail sale of motor vehicle fuel and special fuel within the jurisdiction. An election held under this section must be held not more than ~~((twelve))~~ 12 months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition ~~((shall))~~ must state the tax rate that is proposed. The rate of such tax ~~((shall be in increments of one tenth of a cent per gallon and shall))~~ may not exceed ((one cent)) two cents per gallon for ballot propositions submitted in calendar year 2022. For ballot propositions submitted after calendar year 2022, this two cents per gallon maximum tax rate may be adjusted to reflect the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published by the bureau of economic analysis of the federal department of commerce, for the period of time between calendar year 2022 and when the tax is placed on the ballot for voter approval.

(2) The tax imposed in this section shall be collected and paid to the jurisdiction but once in respect to any motor vehicle fuel or special fuel. This tax shall be in addition to any other tax authorized or imposed by law.

(3) For purposes of this chapter, the term "border area jurisdictions" means all cities and towns within ~~((ten))~~ 10 miles of an international border crossing and any transportation benefit district established under RCW 36.73.020 which has within its boundaries an international border crossing.

Sec. 406. RCW 36.73.065 and 2015 3rd sp.s. c 44 s 309 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, except:

(a) If authorized by the district voters pursuant to RCW 36.73.160;

(b) With respect to a change in a rebate program, a material change policy adopted pursuant to RCW 36.73.160 is followed and the change does not reduce the percentage level or rebate amount;

(c) For up to ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty four))~~ 24 months; ~~((or))~~

(d) For up to ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of ~~((forty dollars))~~ \$40 has been imposed for at least ~~((twenty four))~~ 24 months and a

district has met the requirements of subsection (6) of this section; or

(e) For up to three-tenths of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, pursuant to the sales and use tax authorized in RCW 82.14.0455.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees, taxes, and charges:

(i) Up to ~~((twenty dollars))~~ \$20 of the vehicle fee authorized in RCW 82.80.140;

(ii) Up to ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty four))~~ 24 months;

(iii) Up to ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of forty dollars has been imposed for at least ~~((twenty four))~~ 24 months and a district has met the requirements of subsection (6) of this section; ~~((or))~~

(iv) A fee or charge in accordance with RCW 36.73.120; or

(v) Up to one-tenth of one percent of the sales and use tax in accordance with RCW 82.14.0455.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities may not impose the fees or charges identified in (a) of this subsection within ~~((one hundred eighty))~~ 180 days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the ~~((one hundred eighty day))~~ 180-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008,

unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to: (a) (~~Twenty dollars~~) \$20 of the vehicle fee authorized in RCW 82.80.140, (b) (~~forty dollars~~) \$40 of the vehicle fee authorized in RCW 82.80.140 if a fee of (~~twenty dollars~~) \$20 has been imposed for at least (~~twenty four~~) 24 months, or (c) (~~fifty dollars~~) \$50 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of (~~forty dollars~~) \$40 has been imposed for at least (~~twenty four~~) 24 months and a district has met the requirements of subsection (6) of this section.

(6) If a district intends to impose a vehicle fee of more than (~~forty dollars~~) \$40 by a majority vote of the governing body of the district, the governing body must publish notice of this intention, in one or more newspapers of general circulation within the district, by April 1st of the year in which the vehicle fee is to be imposed. If within (~~ninety~~) 90 days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the governing body within two weeks. The proposition to impose the vehicle fee must then be submitted to the voters of the district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The vehicle fee may then be imposed only if approved by a majority of the voters of the district voting on the proposition.

Sec. 407. RCW 82.14.0455 and 2010 c 105 s 3 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in

accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed (~~two-tenths~~) three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. Except as provided in subsection (2) of this section, the tax may not be imposed for a period exceeding (~~ten~~) 10 years. This tax, if not imposed under the conditions of subsection (2) of this section, may be extended for a period not exceeding (~~ten~~) 10 years with an affirmative vote of the voters voting at the election or a majority vote of the governing board of the district. The governing board of the district may only fix, impose, or extend a sales and use tax of up to one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The voter-approved sales tax initially imposed under this section after July 1, 2010, may be imposed for a period exceeding (~~ten~~) 10 years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW.

(3) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

NEW SECTION. Sec. 408. A new section is added to chapter 70A.535 RCW to read as follows:

(1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be

achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of RCW 70A.535.030; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of RCW 70A.535.030.

(2) The clean fuels program adopted by the department must be designed such that:

(a) Regulated parties generate deficits and may reconcile the deficits, and thus comply with the clean fuels program standards for a compliance period, by obtaining and retiring credits;

(b) Regulated parties and credit generators may generate credits for fuels used as substitutes or alternatives for gasoline or diesel;

(c) Regulated parties, credit generators, and credit aggregators shall have opportunities to trade credits; and

(d) Regulated parties shall be allowed to carry over to the next compliance period a small deficit without penalty.

(3) The department shall, throughout a compliance period, regularly monitor the availability of fuels needed for compliance with the clean fuels program.

(4)(a) Under the clean fuels program, the department shall monthly calculate the volume-weighted average price of credits and, no later than the last day of the month immediately following the month for which the calculation is completed, post the formula and the nonaggregated data the department used for the calculation and the results of the calculation on the department's website.

(b) In completing the calculation required by this subsection, the department may exclude from the data set credit transfers without a price or other credit transfers made for a price that falls two standard deviations outside of the mean credit price for the month. Data posted on the department's website under this section may not include any

individually identifiable information or information that would constitute a trade secret.

(5)(a) Except as provided in this section, the rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 20 percent below 2017 levels by 2038 based on the following schedule:

(i) No more than 0.5 percent each year in 2023 and 2024;

(ii) No more than an additional one percent each year beginning in 2025 through 2027;

(iii) No more than an additional 1.5 percent each year beginning in 2028 through 2031; and

(iv) No change in 2032 and 2033.

(b) The rules must establish a start date for the clean fuels program of no later than January 1, 2023.

(6) Beginning with the program year beginning in calendar year 2028, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the department demonstrates that the following have occurred:

(a) At least a 15 percent net increase in the volume of in-state liquid biofuel production and the use of feedstocks grown or produced within the state relative to the start of the program; and

(b) At least one new or expanded biofuel production facility representing an increase in production capacity or producing, in total, in excess of 60,000,000 gallons of biofuels per year has or have received after July 1, 2021, all necessary siting, operating, and environmental permits post all timely and applicable appeals. As part of the threshold of 60,000,000 gallons of biofuel under this subsection, at least one new facility producing at least 10,000,000 gallons per year must have received all necessary siting, operating, and environmental permits. Timely and applicable appeals must be determined by the attorney general's office.

(7) Beginning with the program year beginning in calendar year 2031, the department may not increase the carbon

intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the:

(a) Joint legislative audit and review committee report required in RCW 70A.535.140 has been completed; and

(b) 2033 regular legislative session has adjourned, in order to allow an opportunity for the legislature to amend the requirements of this chapter in light of the report required in (a) of this subsection.

(8) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(9) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

Sec. 409. RCW 70A.535.010 and 2021 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO₂e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under ~~((RCW 70A.535.020))~~ section 408 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under ~~((RCW 70A.535.020))~~ section 408 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

Sec. 410. RCW 70A.535.030 and 2021 c 317 s 4 are each amended to read as follows:

The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in (~~RCW 70A.535.020~~) section 408 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-

controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information

submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in (~~RCW 70A.535.020~~) section 408 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under (~~RCW 70A.535.020~~) section 408 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers, importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program

compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in RCW 70A.535.040, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in (~~RCW 70A.535.020~~) section 408 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms.

(a) Cost containment mechanisms must include the credit clearance market specified in subsection (8) of this section and may also include, but are not limited to:

(i) Procedures similar to the credit clearance market required in subsection (8) of this section that provide a means of compliance with the clean fuels program requirements in the event that a regulated person has not been able to acquire sufficient volumes of credits at the end of a compliance period; or

(ii) Similar procedures that ensure that credit prices do not significantly exceed credit prices in other jurisdictions that have adopted similar programs to reduce the carbon intensity of transportation fuels.

(b) Any cost containment mechanisms must be designed to provide financial disincentive for regulated persons to rely on the cost containment mechanism for purposes of program compliance instead of seeking to generate or acquire sufficient credits under the program.

(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in RCW 70A.535.060(1).

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in RCW 70A.535.060(1);

(8)(a)(i) A credit clearance market for any compliance period in which at

least one regulated party reports that the regulated party has a net deficit balance at the end of the compliance period, after retirement of all credits held by the regulated party, that is greater than a small deficit. A regulated party described by this subsection is required to participate in the credit clearance market.

(ii) If a regulated party has a small deficit at the end of a compliance period, the regulated party shall notify the department that it will achieve compliance with the clean fuels program during the compliance period by either: (A) Participating in a credit clearance market; or (B) carrying forward the small deficit.

(b) For the purposes of administering a credit clearance market required by this section, the department shall:

(i) Allow any regulated party, credit generator, or credit aggregator that holds excess credits at the end of the compliance period to voluntarily participate in the credit clearance market as a seller by pledging a specified number of credits for sale in the market;

(ii) Require each regulated party participating in the credit clearance market as purchaser of credits to:

(A) Have retired all credits in the regulated party's possession prior to participating in the credit clearance market; and

(B) Purchase the specified number of the total pledged credits that the department has determined are that regulated party's pro rata share of the pledged credits;

(iii) Require all sellers to:

(A) Agree to sell pledged credits at a price no higher than a maximum price for credits;

(B) Accept all offers to purchase pledged credits at the maximum price for credits; and

(C) Agree to withhold any pledged credits from sale in any transaction outside of the credit clearance market until the end of the credit clearance market, or if no credit clearance market is held in a given year, then until the date on which the department announces it will not be held.

(c)(i) The department shall set a maximum price for credits in a credit clearance market, consistent with states that have adopted similar clean fuels programs, not to exceed \$200 in 2018 dollars for 2023.

(ii) For 2024 and subsequent years, the maximum price may exceed \$200 in 2018 dollars, but only to the extent that a greater maximum price for credits is necessary to annually adjust for inflation, beginning on January 1, 2024, pursuant to the increase, if any, from the preceding calendar year in the consumer price index for all urban consumers, west region (all items), as published by the bureau of labor statistics of the United States department of labor.

(d) A regulated party that has a net deficit balance after the close of a credit clearance market:

(i) Must carry over the remaining deficits into the next compliance period; and

(ii) May not be subject to interest greater than five percent, penalties, or assertions of noncompliance that accrue based on the carryover of deficits under this subsection.

(e) If a regulated party has been required under (a) of this subsection to participate as a purchaser in two consecutive credit clearance markets and continues to have a net deficit balance after the close of the second consecutive credit clearance market, the department shall complete, no later than two months after the close of the second credit clearance market, an analysis of the root cause of an inability of the regulated party to retire the remaining deficits. The department may recommend and implement any remedy that the department determines is necessary to address the root cause identified in the analysis including, but not limited to, issuing a deferral, provided that the remedy implemented does not:

(i) Require a regulated party to purchase credits for an amount that exceeds the maximum price for credits in the most recent credit clearance market; or

(ii) Compel a person to sell credits.

(f) If credits sold in a credit clearance market are subsequently invalidated as a result of fraud or any

other form of noncompliance on the part of the generator of the credit, the department may not pursue civil penalties against, or require credit replacement by, the regulated party that purchased the credits unless the regulated party was a party to the fraud or other form of noncompliance.

(g) The department may not disclose the deficit balances or pro rata share purchase requirements of a regulated party that participates in the credit clearance market;

(9) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

Sec. 411. RCW 70A.535.040 and 2021 c 317 s 5 are each amended to read as follows:

(1) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must exempt the following transportation fuels from greenhouse gas emissions intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emissions intensity reduction requirements applicable to transportation fuels specified in (~~RCW 70A.535.020~~) section 408 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may include exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to July 25, 2021, or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

Sec. 412. RCW 70A.535.050 and 2021 c 317 s 6 are each amended to read as follows:

(1) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may allow the

generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under RCW (~~70A.535.020~~ and) 70A.535.030 and section 408 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under RCW (~~70A.535.020~~ and) 70A.535.030 and section 408 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted under RCW (~~70A.535.020~~ and) 70A.535.030 and section 408 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1) and (2) of this section. The department must limit the number of credits that may be earned each year under subsection (3) of this section to 10 percent of the total program credits. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

Sec. 413. RCW 70A.535.120 and 2021 c 317 s 13 are each amended to read as follows:

(1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under (~~RCW 70A.535.020~~) section 408 of this act no later than 15 calendar days after the date the department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the

governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under RCW 70A.535.030 if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in RCW 70A.535.100, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

NEW SECTION. Sec. 414. RCW 70A.535.020 (Carbon intensity of transportation fuels—Standards to reduce carbon intensity—Adoption of rules) and 2021 c 317 s 3 are each repealed.

NEW SECTION. Sec. 415. (1) A target is established for the state that all publicly owned and privately owned passenger and light duty vehicles of model year 2030 or later that are sold, purchased, or registered in Washington state be electric vehicles.

(2) On or before December 31, 2023, the interagency electric vehicle coordinating council created in section 428 of this act shall complete a scoping plan for achieving the 2030 target.

NEW SECTION. Sec. 416. A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a bus and bus facilities grant program. The purpose of this competitive grant program is to provide grants to any transit authority for the replacement, expansion, rehabilitation, and purchase of transit rolling stock; construction, modification, or rehabilitation of transit facilities; and funding to adapt to technological change or innovation through the retrofitting of transit rolling stock and facilities.

(2)(a) The department must incorporate environmental justice principles into the grant selection process, with the goal of increasing the distribution of funding to communities based on addressing environmental harms and provide environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(b) The department must incorporate geographic diversity into the grant selection process.

(c) No grantee may receive more than 35 percent of the amount appropriated for the grant program in a particular biennium.

(d) Fuel type may not be a factor in the grant selection process.

(3) The department must establish an advisory committee to carry out the mandates of this section, including assisting with the establishment of grant criteria.

(4) The department must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For the purposes of this section:

(a) "Transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation

benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

(b) "Transit rolling stock" means transit vehicles including, but not limited to, buses, ferries, and vans.

NEW SECTION. Sec. 417. A new section is added to chapter 47.04 RCW to read as follows:

(1) The legislature finds that many communities across Washington state have not equitably benefited from investments in the active transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and roll to work and to carry out other daily activities.

(2) To address these investment gaps, the connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the connecting communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting communities projects for funding by the legislature. The report must also include the status of previously funded projects.

(6) This section expires July 1, 2027.

NEW SECTION. Sec. 418. A new section is added to chapter 47.24 RCW to read as follows:

(1) In order to improve the safety, mobility, and accessibility of state highways, it is the intent of the legislature that the department must incorporate the principles of complete streets with facilities that provide street access with all users in mind, including pedestrians, bicyclists, and public transportation users, notwithstanding the provisions of RCW 47.24.020 concerning responsibility beyond the curb of state rights-of-way. As such, state transportation projects starting design on or after July 1, 2022, and that are \$500,000 or more, must:

(a) Identify those locations on state rights-of-way that do not have a complete and Americans with disabilities act accessible sidewalk or shared-use path, that do not have bicycle facilities in the form of a bike lane or adjacent parallel trail or shared-use path, that have such facilities on a state route within a population center that has a posted speed in excess of 30 miles per hour and no buffer or physical separation from vehicular traffic for pedestrians and bicyclists, and/or that have a design that hampers the ability of motorists to see a crossing pedestrian with sufficient time to stop given posted speed limits and roadway configuration;

(b) Consult with local jurisdictions to confirm existing and planned active transportation connections along or across the location; identification of connections to existing and planned public transportation services, ferry landings, commuter and passenger rail, and airports; the existing and planned facility type(s) within the local jurisdiction that connect to the location; and the potential use of speed management techniques to minimize crash exposure and severity;

(c) Adjust the speed limit to a lower speed with appropriate modifications to roadway design and operations to achieve

the desired operating speed in those locations where this speed management approach aligns with local plans or ordinances, particularly in those contexts that present a higher possibility of serious injury or fatal crashes occurring based on land use context, observed crash data, crash potential, roadway characteristics that are likely to increase exposure, or a combination thereof, in keeping with a safe system approach and with the intention of ultimately eliminating serious and fatal crashes; and

(d) Plan, design, and construct facilities providing context-sensitive solutions that contribute to network connectivity and safety for pedestrians, bicyclists, and people accessing public transportation and other modal connections, such facilities to include Americans with disabilities act accessible sidewalks or shared-use paths, bicyclist facilities, and crossings as needed to integrate the state route into the local network.

(2) Projects undertaken for emergent work required to reopen a state highway in the event of a natural disaster or other emergency repair are not required to comply with the provisions of this section.

(3) Maintenance of facilities constructed under this provision shall be as provided under existing law.

(4) This section does not create a private right of action.

NEW SECTION. Sec. 419. A new section is added to chapter 47.04 RCW to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying

bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

NEW SECTION. Sec. 420. A new section is added to chapter 47.04 RCW to read as follows:

For the purposes of submitting a request by October 1, 2022, to Amtrak to adopt a fare policy change, the department shall negotiate with the Oregon department of transportation to determine ridership, revenue, and policy impacts relating to elimination of fares for Amtrak Cascades passengers 18 years of age and younger. It is the intent of the legislature that fares for passengers 18 years of age and younger for service on the Amtrak Cascades corridor be eliminated. The department shall report back to the transportation committees of the legislature with results of negotiations with the Oregon department of transportation and the status of fare policy requests submitted to Amtrak by December 1, 2022.

NEW SECTION. Sec. 421. A new section is added to chapter 47.60 RCW to read as follows:

Consistent with RCW 47.60.315(1)(b), the commission shall adopt an annual fare policy for Washington state ferries to allow all riders 18 years of age and younger to ride free of charge on all

system routes. This fare change must apply to both walk-on passengers and passengers in vehicles. The commission is directed to make the initial fare policy change effective no later than October 1, 2022.

NEW SECTION. Sec. 422. A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a transit support grant program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, in order to qualify for the grants.

(a) Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of "Summary of Public Transportation" published by the department.

(b) No transit agency may receive more than 35 percent of these distributions.

(c) Fuel type may not be a factor in the grant selection process.

(2) To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency.

(3) The department shall, for the purposes of the "Summary of Public Transportation" report, require grantees to report the number of trips that were taken under this program.

(4) For the purposes of this section, "transit agency" or "agency" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

Sec. 423. RCW 46.63.170 and 2020 c 224 s 1 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of

infraction is subject to the following requirements:

(a) Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: ~~Stoplight, railroad crossing, ((+)) school speed zone violations((+)), speed violations on any roadway identified in a school walk area as defined in RCW 28A.160.160, speed violations in public park speed zones, hospital speed zones, speed violations subject to (c) or (d) of this subsection((+)),~~ or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's website.

(b)(i) Except as provided in (c) and (d) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: ~~((+))~~ (A) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; ~~((+))~~ (B) railroad crossings; ~~(and ((+))~~ (C)

~~school speed zones; (D) roadways identified in a school walk area as defined in RCW 28A.160.160; (E) public park speed zones, as defined in (b)(ii) of this subsection; and (F) hospital speed zones, as defined in (b)(ii) of this subsection.~~

(ii) For the purposes of this section:

(A) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of public park property (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

(B) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(c) ~~((Any))~~ In addition to the automated traffic safety cameras authorized under (d) of this subsection, any city west of the Cascade mountains with a population of more than ~~((one hundred ninety five thousand))~~ 195,000 located in a county with a population of fewer than ~~((one million five hundred thousand))~~ 1,500,000 may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d)(i) Cities may operate at least one automated traffic safety camera under this subsection to detect speed violations, subject to the requirements of (d)(ii) of this subsection. Cities may operate one additional automated traffic safety camera to detect speed violations for every 10,000 residents included in the city's population. Cameras must be placed in locations that comply with one of the following:

(A) The location has been identified as a priority location in a local road safety plan that a city has submitted to the Washington state department of

transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed;

(B) The location has a significantly higher rate of collisions than the city average in a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

(C) The location is in an area within the city limits designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

(ii) A city locating an automated traffic safety camera under this subsection (1)(d) must complete an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(e) All locations where an automated traffic safety camera is used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection must be clearly marked by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that the driver is entering an area where speed violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(f) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

~~((e))~~ (g) A notice of infraction must be mailed to the registered owner of the vehicle within ~~((fourteen))~~ 14 days of the violation, or to the renter of a vehicle within ~~((fourteen))~~ 14 days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (i) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((h))~~ (j) All locations where an automated traffic safety camera is used must be clearly marked at least

~~((thirty))~~ 30 days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

~~((+i))~~ (k) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(1) If a city is operating an automated traffic safety camera to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection, the city shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. This subsection (1)(1) does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). Except as provided otherwise in subsection (6) of this section, the amount of the fine issued for an infraction generated

through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within ~~((eighteen))~~ 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more

sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. The device, including all technology defined under "automated traffic safety camera," must not reveal the face of the driver or the passengers in vehicles, and must not use any facial recognition technology in real time or after capturing any information. If the face of any individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public nor used for any purpose including, but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under this section.

(6)(a)(i) A city with a population greater than (~~five hundred thousand~~) 500,000 may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. Under the pilot program, stopping at intersection or crosswalk violations may only be enforced at the (~~twenty~~) 20 intersections where the city would most like to address safety concerns related to stopping at intersection or crosswalk violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot

program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) However, automated traffic safety cameras may not be used on an on-ramp to an interstate.

(d) From June 11, 2020, through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an

automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2021, a notice of infraction must be issued, in a manner consistent with subsections (1)~~((e))~~ (g) and (3) of this section, for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). However, the penalty for the violation may not exceed ~~((seventy five dollars))~~ \$75.

(e) For infractions issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state ~~((fifty))~~ 50 percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. The remaining ~~((fifty))~~ 50 percent retained by the city must be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

(f) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection (6), against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

(g) A city that implements a pilot program under this subsection (6) must provide a preliminary report to the transportation committees of the legislature by June 30, ~~((2022))~~ 2024, and a final report by January 1, ~~((2023))~~ 2025, on the pilot program that includes the locations chosen for the automated traffic safety cameras used in the pilot program, the number of warnings and traffic infractions issued under the pilot program, the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located, the infrastructure improvements made using the penalty moneys as required under (e) of this subsection, an equity analysis that includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot

program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

Sec. 424. RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, ~~((ex))~~ school speed zone violations~~((+))~~, speed violations on any roadway identified in a school walk area as defined in RCW 28A.160.160, speed violations in public park speed zones, hospital speed zones, or speed violations subject to (c) or (d) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's website.

(b)(i) Except as provided in (c) and (d) of this subsection, use of automated traffic safety cameras is restricted to the following locations only: ~~((+))~~ (A) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval

durations may not be reduced after placement of the camera; ~~((+ii))~~ (B) railroad crossings; ~~((and +iii))~~ (C) school speed zones; (D) roadways identified in a school walk area as defined in RCW 28A.160.160; (E) public park speed zones, as defined in (b)(ii) of this subsection; and (F) hospital speed zones, as defined in (b)(ii) of this subsection.

(ii) For the purposes of this section:

(A) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of public park property (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

(B) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(c) ~~((Any))~~ In addition to the automated traffic safety cameras authorized under (d) of this subsection, any city west of the Cascade mountains with a population of more than ~~((one hundred ninety five thousand))~~ 195,000 located in a county with a population of fewer than ~~((one million five hundred thousand))~~ 1,500,000 may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d)(i) Cities may operate at least one automated traffic safety camera under this subsection to detect speed violations, subject to the requirements of (d)(ii) of this subsection. Cities may operate one additional automated traffic safety camera to detect speed violations for every 10,000 residents included in the city's population. Cameras must be placed in locations that comply with one of the following:

(A) The location has been identified as a priority location in a local road safety plan that a city has submitted to the Washington state department of transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed;

(B) The location has a significantly higher rate of collisions than the city average in a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

(C) The location is in an area within the city limits designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

(ii) A city locating an automated traffic safety camera under this subsection (1)(d) must complete an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(e) All locations where an automated traffic safety camera is used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection must be clearly marked by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that the driver is entering an area where speed violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(f) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is

occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

~~((e))~~ (g) A notice of infraction must be mailed to the registered owner of the vehicle within ~~((fourteen))~~ 14 days of the violation, or to the renter of a vehicle within ~~((fourteen))~~ 14 days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (i) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((h))~~ (j) All locations where an automated traffic safety camera is used must be clearly marked at least ~~((thirty))~~ 30 days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

~~((i))~~ (k) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(1) If a city is operating an automated traffic safety camera to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection, the city shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. This subsection (1)(1) does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount

of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within ~~((eighteen))~~ 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one

or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.

NEW SECTION. **Sec. 425.** A new section is added to chapter 47.56 RCW to read as follows:

The legislature recognizes the need to reduce congestion and improve mobility on the Interstate 405 and state route number 167 corridors, and finds that performance on the corridors has not met the goal that average vehicle speeds in the express toll lanes remain above 45 miles per hour at least 90 percent of the time during peak hours. Therefore, the legislature intends that the commission reevaluate options at least every two years to improve performance on the Interstate 405 and state route number 167 corridors, pursuant to RCW 47.56.880 and 47.56.850.

Sec. 426. RCW 70A.65.230 and 2021 c 316 s 26 are each amended to read as follows:

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, ~~((and))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 104 of this act, and the climate active transportation account created in section 103 of this act, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter 314, Laws of 2021; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW 70A.65.040.

~~((5) No expenditures may be made from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280 if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under RCW 70A.65.060 that outlines a compliance pathway specific to emissions intensive, trade exposed businesses for achieving their proportionate share of the state's~~

~~emissions reduction limits through 2050.)~~

NEW SECTION. Sec. 427. The legislature finds that in order to meet the statewide greenhouse gas emissions limits in RCW 70A.45.020 and 70A.45.050, the state must drastically reduce vehicle greenhouse gas emissions. A critical strategy to meet those goals is transitioning to zero emissions vehicles and this transition requires ongoing purposeful interagency coordination and cooperation. As such, it is the intent of the legislature to create a formal interagency council responsible for coordinating the state's transportation electrification efforts to ensure the state is leveraging state and federal resources to the best extent possible and to ensure zero emissions incentives, infrastructure, and opportunities are available and accessible to all Washingtonians.

The legislature further finds that in order to meet the statewide greenhouse gas emissions limits in the transportation sector of the economy, more resources must be directed toward achieving zero emissions transportation and transit, while continuing to relieve energy burdens that exist in overburdened communities.

NEW SECTION. Sec. 428. (1) There is hereby created an interagency electric vehicle coordinating council jointly led by the Washington state department of commerce and the Washington state department of transportation with participation from the following agencies:

(a) The office of financial management;

(b) The department of ecology;

(c) The department of enterprise services;

(d) The state efficiency and environmental performance office;

(e) The department of agriculture;

(f) The department of health;

(g) The utilities and transportation commission;

(h) A representative from the office of the superintendent of public instruction knowledgeable on issues pertaining to student transportation; and

(i) Other agencies with key roles in electrifying the transportation sector.

(2) The Washington state department of commerce and Washington state department of transportation shall assign staff in each agency to lead the council's coordination work and provide ongoing reports to the governor and legislature including, but not limited to, the transportation, energy, economic development, and other appropriate legislative committees.

NEW SECTION. Sec. 429. (1) Interagency electric vehicle coordinating council responsibilities include, but are not limited to:

(a) Development of a statewide transportation electrification strategy to ensure market and infrastructure readiness for all new vehicle sales;

(b) Identification of all electric vehicle infrastructure grant-related funding to include existing and future opportunities, including state, federal, and other funds;

(c) Coordination of grant funding criteria across agency grant programs to most efficiently distribute state and federal electric vehicle-related funding in a manner that is most beneficial to the state, advances best practices, and recommends additional criteria that could be useful in advancing transportation electrification;

(d) Development of a robust public and private outreach plan that includes engaging with:

(i) Community organizers and the environmental justice council to develop community-driven programs to address zero emissions transportation needs and priorities in overburdened communities; and

(ii) Local governments to explore procurement opportunities and work with local government and community programs to support electrification;

(e) Creation of an industry electric vehicle advisory committee; and

(f) Ensuring the statewide transportation electrification strategy, grant distribution, programs, and activities associated with advancing transportation electrification benefit vulnerable and overburdened communities.

(2) The council shall provide an annual report to the appropriate

committees of the legislature summarizing electric vehicle implementation progress, gaps, and resource needs.

Sec. 430. RCW 46.68.480 and 2020 c 224 s 2 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(~~(+e)~~) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement (~~administered by the Washington traffic safety commission~~). The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 431. A new section is added to chapter 47.60 RCW to read as follows:

It is the intent of the legislature to fully fund the vessel and terminal electrification program in accordance with the Washington state ferries 2040 long range plan. The legislature finds that to attain the 2040 target fleet size of 26 vessels, a biennial replacement schedule is necessary to ensure the level of ferry service and reliability expected by the public. Therefore, by June 30, 2025, the legislature will secure funding options, including but not limited to a vessel surcharge, to devote the resources necessary to fulfill the vessel and terminal needs outlined in the 2040 long range plan.

NEW SECTION. Sec. 432. Washington state's target zero program envisions Washington having policies that will lead to zero deaths of people using the transportation system. For almost two decades more than 200 people have lost their lives annually in circumstances where a vehicle unintentionally left its lane of travel. Such fatalities made up 48 percent of all traffic-related fatalities in 2019. There are multiple ways to make improvements on the highway system that have been proven in other locations to help reduce lane departures and fatalities. Sections 433 and 434 of this act are intended to direct resources towards deploying such improvements by requiring the Washington state department of transportation to create a

program that is focused on addressing this specific safety concern.

NEW SECTION. Sec. 433. A new section is added to chapter 47.04 RCW to read as follows:

(1)(a) When an appropriation is made for this purpose, the department shall establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death. Funding under this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(b) The department must create a program whereby it can distribute funding or install safety improvements listed in (a) of this subsection on state, county, small city, or town roads in rural areas that have a high risk of having or actually have incidents of serious injuries or fatalities due to vehicle lane departures. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operation and maintenance of the roadway.

(c) The department's program must create a form and application process

whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for high risk areas in their jurisdictions in need of safety improvements.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location can include the communities inability or lack of resources to make the corrections themselves and to make corrections where there has been historic disparate impacts.

(e) By December 31st of each year when there is funding distributed in accordance with this program, the department must provide the transportation committees of the legislature and the traffic safety commission with a list of locations that received funding and a description of the safety improvements installed there.

(2) During the first five years of the program, the department must track incidence of lane departures at the locations where the new infrastructure is installed and evaluate the effectiveness of the safety improvements.

Sec. 434. RCW 46.68.060 and 2021 c 333 s 706 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, ~~((and))~~ chapters 46.72 and 46.72A RCW, and section 433 of this act. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of

moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

Part V

Miscellaneous

NEW SECTION. Sec. 501. Sections 415 and 427 through 429 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. Sections 310 and 403 of this act expire July 1, 2024.

NEW SECTION. Sec. 504. Section 404 of this act takes effect July 1, 2024.

Sec. 505. 2020 c 224 s 3 (uncodified) is amended to read as follows:

Section 1 of this act expires June 30, (~~2023~~) 2025.

NEW SECTION. Sec. 506. Section 423 of this act expires June 30, 2025.

NEW SECTION. Sec. 507. Section 424 of this act takes effect June 30, 2025.

NEW SECTION. Sec. 508. Sections 312, 408 through 414, and 421 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 509. Sections 212, 213, 216, and 217 of this act take effect October 1, 2022.

NEW SECTION. Sec. 510. Sections 214 and 215 of this act take effect January 1, 2023, and apply to registrations that become due on or after that date.

NEW SECTION. Sec. 511. Sections 201 through 206 of this act take effect July 1, 2023.

NEW SECTION. Sec. 512. Sections 101 through 106, 208 through 211, 218, 301 through 311, 401 through 403, 405 through 407, 415 through 420, 422, 423, 425 through 430, and 505 of this act take effect July 1, 2022."

Correct the title.

Representative Barkis moved the adoption of amendment (1266) to striking amendment (1215):

On page 1, after line 2, insert the following:

"NEW SECTION. Sec. 1. 2022 c ... (ESSB 5693) s 710 (uncodified) is repealed.

Sec. 2. RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(3)(a) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(b) For purposes of this subsection (3), "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle

is for use in the production of marijuana;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310; and

(iv) Snowmobiles as defined in RCW 46.04.546.

~~(4) ((For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:~~

~~(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;~~

~~(b) Off road vehicles as defined in RCW 46.04.365;~~

~~(c) Nonhighway vehicles as defined in RCW 46.09.310; and~~

~~(d) Snowmobiles as defined in RCW 46.04.546.)~~ (a) Beginning July 1, 2022, and every year thereafter, 50 percent of all revenue collected under subsection (1) of this section on each new and used retail sale of a vehicle in this state, including private party sales, but excluding retail car rentals taxed under subsection (2) of this section, must be deposited into the motor vehicle fund.

(b) For purposes of this subsection (4), "vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310;

(iv) Bicycles as defined in RCW 46.04.071; and

(v) Snowmobiles as defined in RCW 46.04.546.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 3. RCW 82.12.020 and 2017 c 323 s 520 are each amended to read as follows:

(1) There is levied and collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property acquired by the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)(c), excluding services defined as a retail sale in RCW 82.04.050(6)(c) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2) (a) or (g) or (6)(c), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once

been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

(6) Beginning July 1, 2022, and every year thereafter, 50 percent of all use tax revenue collected under subsection (1) of this section on the use of each new and used vehicle in this state, but excluding retail car rentals taxed under RCW 82.08.020, must be deposited into the motor vehicle fund."

Correct the title.

On page 126, line 1, after "Sections" insert "1 through 3,"

FISCAL IMPACT: Reduces Multimodal Transportation Account—State over 16

years by \$2 billion. Increases Motor Vehicle Account—State over 16 years by \$10.8 billion.

Representative Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Griffey, Representatives Chandler and Sutherland were excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1266) to striking amendment (1215) and the amendment was not adopted by the following vote: Yeas: 39; Nays: 57; Absent: 0; Excused: 2

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

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

Representative Volz moved the adoption of amendment (1245) to striking amendment (1215):

0)On page 2, line 3 of the striking amendment, after "Ferries;" strike "and"

On page 2, line 4 of the striking amendment, after "Rail" insert "; and

(f) Preservation and improvements for roads that electric and hybrid vehicles and electric buses can travel upon, including funding for TIB, CRAB, and FMSIB"

On page 2, line 5 of the striking amendment, after "**Sec. 102.**" insert "(1)"

On page 2, after line 9 of the striking amendment, insert the following:

"(2) \$960,000,000 of the funding identified for transit support grants in

LEAP Transportation Document 2022-A, as developed February 8, 2022, is redesignated and provided for the county road administration board, the transportation improvement board, and the freight mobility strategic investment board, which must each receive \$20,000,000 in funding per year for 16 years to be used for preservation and improvements for roads that electric and hybrid vehicles and electric buses can travel upon."

Representative Volz and Volz (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wicks spoke against the adoption of the amendment to the striking amendment.

Amendment (1245) to striking amendment (1215) was not adopted.

Representative Eslick moved the adoption of amendment (1258) to striking amendment (1215):

0)On page 5, line 19 of the striking amendment, after "workers" insert "_"

On page 5, at the beginning of line 35 of the striking amendment, strike "**Exported Fuel Tax,**"

On page 6, beginning on line 1 of the striking amendment, strike all of sections 201 through 207

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 41, after line 21 of the striking amendment, insert the following:

"NEW SECTION. Sec. 301. A new section is added to chapter 43.79 RCW to read as follows:

Beginning July 1, 2025, and continuing until \$2,053,000,000 in total has been cumulatively expended from the state general fund over several biennia, appropriations for projects that correct barriers for fish to swim upstream on public lands must be paid out of the state general fund."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Eslick, Walsh and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Sullivan and Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1258) to striking amendment (1215) was not adopted.

Representative Fey moved the adoption of amendment (1231) to striking amendment (1215):

On page 5, at the beginning of line 35, strike "**Exported Fuel Tax,**"

On page 6, beginning on line 1, strike all of sections 201 through 207

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 42, after line 27, insert the following:

"**Sec. 302.** RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s 7031 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Moneys in the account may be transferred to the move ahead WA account to provide support of public works projects funded in the move ahead WA program. Not more than ~~((twenty))~~ 20 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ~~((ten))~~ 10 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act,

the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

(2) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the public works assistance account to the move ahead WA account created in section 401 of this act \$100,000,000 each fiscal year in four equal quarterly transfers."

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 125, beginning on line 28, strike all of section 511

Re-number the remaining section consecutively and correct any internal references accordingly.

Correct the title.

FISCAL IMPACT: (1) Reduces revenues by \$2.053 billion over 15 years to the Move Ahead WA Account.

(2) Shifts \$1.5 billion in revenues from the Public Works Assistance Account to the Move Ahead WA Account over 15 years.

Representatives Fey and Wylie spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Steele, Barkis, Schmick, Orcutt, Corry, Abbarno, MacEwen, Stokesbary and Walsh spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1231) to striking amendment (1215) and the amendment was adopted by the following vote: Yeas: 52; Nays: 45; Absent: 0; Excused: 1

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Calder, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Johnson, J., Kirby, Klicker, Klippert, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Pollet, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Sutherland

STATEMENTS FOR THE JOURNAL

I intended to vote YEA on amendment (1231) to striking amendment (1215) to Engrossed Substitute Senate Bill No. 5974.

Representative Fitzgibbon, 34th District

I intended to vote YEA on amendment (1231) to striking amendment (1215) to Engrossed Substitute Senate Bill No. 5974.

Representative Rule, 42nd District

Representative Dent moved the adoption of amendment (1222) to striking amendment (1215):

On page 5, on line 35 of the striking amendment after "**Exported Fuel Tax**," strike "**Aircraft Fuel Tax**" and add "**Taxes on Aircraft Fuel**"

On page 18, beginning on line 9 of the striking amendment, strike all of section 208 and insert the following:

"**Sec. 208.** RCW 82.42.090 and 2017 3rd sp.s. c 25 s 42 are each amended to read as follows:

(1) All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 (~~shall~~) must be transmitted to the state treasurer and (~~shall~~) must be credited to the aeronautics account hereby created in the state treasury.

(2) Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the

retail sales tax imposed by RCW 82.08.020 (~~shall~~) must be transmitted to the state treasurer and distributed as follows:

(a) An amount equivalent to imposing a one percent tax must be credited to the aeronautics account; and

(b) An amount equivalent to imposing a five and five-tenths percent tax must be credited to the state general fund."

Representative Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1222) to striking amendment (1215) was not adopted.

Representative Klicker moved the adoption of amendment (1246) to striking amendment (1215):

On page 18, line 29, strike "\$50.00" and insert "\$20.00"

On page 18, line 32, strike "\$30.00" and insert "\$15.00"

On page 18, line 34, strike "\$20.00" and insert "\$10.00"

On page 18, line 36, strike "\$12.00" and insert "\$8.00"

On page 19, line 19, after "of" strike "\$40" and insert "\$10"

On page 19, line 30, after "(3)" strike "\$40" and insert "\$10"

On page 19, beginning on line 31, after "section" strike all material through "section," on line 32

On page 19, line 32, after "and" strike "\$16" and insert "\$6"

On page 19, line 36, after "(4)" strike "\$20" and insert "\$5"

On page 19, line 37, after "and" strike "\$8" and insert "\$4"

FISCAL IMPACT: Reduces Move Ahead WA Account revenue by \$1.041 billion over 16 years.

Representatives Klicker, Barkis and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1246) to striking amendment (1215) was not adopted.

Representative Barkis moved the adoption of amendment (1247) to striking amendment (1215):

On page 41, after line 21 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 301.** The legislature finds that many transportation facilities provide a public good where user fares and fees are insufficient to pay for the capital, maintenance, and operating expenses of the facility, activity, service, or program. The majority of revenue appropriated through the omnibus transportation appropriations act for transportation facilities comes from fees or taxes related to driving a vehicle. This is an unsustainable model of funding in light of the trend to adopt laws that are meant to reduce vehicle miles traveled, reduce the quantity of emissions of greenhouse gases per distance traveled in the transportation sector, and reduce the sale of fossil fuels on which many taxes are imposed. In order to provide the caliber of transportation facilities and social services that are being demanded by society, use of general fund resources is the most equitable funding option. It is unfair and unsustainable to make one mode of travel pay for all other modes. The general fund, even during a pandemic, is experiencing substantial revenue growth while the funds associated with the transportation budget are stagnant or below revenue expectations and actual programmatic needs. Sections 301 through 306 of the act designate programs and activities that in the future will receive funding from the general fund.

NEW SECTION. **Sec. 302.** A new section is added to chapter 43.79 RCW to read as follows:

(1)(a) The legislature has created several transportation programs in the omnibus transportation appropriations act over the course of time that continue to this day. These include many transportation grant programs that the legislature intends to continue funding in the future. The connecting Washington transportation plan enacted in 2015 provided intent to fund a number of grants and projects as identified in LEAP Transportation Documents 2015 NL-1 and

NL-2 that will continue to be funded, unless there was a specific legal change in a subsequently adopted act.

(b) The legislature has also created several transportation-related tax incentives, including tax incentives related to the commute trip reduction program and the purchase of electric vehicles. It is the intent of the legislature that beginning with the 2025-2027 fiscal biennium, these tax incentives will be funded by the omnibus appropriations act from accounts and sources of funds other than those appropriated in the omnibus transportation appropriations act.

(c) The legislature has also created several multimodal transportation programs on a pilot basis that have expired or will expire prior to the effective date of this section. Examples include the student ORCA card pilot program first created in section 220(10), chapter 313, Laws of 2017; the transit coordination grant program created in section 4, chapter 11, Laws of 2015 3rd sp. sess.; and the green transportation capital grant program in RCW 47.66.120. It is the intent of the legislature that, if the legislature acts to reprise or recreate any of these programs, beginning with the 2025-2027 fiscal biennium, the reprised or recreated program be funded by the omnibus appropriations act from accounts and sources of funds other than those appropriated in the omnibus transportation appropriations act.

(2) Beginning July 1, 2025, appropriations for the following programs shall be paid out of the general fund:

(a) Projects that correct barriers for fish to swim upstream on public lands;

(b) Americans with disabilities act upgrades to transportation facilities;

(c) New buildings primarily where state transportation employees work;

(d) Mobility and public transit-related grants, social services, and programs, such as, but not limited to, regional mobility grants, rural mobility grants, vanpool grants, and any pilot or expired grants that are to be continued;

(e) Programs related to transitioning transportation programs, systems, facilities, or vehicles designated as green or clean fuel programs authorized in law, such as, but not limited to,

green transportation capital grants, the clean alternative fuel vehicle charging and refueling infrastructure program, and the clean alternative fuel car sharing program for underserved and low-income communities;

(f) Programs that provide tax incentives for the purchase or lease of vehicles with lithium-ion batteries or alternative fuel vehicles, as well as for other equipment that supports vehicle conversions to alternative fuels;

(g) Safe routes to schools grants;

(h) Bicycle and pedestrian pathways that are not an integrated part of a highway project or are administered by any government agency other than the department of transportation;

(i) Capital and operation costs for intercity passenger rail service;

(j) Assistance funding for freight rail programs;

(k) Stormwater facility upgrades and maintenance of such facilities near highways with high-density traffic near salmon-bearing streams where untreated runoff containing 6 CPPD and 6 CPPD quinone are killing significant amounts of salmon; and

(l) Any other programs as directed by law.

(3) Projects agreed to as part of the nickel, transportation partnership, and connecting Washington transportation package will remain funded within the transportation appropriations act. However, in situations where revenues appropriated through the transportation appropriations act are insufficient to pay for the obligations associated with those projects, general funds may be provided to ensure the completion of the projects.

NEW SECTION. Sec. 303. (1)(a) The chairs of the transportation committees of the house of representatives and senate shall convene an internal legislative work group to be known as the budgets transition work group to implement the transition in section 102 of this act. At the end of the process, the budgets transition work group members and staff should have identified the provisions that need to be modified in future budgets to successfully shift funding in accordance with this act. The members of the work group include:

(i) The chairs and ranking members of the committees on transportation, or a designated alternative member of each caucus;

(ii) The chairs and ranking member of the house of representatives' appropriations committee, or a designated alternative member of each caucus; and

(iii) The chair and ranking member of the senate ways and means committee, or a designated alternative member of each caucus.

(b) The director of the office of financial management, or a designated employee of the agency with knowledge of the legislative appropriations acts, may be invited to serve in an advisory capacity.

(2) Staff support for the budgets transition work group shall be provided by senate committee services and the house of representatives office of program research. The employees of the office of financial management shall cooperate with the work group to obtain information from state agencies as necessary to effectuate the transition.

(3) Legislative members of the budgets transition work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The expenses of the budgets transition work group shall be paid jointly by the senate and the house of representatives.

Sec. 304. RCW 46.68.135 and 2006 c 337 s 4 are each amended to read as follows:

By July 1, 2006, and each year thereafter, the state treasurer shall transfer two and one-half million dollars from the (~~multimodal account~~) state general fund to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

Sec. 305. RCW 46.68.320 and 2010 c 247 s 702 are each amended to read as follows:

(1) The regional mobility grant program account is hereby created in the

state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the ~~((multimodal transportation account))~~ state general fund to the regional mobility grant program account five million dollars.

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the ~~((multimodal transportation account))~~ state general fund to the regional mobility grant program account six million two hundred fifty thousand dollars.

~~((4) During the 2009-2011 fiscal biennium, the legislature may transfer from the regional mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the regional mobility grant program account.))~~

Sec. 306. RCW 46.68.325 and 2021 c 333 s 708 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the ~~((multimodal transportation account))~~ state general fund to the rural mobility grant program account two million five hundred thousand dollars.

(3) ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.~~

~~(4))~~ During the ~~((2017-2019, 2019-2021, and))~~ 2021-2023 fiscal ~~((biennia))~~ biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant

program account to the multimodal transportation account."

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Barkis, Stokesbary and Barkis (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Sullivan and Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1247) to striking amendment (1215) was not adopted.

Representative Barkis moved the adoption of amendment (1240) to striking amendment (1215):

On page 70, after line 14, insert the following:

"NEW SECTION. Sec. 313. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

Multimodal Transportation Account—
State Appropriation: For transfer to the
Motor Vehicle Account—State
\$2,000,000,000"

On page 126, line 2, after "311," insert "313,"

Correct the title.

FISCAL IMPACT: Transfers \$2 billion from the Multimodal Transportation Account—State to the Motor Vehicle Account—State.

Representatives Barkis, Dye, Walsh and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ramos and Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1240) to striking amendment (1215) was not adopted.

Representative Klicker moved the adoption of amendment (1244) to striking amendment (1215):

On page 80, line 24, after "section;" strike "~~((or))~~" and insert "or"

On page 80, beginning on line 25, after "RCW 36.73.120" strike all material through "RCW 82.14.0455" on line 27

Correct any internal references accordingly.

On page 82, beginning on line 9, after "election" strike all material through "use tax" on line 13

FISCAL IMPACT: Changes local optional authority.

Representatives Klicker and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wylie spoke against the adoption of the amendment to the striking amendment.

Amendment (1244) to striking amendment (1215) was not adopted.

Representative Chambers moved the adoption of amendment (1257) to striking amendment (1215):

On page 97, after line 17 of the striking amendment, insert the following:

"(3) Nothing in this section authorizes any state agency to restrict the purchase, sale, or registration of vehicles that are not electric vehicles by military personnel, their spouses, or any other family members of military personnel."

Representatives Chambers and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (1257) to striking amendment (1215) was not adopted.

Representative Goehner moved the adoption of amendment (1262) to striking amendment (1215):

On page 97, after line 17 of the striking amendment, insert the following:

"NEW SECTION. Sec. 416. A new section is added to chapter 47.04 RCW to read as follows:

The department must preserve state highways with a posted speed limit of 40 miles per hour or less to the same standard as state highways with a posted speed limit exceeding 40 miles per hour."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Goehner, McCaslin and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wylie spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1262) to striking amendment (1215) and the amendment was not adopted by the following vote: Yeas: 44; Nays: 53; Absent: 0; Excused: 1

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

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

Excused: Representative Sutherland

Representative Goehner moved the adoption of amendment (1234) to striking amendment (1215):

On page 124, after line 37, insert the following:

"NEW SECTION. Sec. 435. A new section is added to chapter 82.38 RCW to read as follows:

(1) The department of agriculture shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department of agriculture shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, to be displayed on motor fuel pumps.

(3) The department of agriculture shall distribute fuel tax stickers to all individuals who conduct fuel pump

inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department of agriculture shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department of agriculture shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Goehner and Ramos spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1234) to striking amendment (1215) was adopted.

Representative Corry moved the adoption of amendment (1259) to striking amendment (1215):

On page 124, after line 37, insert the following:

"NEW SECTION. Sec. 435. A new section is added to chapter 47.06A RCW to read as follows:

The freight mobility strategic investment board shall establish a railroad crossing grant program. The board shall develop a prioritization process to make awards to cities and counties with projects that eliminate at grade highway-rail crossings. Application to federal grant programs to secure matching funds must be one factor to be considered as part of the prioritization process, but the primary

criteria must center on improving safety and expediting the movement of vehicles by eliminating highway-rail crossing at grade with a grade separation."

On page 126, line 3, after "430," insert "435,"

Correct the title.

FISCAL IMPACT: The amount of the grant awards each year is indeterminate.

Representatives Corry and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

Amendment (1259) to striking amendment (1215) was not adopted.

Representative Robertson moved the adoption of amendment (1263) to striking amendment (1215):

Beginning on page 78, line 36, after "2022" strike all material through "approval" on page 79, line 3

FISCAL IMPACT: Reduces local optional authority.

Representatives Robertson and Ramel spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1263) to striking amendment (1215) was adopted.

Representative Dent moved the adoption of amendment (1239) to striking amendment (1215):

Beginning on page 31, line 31, strike all of sections 216 and 217

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 125, line 23, after "Sections" strike all material through "217" and insert "212 and 213"

Correct the title.

FISCAL IMPACT: Reduces \$33 million in move ahead WA flexible account revenues over the 16 years.

Representatives Dent, Klippert, Stokesbary and Vick spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wicks spoke against the adoption of the amendment to the striking amendment.

Amendment (1239) to striking amendment (1215) was not adopted.

Representative Griffey moved the adoption of amendment (1238) to striking amendment (1215):

On page 97, beginning on line 11 of the striking amendment, strike all of section 415

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Griffey, Orcutt, Stokesbary, Dent, Walsh, Dye, Klippert, Barkis and McCaslin spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Macri and Fey spoke against the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Riccelli, Representative Wylie was excused

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1238) to striking amendment (1215) and the amendment was not adopted by the following vote: Yeas: 43; Nays: 53; Absent: 0; Excused: 2

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

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

Excused: Representatives Sutherland and Wylie

Representative Barkis moved the adoption of amendment (1241) to striking amendment (1215):

On page 103, beginning on line 12 of the striking amendment, strike all of section 420

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representative Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wicks spoke against the adoption of the amendment to the striking amendment.

Amendment (1241) to striking amendment (1215) was not adopted.

Representative Walsh moved the adoption of amendment (1242) to striking amendment (1215):

On page 103, beginning on line 25 of the striking amendment, strike all of section 421

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 104, beginning on line 9 of the striking amendment, after "(2)" strike all material through "(3)" on line 13

Re-number the remaining subsection consecutively and correct any internal references accordingly.

Representatives Walsh, Schmick, Dent and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramel spoke against the adoption of the amendment to the striking amendment.

Amendment (1242) to striking amendment (1215) was not adopted.

Amendment (1254) to striking amendment (1215) was ruled out of order.

Representative Robertson moved the adoption of amendment (1260) to striking amendment (1215):

On page 104, beginning on line 24 of the striking amendment, strike all of sections 423 and 424

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 122, beginning on line 4 of the striking amendment, strike all of section 430

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 125, beginning on line 15 of the striking amendment, strike all of sections 506 and 507

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Robertson, Chambers, Jacobsen and Ybarra spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli and Riccelli (again) spoke against the adoption of the amendment to the striking amendment.

Amendment (1260) to striking amendment (1215) was not adopted.

Representative Fey spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1215), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey, Hackney, Ramos and Riccelli spoke in favor of the passage of the bill.

Representatives Robertson, Griffey, Eslick, Dye, Schmick, Stokesbary, Vick, Dent, Harris, Orcutt, Walsh and Barkis spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5974, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5974, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele,

Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Wylie.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5975, by Senate Committee on Transportation (originally sponsored by Lias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman and Wilson, C.)

Concerning additive transportation funding and appropriations.

The bill was read the second time.

Representative Fey moved the adoption of striking amendment (1224):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) An additive omnibus transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2023.

(2) It is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2022-A as developed February 8, 2022, represents a commitment to provide climate commitment act-related appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2038.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

2021-2023 FISCAL BIENNIUM

**GENERAL GOVERNMENT AGENCIES—OPERATING
TRANSPORTATION AGENCIES—OPERATING**

**NEW SECTION. Sec. 201. FOR THE
DEPARTMENT OF LICENSING**

Move Ahead WA Flexible Account—State
Appropriation \$1,691,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) \$1,000,000 of the move ahead WA flexible account—state appropriation is provided solely for estimated implementation costs associated with new revenues.

(3) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for Substitute Senate Bill No. 5815 (homeless identicard).

**NEW SECTION. Sec. 202. FOR THE
TRANSPORTATION COMMISSION**

Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

**NEW SECTION. Sec. 203. FOR THE
DEPARTMENT OF COMMERCE**

Move Ahead WA Flexible Account—State
Appropriation \$10,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 of the move ahead WA flexible account—state appropriation is provided solely to prepare to award funds for facilities engaged in research, development, or manufacturing of new sustainable aviation technologies. The purpose is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (1) Facilities or equipment for development of batteries and electric motors for aviation; (2) facilities or equipment for development of sustainable aviation fuel; or (3) hydrogen electrolyzers and storage. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

**NEW SECTION. Sec. 204. FOR THE
DEPARTMENT OF TRANSPORTATION—AVIATION—
PROGRAM F**

Aeronautics Account—State
Appropriation \$1,000,000

Move Ahead WA Flexible Account—State
Appropriation \$10,000

TOTAL APPROPRIATION \$1,010,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 of the move ahead WA flexible account-state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (1) Sustainable aviation fuel storage; (2) Electrification of ground support equipment; (3) electric aircraft charging infrastructure; (4) airport clean power production; or (5) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION-HIGHWAY MAINTENANCE-PROGRAM M

Move Ahead WA Account-State
Appropriation \$47,000,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q

Move Ahead WA Account-State
Appropriation \$3,100,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION MANAGEMENT AND SUPPORT-PROGRAM S

Move Ahead WA Flexible Account-State
Appropriation \$2,000,000

The appropriations in this section are subject to the following conditions and limitations: The department shall allocate no less than 15 percent of the move ahead WA flexible account-state appropriation for highway maintenance by highway lane miles with fewer than 4,000,000 tons of annual freight tonnage moved.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF TRANSPORTATION-

TRANSPORTATION PLANNING, DATA, AND RESEARCH-PROGRAM T

Move Ahead WA Flexible Account-State
Appropriation \$2,500,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION-CHARGES FROM OTHER AGENCIES-PROGRAM U

Move Ahead WA Flexible Account-State
Appropriation \$2,000,000

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION-PUBLIC TRANSPORTATION-PROGRAM V

Climate Transit Programs Account-State
Appropriation \$54,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,680,000 of the climate transit programs account-state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022.

(2) \$14,120,000 of the climate transit programs account-state appropriation is provided solely for newly selected special needs grants.

(3) \$29,750,000 of the climate transit programs account-state appropriation is provided solely for transit support grants.

(4) \$4,710,000 of the climate transit programs account-state appropriation is provided solely for newly selected green transportation grants.

(5) \$1,000,000 of the climate transit programs account-state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(6) \$5,000,000 of the climate transit programs account-state appropriation designated for the Mill Plain Bus Rapid Transit (C-TRAN) project in LEAP Transportation Document 2022-NL-3 as developed February 8, 2022, is redesignated and provided solely for Highway 99 Bus Rapid Transit (C-TRAN) project.

NEW SECTION. **Sec. 211. FOR THE**
DEPARTMENT OF TRANSPORTATION—MARINE—
PROGRAM X

Move Ahead WA Flexible Account—State
Appropriation \$22,000,000

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. **Sec. 301. FOR THE**
TRANSPORTATION IMPROVEMENT BOARD

Climate Active Transportation Account—
State

Appropriation \$3,440,000

The appropriations in this section are subject to the following conditions and limitations: The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

NEW SECTION. **Sec. 302. FOR THE**
DEPARTMENT OF TRANSPORTATION—
IMPROVEMENTS—PROGRAM I

Move Ahead WA Account—State
Appropriation \$730,000,000

Move Ahead WA Account—Federal
Appropriation \$100,000,000

TOTAL APPROPRIATION \$830,000,000

The appropriations in this section are subject to the following conditions and limitations: The entire move ahead WA account—state appropriation and move ahead WA account—federal appropriation are provided solely for the state highway projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

NEW SECTION. **Sec. 303. FOR THE**
DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P

Move Ahead WA Account—Federal

Appropriation \$101,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire move ahead WA account—federal appropriation is provided solely for the state highway preservation projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2) It is the intent of the legislature that appropriations for highway preservation made from the move ahead WA account—state shall be allocated no less than 15 percent of the appropriation for

highway preservation by highway lane miles with fewer than 4,000,000 tons of annual freight tonnage moved.

NEW SECTION. **Sec. 304. FOR THE**
DEPARTMENT OF TRANSPORTATION—WASHINGTON
STATE FERRIES CONSTRUCTION—PROGRAM W

Move Ahead WA Flexible Account—State
Appropriation \$25,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the move ahead WA flexible account—state appropriation is provided solely for vessel and terminal preservation projects.

(2) \$15,000,000 of the move ahead WA flexible account—state appropriation is provided solely for the sixth hybrid electric Olympic class vessel.

NEW SECTION. **Sec. 305. FOR THE**
DEPARTMENT OF TRANSPORTATION—RAIL—
PROGRAM Y

Move Ahead WA Flexible Account—State
Appropriation \$8,500,000

Carbon Emissions Reduction Account—
State

Appropriation \$50,000,000

TOTAL APPROPRIATION \$58,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire move ahead WA flexible account—state appropriation in this section is provided solely for the rail projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities. These funds are to remain in unallotted status and are available only upon receipt of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission.

NEW SECTION. **Sec. 306. FOR THE**
DEPARTMENT OF TRANSPORTATION—LOCAL
PROGRAMS—PROGRAM Z

Move Ahead WA Flexible Account—State
Appropriation \$127,900,000

Climate Active Transportation Account—
State

Appropriation \$19,360,000

TOTAL APPROPRIATION \$147,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire move ahead WA flexible account—state appropriation is provided solely for the local road projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(2) \$6,890,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects as listed in LEAP Transportation Document 2022 NL-2 as developed February 8, 2022.

(3) \$6,830,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(4) \$5,640,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(5) \$14,000,000 is provided from the move ahead WA flexible account—state appropriation for the elevate Slater road project to be added to the LEAP Transportation Document 2022 NL-1 as developed February 8, 2022.

(6) A total of \$3,000,000 is provided from the climate active transportation account—state appropriation for the Bradley road safe routes pedestrian improvements project on the LEAP Transportation Document 2022 NL-2 as developed February 8, 2022.

(7) A total of \$13,500,000 is provided from the climate active transportation account—state appropriation for the Usk bridge shared-use pathway retrofit (Kalispell Tribe) project on the LEAP Transportation Document 2022 NL-2 as developed February 8, 2022.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

Move Ahead WA Account—State
Appropriation:

For transfer to the Puget Sound Ferry
Operations Account—State
\$600,000

The amount transferred in this section represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

MISCELLANEOUS

NEW SECTION. Sec. 501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Fey moved the adoption of amendment (1261) to striking amendment (1224):

On page 6, line 3 of the striking amendment, after "limitations:" insert the following:

"(1)"

On page 6, after line 7 of the striking amendment, insert the following:

"(2) (a) Appropriations made in LEAP Transportation Document 2022 NL-1 as developed February 8, 2022 for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030 may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board and local governments to use a watershed approach

by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts."

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1261) to striking amendment (1224) was adopted.

Representative Eslick moved the adoption of amendment (1264) to striking amendment (1224):

On page 6, line 3 of the striking amendment, after "limitations:" insert the following:

"(1)"

On page 6, after line 7 of the striking amendment, insert the following:

"(2) Unless otherwise directed by the legislature, it is the intent of the legislature that in planning for the delivery of projects, the department shall give priority to projects identified as connecting Washington projects before projects identified as move ahead WA projects."

On page 6, after line 22 of the striking amendment, insert the following:

"(3) Unless otherwise directed by the legislature, it is the intent of the legislature that in planning for the delivery of projects, the department shall give priority to projects identified as connecting Washington projects before projects identified as move ahead WA projects."

On page 7, after line 18 of the striking amendment, insert the following:

"(3) Unless otherwise directed by the legislature, it is the intent of the legislature that in planning for the delivery of projects, the department shall give priority to projects identified as connecting Washington

projects before projects identified as move ahead WA projects."

On page 8, after line 15 of the striking amendment, insert the following:

"(8) Unless otherwise directed by the legislature, it is the intent of the legislature that in planning for the delivery of projects, the department shall give priority to projects identified as connecting Washington projects before projects identified as move ahead WA projects."

Representatives Eslick, Orcutt and Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representative Duerr spoke against the adoption of the amendment to the striking amendment.

MOTIONS

On motion of Representative Ramel, Representative Tharinger was excused.

On motion of Representative Griffey, Representative Chandler was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1264) to striking amendment (1224) and the amendment was not adopted by the following vote: Yeas: 41; Nays: 54; Absent: 0; Excused: 3

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

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

Excused: Representatives Chandler, Tharinger, and Wylie

Representative Goehner moved the adoption of amendment (1243) to striking amendment (1224):

On page 6, after line 22 of the striking amendment, insert the following:

"(3) It is the intent of the legislature that main street preservation funding is intended to be a minimum investment for state highways within city limits. As part of the preservation program, the department must preserve and maintain all state highways, regardless of speed limit. Beginning December 15, 2022, the department must provide an annual report to the transportation committees of the legislature on current preservation investments. The report must include a continuous six-year plan on state highway preservation investments within city limits."

Representatives Goehner and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramos spoke against the adoption of the amendment to the striking amendment.

Amendment (1243) to striking amendment (1224) was not adopted.

Representative Corry moved the adoption of amendment (1265) to striking amendment (1224):

On page 6, after line 22 of the striking amendment, insert the following:

"NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q

Motor Vehicle Account-State Appropriation . . \$20,000,000

The appropriations in this section are subject to the following conditions and limitations: \$20,000,000 of the motor vehicle account-state appropriation is provided solely for the department to establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death pursuant to section 433 of Substitute Senate Bill 5974 (transportation resources)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Corry and Chapman spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1265) to striking amendment (1224) and the amendment was adopted by the following vote: Yeas: 95; Nays: 0; Absent: 0; Excused: 3

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, and Young

Excused: Representatives Chandler, Tharinger, and Wylie

Representative Barkis moved the adoption of amendment (1256) to striking amendment (1224):

On page 7, beginning on line 2 of the striking amendment, strike the entire carbon emissions reduction account-state appropriation

On page 7, line 4 of the striking amendment, correct the total.

On page 7, beginning on line 11 of the striking amendment, strike all of subsection (2) and insert the following:

"(2) The department shall refrain from conducting activities performed in anticipation of the state providing match contributions for pending federal grant opportunities for ultra high-speed rail corridor development, since the legislature does not intend to provide match funding of \$150,000,000 in climate emissions reduction account funds for this purpose."

On page 8, after line 24 of the striking amendment, insert the following:

"NEW SECTION. Sec. 402. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

Carbon Emissions Reduction Account-State Appropriation:

For transfer to the Essential Rail Assistance

Account--State \$150,000,000"

Representatives Barkis, Kraft and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hackney spoke against the adoption of the amendment to the striking amendment.

Amendment (1256) to striking amendment (1224) was not adopted.

Representative Barkis moved the adoption of amendment (1253) to striking amendment (1224):

On page 8, after line 24 of the striking amendment, insert the following:

"NEW SECTION. Sec. 402. FOR THE STATE TREASURER--ADMINSTRATIVE TRANSFERS

Coronavirus State Fiscal Recovery Fund--State Appropriation:

For transfer to the Motor Vehicle Account--State \$1,277,000,000

The amount transferred in this section represents the unprogrammed amounts in the account and is intended solely for the purpose of highway preservation and maintenance."

Representatives Barkis and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1253) to striking amendment (1224) was not adopted.

Representative Fey spoke in favor of the adoption of the striking amendment, as amended.

Striking amendment (1224), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Fey spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5975, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5975, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3.

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

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

Excused: Representatives Chandler, Tharinger and Wylie.

SUBSTITUTE SENATE BILL NO. 5975, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- SENATE BILL NO. 5545
SUBSTITUTE SENATE BILL NO. 5558
SENATE BILL NO. 5624
SENATE BILL NO. 5641
SUBSTITUTE SENATE BILL NO. 5678
SENATE BILL NO. 5748
ENGROSSED SENATE BILL NO. 5800
SENATE BILL NO. 5868
SENATE BILL NO. 5931
SENATE BILL NO. 5940
SUBSTITUTE SENATE BILL NO. 5961
SECOND SUBSTITUTE SENATE BILL NO. 5695
SENATE BILL NO. 5676
SECOND SUBSTITUTE SENATE BILL NO. 5736
SENATE BILL NO. 5715
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702
SENATE BILL NO. 5898
SUBSTITUTE SENATE BILL NO. 5575
SUBSTITUTE SENATE BILL NO. 5722
ENGROSSED SUBSTITUTE SENATE BILL NO. 5853
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5155
SUBSTITUTE SENATE BILL NO. 5411

SENATE BILL NO. 5617
SENATE BILL NO. 5713
ENGROSSED SUBSTITUTE SENATE BILL NO.
5628
SENATE BILL NO. 5566
HOUSE BILL NO. 2018
HOUSE BILL NO. 1682
SECOND SUBSTITUTE SENATE BILL NO. 5532
SECOND SUBSTITUTE SENATE BILL NO. 5619
SUBSTITUTE SENATE BILL NO. 5631
SECOND SUBSTITUTE SENATE BILL NO. 5720
SUBSTITUTE SENATE BILL NO. 5749
SENATE BILL NO. 5750
ENGROSSED SUBSTITUTE SENATE BILL NO.
5815
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600

There being no objection, the House adjourned until 10:00 a.m., March 2, 2022, the 52nd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 2, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

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

The Speaker assumed the chair.

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

SECOND READING

SENATE BILL NO. 5866, by Senators Robinson, Randall, Conway, Kuderer, Lovick, Nguyen, Nobles and Wilson, C.

Concerning medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes.

The bill was read the second time.

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

Representatives Cody, Schmick, Chambers and Lekanoff spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Griffey, Representative Steele was excused.

On motion of Representative Riccelli, Representatives Orwall, Fey and Wylie were excused.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5866.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5866, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody,

Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Absent: Representative Lekanoff.

Excused: Representatives Fey, Orwall, Steele and Wylie.

SENATE BILL NO. 5866, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5875, by Senators Nguyen, Lovelett, Lovick, Nobles, Stanford and Wilson, C.

Adding employees employed by the department of licensing who are assigned to review, process, approve, and issue driver licenses to the definition of frontline employees under the health emergency labor standards act.

The bill was read the second time.

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

Representative Berry spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Lekanoff was excused.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5875.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5875, and the bill passed the House by the following vote: Yeas, 53; Nays, 41; Absent, 0; Excused, 4.

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

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

Excused: Representatives Fey, Lekanoff, Orwall and Wylie.

SENATE BILL NO. 5875, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5890, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Keiser, Conway, Dhingra, Hasegawa, Kuderer, Lovick, Nobles, Saldaña, Stanford, Wellman and Wilson, C.)

Clarifying eligibility for the presumption for workers' compensation for all personnel working at a radiological hazardous waste facility.

The bill was read the second time.

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

Representatives Bronoske and Dolan spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5890.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5890, and the bill passed the House by the following vote: Yeas, 68; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn,

Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Chambers, Chandler, Chase, Dufault, Dye, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klippert, Kraft, Kretz, MacEwen, McCaslin, McEntire, Orcutt, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representatives Fey, Orwall and Wylie.

SUBSTITUTE SENATE BILL NO. 5890, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5855, by Senators Lovelett, Nobles, Wilson, C., Billig, Das, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Nguyen, Randall, Saldaña, Stanford and Trudeau

Concerning the use of campaign funds to reimburse expenses for child care and other caregiving services.

The bill was read the second time.

Representative Valdez moved the adoption of amendment (1232):

On page 1, line 21, after "individual." insert "For example, expenses for child care or other direct caregiving responsibilities may be reimbursed if they are incurred directly as a result of the candidate's campaign activities."

On page 2, beginning on line 12, strike all of subsection (4)

Representatives Valdez and Volz spoke in favor of the adoption of the amendment.

Amendment (1232) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn and Maycumber spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5855, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5855, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Orwall and Wylie.

SENATE BILL NO. 5855, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5940, by Senator King

Creating a liquor license endorsement.

The bill was read the second time.

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

Representatives Vick and Kloba spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5940.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5940, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis, Leavitt and Ryu.

Excused: Representatives Orwall and Wylie.

SENATE BILL NO. 5940, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5676, by Senators Conway, Billig, Gildon, Holy, Hunt, Keiser, Kuderer, Lovelett, Lovick, Mullet, Muzzall, Pedersen, Randall, Rivers, Robinson, Saldaña, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

The bill was read the second time.

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

Representatives Ormsby, Stokesbary and Leavitt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5676.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5676, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Absent: Representative Lekanoff.

Excused: Representatives Orwall and Wylie.

SENATE BILL NO. 5676, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5518, by Senators Muzzall, Keiser, Cleveland, Conway, Gildon, Hunt and Randall

Concerning the occupational therapy licensure compact.

The bill was read the second time.

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

Representatives Schmick and Bateman spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5518.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5518, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SENATE BILL NO. 5518, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

March 1, 2022

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1210,
HOUSE BILL NO. 1280,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1619,
SUBSTITUTE HOUSE BILL NO. 1623,
HOUSE BILL NO. 1669,
SUBSTITUTE HOUSE BILL NO. 1675,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1705,
ENGROSSED HOUSE BILL NO. 1744,
HOUSE BILL NO. 1755,
HOUSE BILL NO. 1761,
HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1793,
HOUSE BILL NO. 1874,

HOUSE BILL NO. 1894,
SUBSTITUTE HOUSE BILL NO. 2046,
HOUSE BILL NO. 2061,
SUBSTITUTE HOUSE BILL NO. 2068,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 2, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1052,
SUBSTITUTE HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1626,
SUBSTITUTE HOUSE BILL NO. 1649,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5810
SENATE BILL NO. 5602

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

SECOND READING

SENATE BILL NO. 5713, by Senators Das, Liias, Nobles, Robinson, Saldaña and Wellman

Providing a property tax exemption for limited equity cooperative housing.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 48, February 26, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Bateman spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Lekanoff was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5713, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5713, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

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

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

Excused: Representatives Lekanoff and Wylie.

SENATE BILL NO. 5713, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5575, by Senate Committee on Law & Justice (originally sponsored by Lovick, Robinson, Das, Liias, Nobles, Padden, Salomon, Stanford and Wellman)

Adding additional superior court judges in Snohomish county.

The bill was read the second time.

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

Representatives Berg, Gilday and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5575.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5575, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Lekanoff and Wylie.

SUBSTITUTE SENATE BILL NO. 5575, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5853, by Senate Committee on Transportation (originally sponsored by Billig, Liias, Kuderer, Lovick, Saldaña and Wilson, C.)

Establishing a limited project regarding leasing certain department of transportation property in order to remedy past impacts to historically marginalized populations.

The bill was read the second time.

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

Representatives Riccelli, Barkis and Riccelli (again) spoke in favor of the passage of the bill.

Representative McCaslin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5853.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5853, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy,

Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chase, Dent, Dufault, Dye, Goehner, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, McCaslin, McEntire, Orcutt, Robertson, Schmick, Sutherland, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Lekanoff and Wylie.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5853, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702, by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Lovelett, Lovick, Nguyen, Nobles, Randall, Saldaña, Stanford, Van De Wege and Wilson, C.)

Requiring coverage for donor breast milk. Revised for 2nd Substitute: Requiring coverage for donor human milk.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stonier and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5702, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby,

Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Lekanoff and Wylie.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5610, by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, Cleveland, Conway, Dhingra, Hasegawa, Honeyford, Keiser, Kuderer, Lias, Lovelett, Lovick, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege and Wilson, C.)

Requiring cost sharing for prescription drugs to be counted against an enrollee's obligation, regardless of source.

The bill was read the second time.

Representative Cody moved the adoption of striking amendment (1223):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, when calculating an enrollee's contribution to any applicable cost-sharing or out-of-pocket maximum, a health carrier offering a nongrandfathered health plan with a pharmacy benefit, or a health care benefit manager administering benefits for the health carrier, shall include any cost-sharing amounts paid by the enrollee directly or on behalf of the enrollee by another person for a covered prescription drug that is:

(i) Without a generic equivalent or a therapeutic equivalent preferred under the health plan's formulary;

(ii) With a generic equivalent or a therapeutic equivalent preferred under the health plan's formulary where the enrollee has obtained access to the drug through:

(A) Prior authorization;

(B) Step therapy; or

(C) The prescription drug exception request process under RCW 48.43.420; or

(iii) With a generic equivalent or therapeutic equivalent preferred under the health plan's formulary, throughout an exception request process under RCW 48.43.420, including any appeal of a denial of an exception request. If the health carrier utilizes a health care benefit manager to approve or deny exception requests, the exception request process for the purposes of this subsection (1)(a)(iii) also includes any time between the completion of the exception request process, including any appeal of a denial, and when the health care benefit manager communicates the status of the request to the health carrier.

(b) When calculating an enrollee's contribution to any applicable deductible, any amount paid on behalf of the enrollee by another person for a prescription drug that is not subject to payment of a deductible need not be included in the calculation, unless the terms of the enrollee's health plan require inclusion.

(2) Any cost-sharing amounts paid directly by or on behalf of the enrollee by another person for a covered prescription drug under subsection (1) of this section shall be applied towards the enrollee's applicable cost-sharing or out-of-pocket maximum in full at the time it is rendered.

(3) The commissioner may adopt any rules necessary to implement this section.

(4) This section applies to nongrandfathered health plans issued or renewed on or after January 1, 2023.

(5) This section does not apply to a qualifying health plan for a health savings account to the extent necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from the enrollee's health savings account under internal revenue service laws, regulations, and guidance.

(6) For purposes of this section:

(a) "Health care benefit manager" has the same meaning as in RCW 48.200.020.

(b) "Person" has the same meaning as in RCW 48.01.070.

Sec. 2. RCW 41.05.017 and 2021 c 280 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, section 1 of this act, and chapter 48.49 RCW."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

Striking amendment (1223) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5610, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Lekanoff and Wylie.

SUBSTITUTE SENATE BILL NO. 5610, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5931, by Senators Wagoner and Dhingra

Concerning appointment of judges pro tempore in the court of appeals.

The bill was read the second time.

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

Representatives Walsh and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5931.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5931, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Lekanoff and Wylie.

SENATE BILL NO. 5931, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5532, by Senate Committee on Ways & Means (originally sponsored by Keiser, Robinson, Conway, Hasegawa, Nobles, Pedersen, Randall, Stanford and Wilson, C.)

Establishing a prescription drug affordability board.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Representative Caldier moved the adoption of amendment (1290) to the committee striking amendment:

On page 8, line 1 of the striking amendment, after "(2)" strike "If" and insert "(a) Except as provided in subsection (2)(b) of this section, if"

On page 8, after line 3 of the striking amendment, insert the following:

"(b) If the prescription drug represents more than 10 percent of the gross revenue of all prescription drugs the manufacturer sells into the state, the manufacturer is not prohibited from selling the drug in the state."

Representative Caldier spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cody spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1290) to the committee striking amendment, was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli, Schmick and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5532, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5532, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

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

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

Excused: Representatives Lekanoff and Wylie.

SECOND SUBSTITUTE SENATE BILL NO. 5532, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5566, by Senators Kuderer, Lovelett, Das, Dhingra, Fortunato, Nguyen, Saldaña and Wilson, C.

Expanding eligibility for the independent youth housing program.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for the purpose of amendment. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Representative Gilday moved the adoption of amendment (1294) to the committee striking amendment:

On page 1, beginning on line 11 of the striking amendment, after "time" strike "~~((during the four month period))~~" and insert "during the four-month period"

Representatives Gilday and Caldier spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1294) to the committee striking amendment, was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Leavitt and Senn spoke in favor of the passage of the bill.

Representatives Caldier, Corry, Dent, Sutherland and Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5566, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5566, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J.

Johnson, Kirby, Kloba, Leavitt, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks and Mme. Speaker.

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

Excused: Representatives Lekanoff and Wylie.

SENATE BILL NO. 5566, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5842, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Liias, Das, Nguyen and Nobles)

Concerning state laws that address climate change.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Fitzgibbon moved the adoption of amendment (1276) to the committee striking amendment:

On page 9, line 19, after "by" strike "state statute" and insert "a state statute in effect as of July 1, 2022"

On page 9, after line 22, insert the following:

"(10)(a) By December 1, 2023, the office of financial management must submit a report to the appropriate committees of the legislature that summarizes two categories of state laws other than this chapter:

(i) Laws that regulate greenhouse gas emissions from stationary sources, and the greenhouse gas emission reductions attributable to each chapter, relative to a baseline in which this chapter and all other state laws that regulate greenhouse gas emissions are presumed to remain in effect; and

(ii) Laws whose implementation may effectuate reductions in greenhouse gas emissions from stationary sources.

(b) The state laws that the office of financial management may address in completing the report required in this subsection include, but are not limited to:

- (i) Chapter 19.27A RCW;
- (ii) Chapter 19.280 RCW;
- (iii) Chapter 19.405 RCW;
- (iv) Chapter 36.165 RCW;
- (v) Chapter 43.21F RCW;
- (vi) Chapter 70.30 RCW;
- (vii) Chapter 70A.15 RCW;
- (viii) Chapter 70A.45 RCW;
- (ix) Chapter 70A.60 RCW;
- (x) Chapter 70A.535 RCW;
- (xi) Chapter 80.04 RCW;
- (xii) Chapter 80.28 RCW;
- (xiii) Chapter 80.70 RCW;
- (xiv) Chapter 80.80 RCW; and
- (xv) Chapter 81.88 RCW.

(c) The office of financial management may contract for all or part of the work product required under this subsection."

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1276) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5842, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5842, and the

bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox and Mme. Speaker.

Voting nay: Representatives Caldier, Chase, Dent, Dufault, Harris-Talley, Hoff, Kraft, MacEwen, McCaslin, McEntire, Sutherland, Vick, Walsh, Ybarra and Young.

Excused: Representatives Lekanoff and Wylie.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5842, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5695, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C.)

Concerning the body scanner pilot program at the department of corrections. Revised for 2nd Substitute: Concerning a body scanner pilot program at the department of corrections.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was not adopted. (For Committee amendment, see Journal, Day 45, February 23, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn, Mosbrucker and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5695, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5695, as amended by the House,

and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representatives Lekanoff and Wylie.

SECOND SUBSTITUTE SENATE BILL NO. 5695, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5868, by Senators Hawkins, Kuderer, Braun, Fortunato, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Warnick

Expanding the use of the rural counties public facilities sales and use tax to include affordable workforce housing.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Berg and Steele spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5868, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5868, as amended by the House, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick,

Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chandler, Chapman, Chase, Corry, Dufault, Dye, Graham, Harris, Hoff, Jacobsen, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representatives Lekanoff and Wylie.

SENATE BILL NO. 5868, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1052
- HOUSE BILL NO. 1122
- SUBSTITUTE HOUSE BILL NO. 1124
- ENGROSSED HOUSE BILL NO. 1165
- SECOND SUBSTITUTE HOUSE BILL NO. 1210
- HOUSE BILL NO. 1280
- HOUSE BILL NO. 1612
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619
- SUBSTITUTE HOUSE BILL NO. 1623
- SUBSTITUTE HOUSE BILL NO. 1626
- SUBSTITUTE HOUSE BILL NO. 1649
- HOUSE BILL NO. 1669
- SUBSTITUTE HOUSE BILL NO. 1675
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705
- ENGROSSED HOUSE BILL NO. 1744
- HOUSE BILL NO. 1755
- HOUSE BILL NO. 1761
- HOUSE BILL NO. 1769
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793
- SUBSTITUTE HOUSE BILL NO. 1794
- HOUSE BILL NO. 1834
- HOUSE BILL NO. 1874
- HOUSE BILL NO. 1894
- SUBSTITUTE HOUSE BILL NO. 2046
- HOUSE BILL NO. 2061
- SUBSTITUTE HOUSE BILL NO. 2068

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

MESSAGE FROM THE SENATE

March 2, 2022

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5489,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5490,
 SUBSTITUTE SENATE BILL NO. 5496,
 SUBSTITUTE SENATE BILL NO. 5497,
 SENATE BILL NO. 5582,
 SENATE BILL NO. 5583,
 SENATE BILL NO. 5694,
 SUBSTITUTE SENATE BILL NO. 5701,
 SENATE BILL NO. 5747,
 SENATE BILL NO. 5763,
 SUBSTITUTE SENATE BILL NO. 5821,
 SUBSTITUTE SENATE BILL NO. 5860,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5873,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5631, by Senate Committee on Transportation (originally sponsored by Kuderer, Brown, Dhingra, Fortunato, Lovick, Nobles, Stanford, Van De Wege, Warnick, Wilson, J. and Wilson, L.)

Making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration.

The bill was read the second time.

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

Representatives Entenman, Barkis and Klippert spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5631.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5631, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen,

Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SUBSTITUTE SENATE BILL NO. 5631, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, by Senate Committee on Transportation (originally sponsored by Cleveland, Saldaña, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Lovick, Nobles, Trudeau and Wilson, C.)

Implementing an identicard program to provide individuals a Washington state-issued identicard.

The bill was read the second time.

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

Representatives Donaghy and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5815.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5815, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye and Kraft.

Excused: Representative Wylie.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5602, by Senators Mullet and Hasegawa

Concerning service providers working with state-regulated financial institutions.

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5602.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5602, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SENATE BILL NO. 5602, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5810, by Senate Committee on Business, Financial Services & Trade (originally sponsored by Mullet and Dozier)

Concerning insurance regulation. Revised for 1st Substitute: Exempting certain prepaid services from insurance regulation.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Consumer Protection & Business was adopted. (For Committee amendment, see Journal, Day 45, February 23, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby, Vick and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5810, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5810, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SUBSTITUTE SENATE BILL NO. 5810, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

SUBSTITUTE SENATE BILL NO. 5961, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Sefzik, Warnick, Honeyford, Rolfes, Short and Van De Wege)

Incentivizing the use of biochar in government contracts. Revised for 1st Substitute: Incentivizing the use of biochar.

The bill was read the second time.

Representative Shewmake moved the adoption of amendment (1301):

On page 1, line 7, after "projects" insert "that are public works,"

On page 1, line 21, after "standards;" strike "and" and insert "or"

On page 2, line 14, after "environment" insert ", derived from biomass waste materials including forest, agricultural, yard, urban wood, food, and biosolid residuals"

Representatives Shewmake and Volz spoke in favor of the adoption of the amendment.

Amendment (1301) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake, Volz and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5961, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5961, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Wylie.

SUBSTITUTE SENATE BILL NO. 5961, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5617, by Senators Cleveland, Mullet and Wilson, L.

Concerning population criteria for designation of local downtown and neighborhood commercial district revitalization and official local main street programs.

The bill was read the second time.

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

Representatives Rule, Boehnke, Kraft and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5617.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5617, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representative Wylie.

SENATE BILL NO. 5617, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5619, by Senate Committee on Ways & Means (originally sponsored by Lovelett, Conway, Das, Hasegawa, Nobles, Pedersen, Randall, Rolfes, Saldaña, Stanford, Van De Wege and Wilson, C.)

Conserving and restoring kelp forests and eelgrass meadows in Washington state.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5619, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5619, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Wylie.

SECOND SUBSTITUTE SENATE BILL NO. 5619, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5545, by Senators Wagoner, Conway, Dhingra, Lovick, Mullet, Short and Wilson, J.

Concerning survivor benefits.

The bill was read the second time.

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

Representatives Chambers and Leavitt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Boehnke and Wilcox were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5545.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5545, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Ybarra, Young and Mme. Speaker.

Excused: Representatives Boehnke, Wilcox and Wylie.

SENATE BILL NO. 5545, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5800, by Senators Schoesler, Padden and Rolfes

Modifying tax and revenue laws in a manner that is estimated to not affect state or local tax collections by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies.

The bill was read the second time.

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

Representatives Orcutt and Berg spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5800.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5800, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Ybarra, Young and Mme. Speaker.

Excused: Representatives Boehnke, Wilcox and Wylie.

ENGROSSED SENATE BILL NO. 5800, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 5489
ENGROSSED SUBSTITUTE SENATE BILL NO.
5490
SUBSTITUTE SENATE BILL NO. 5496
SUBSTITUTE SENATE BILL NO. 5497
SENATE BILL NO. 5582
SENATE BILL NO. 5583
SENATE BILL NO. 5694
SUBSTITUTE SENATE BILL NO. 5701
SENATE BILL NO. 5747
SENATE BILL NO. 5763
SUBSTITUTE SENATE BILL NO. 5821
SUBSTITUTE SENATE BILL NO. 5860
ENGROSSED SUBSTITUTE SENATE BILL NO.
5873

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5332
SENATE BILL NO. 5504
ENGROSSED SUBSTITUTE SENATE BILL NO.
5544
SENATE BILL NO. 5565
SUBSTITUTE SENATE BILL NO. 5590
SUBSTITUTE SENATE BILL NO. 5790
SUBSTITUTE SENATE BILL NO. 5791
SENATE BILL NO. 5812
SUBSTITUTE SENATE BILL NO. 5819
SUBSTITUTE SENATE BILL NO. 5856
SUBSTITUTE SENATE BILL NO. 5892
SUBSTITUTE SENATE BILL NO. 5910
SENATE BILL NO. 5782
SECOND SUBSTITUTE SENATE BILL NO. 5664
SECOND SUBSTITUTE SENATE BILL NO. 5793
ENGROSSED SUBSTITUTE SENATE BILL NO.
5004
SECOND SUBSTITUTE SENATE BILL NO. 5241
SUBSTITUTE SENATE BILL NO. 5528
SUBSTITUTE SENATE BILL NO. 5785
SENATE BILL NO. 5787

SUBSTITUTE SENATE BILL NO. 5745
ENGROSSED SUBSTITUTE SENATE BILL NO.
5531
SENATE BILL NO. 5498
SECOND SUBSTITUTE SENATE BILL NO. 5649
ENGROSSED SUBSTITUTE SENATE BILL NO.
5428
SENATE BILL NO. 5788
SENATE BILL NO. 5042
ENGROSSED SENATE BILL NO. 5561
SENATE BILL NO. 5508
SUBSTITUTE SENATE BILL NO. 5589
SENATE BILL NO. 5895
ENGROSSED SUBSTITUTE SENATE BILL NO.
5078
SENATE BILL NO. 5539
SENATE BILL NO. 5687
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764
SECOND SUBSTITUTE SENATE BILL NO. 5789
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5796
SUBSTITUTE SENATE BILL NO. 5838
ENGROSSED SUBSTITUTE SENATE BILL NO.
5874
ENGROSSED SUBSTITUTE SENATE BILL NO.
5878
SENATE BILL NO. 5909

There being no objection, the House adjourned until 9:00 a.m., March 3, 2022, the 53rd Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 3, 2022

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

March 2, 2022

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Bruce Kadden, Temple Beth El, Tacoma, Washington.

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

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

MESSAGES FROM THE SENATE

March 2, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1724,
 HOUSE BILL NO. 1832,
 HOUSE BILL NO. 1833,
 SUBSTITUTE HOUSE BILL NO. 1867,
 HOUSE BILL NO. 1934,
 SUBSTITUTE HOUSE BILL NO. 1941,
 HOUSE BILL NO. 1974,
 HOUSE BILL NO. 2033,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2064,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 2, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1613,
 SUBSTITUTE HOUSE BILL NO. 1642,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1716,
 HOUSE BILL NO. 1953,

and the same are herewith transmitted.

Sarah Bannister, Secretary

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1052,
 HOUSE BILL NO. 1122,
 SUBSTITUTE HOUSE BILL NO. 1124,
 ENGROSSED HOUSE BILL NO. 1165,
 SECOND SUBSTITUTE HOUSE BILL NO. 1210,
 HOUSE BILL NO. 1280,
 HOUSE BILL NO. 1612,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1619,
 SUBSTITUTE HOUSE BILL NO. 1623,
 SUBSTITUTE HOUSE BILL NO. 1626,
 SUBSTITUTE HOUSE BILL NO. 1649,
 HOUSE BILL NO. 1669,
 SUBSTITUTE HOUSE BILL NO. 1675,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1705,
 ENGROSSED HOUSE BILL NO. 1744,
 HOUSE BILL NO. 1755,
 HOUSE BILL NO. 1761,
 HOUSE BILL NO. 1769,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1793,
 SUBSTITUTE HOUSE BILL NO. 1794,
 HOUSE BILL NO. 1834,
 HOUSE BILL NO. 1874,
 HOUSE BILL NO. 1894,
 SUBSTITUTE HOUSE BILL NO. 2046,
 HOUSE BILL NO. 2061,
 SUBSTITUTE HOUSE BILL NO. 2068,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2135 by Representatives Stokesbary, MacEwen, Griffey, Rude, Dufault, Walsh, Shewmake, Jacobsen, Kraft, Hoff, Gilday, Chambers, Robertson, Peterson, Maycumber, Vick, Kretz, Corry, Boehnke, Klippert, Fitzgibbon, Dye, Schmick, Barkis, Caldier, Wicks, Klicker, Steele, Walen, Graham, Ybarra, Leavitt, Paul and Eslick

AN ACT Relating to directing state agencies and authorities to divest public funds supporting Russia; adding a new section to chapter 43.33A RCW; adding a new chapter to Title 39 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5878, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Rolfes, Wellman, Hunt, Lovick, Nobles and Wilson, C.)

Clarifying visual and performing arts instruction.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative McEntire moved the adoption of amendment (1227) to the committee striking amendment:

On page 2, line 33 of the striking amendment, after "year," strike "public schools" and insert "school districts with more than 200 enrolled students"

On page 3, line 7 of the striking amendment, after "(3)" strike "Arts" and insert "(a) Except as provided in (b) of this subsection, arts"

On page 3, after line 10 of the striking amendment, insert the following:

"(b) A person holding a limited teaching certificate may provide arts instruction while either: (i) The school district recruits and hires a certificated teacher with the qualifications provided in (a) of this subsection; or (ii) the certificated teacher with qualifications provided in (a) of this subsection takes leave as provided in the school district's written leave policy required by RCW 28A.400.300."

On page 3, beginning on line 24 of the striking amendment, strike all of subsection (6)

On page 3, line 25 of the striking amendment, after "28A.150.010." insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 28A.710 RCW to read as follows:

Section 3 of this act, related to arts instruction, governs school operation and management under RCW 28A.710.040 and applies to charter schools with more than 200 enrolled students established under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.715 RCW to read as follows:

Section 3 of this act, related to arts instruction, governs school operation and management under RCW 28A.715.020 and applies to state-tribal education compact schools with more than 200 enrolled students established under this chapter."

Representatives McEntire and Santos spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1227) to the committee striking amendment, was adopted.

Representative Santos moved the adoption of amendment (1275) to the committee striking amendment:

On page 2, line 37 of the striking amendment, after "elementary" insert "and middle"

Representatives Santos and Ybarra spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1275) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Ybarra, McEntire, Harris, Dye, MacEwen and Maycumber spoke in favor of the passage of the bill.

Representatives Schmick and Kraft spoke against the passage of the bill.

MOTIONS

On motion of Representative Wicks, Representative Wylie was excused.

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5878, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5878, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Klippert, Kraft, Orcutt and Schmick.

Excused: Representatives Chandler and Wylie.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5878, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764, by Senate Committee on Ways & Means (originally sponsored by Randall, Sheldon, Conway, Das, Hasegawa, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Wellman, Wilson, C. and Wilson, J.)

Concerning apprenticeships and higher education.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Slatter and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5764, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5764, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

Excused: Representatives Chandler and Wylie.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute Senate Bill No. 5764.

Representative Dufault, 15th District

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5789, by Senate Committee on Ways & Means (originally sponsored by Randall, Nobles, Conway, Das, Frockt, Kuderer, Liias, Nguyen and Wilson, C.)

Creating the Washington career and college pathways innovation challenge program.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5789, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5789, as amended by the House, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Goehner, Graham, Hoff, Klicker, Klippert, Kraft, MacEwen, McEntire, Rude, Sutherland, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representatives Chandler and Wylie.

SECOND SUBSTITUTE SENATE BILL NO. 5789, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5785, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Lovelett, Wilson, C., Das, Dhingra, Hasegawa, Nobles, Saldaña and Stanford)

Concerning transitional food assistance.

The bill was read the second time.

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

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5785.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5785, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Wylie.

SUBSTITUTE SENATE BILL NO. 5785, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5529, by Senators Cleveland, Keiser, Dhingra and Wilson, C.

Concerning self-directed care.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5529, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5529, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Wylie.

SENATE BILL NO. 5529, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5874, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Nobles, Randall, Conway, Keiser, Lovelett, Lovick, Nguyen, Stanford, Van De Wege and Wilson, C.)

Concerning residency of students affiliated with the military.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Leavitt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5874, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5874, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5874, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5504, by Senators Warnick, Van De Wege, Billig, Conway, Das, Lovelett, Mullet, Nguyen, Randall, Saldaña, Wagoner, Wilson, J. and Wilson, L.

Extending current discover pass free days from state parks to all state recreation sites and lands.

The bill was read the second time.

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

Representatives Boehnke and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5504.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5504, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson,

Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SENATE BILL NO. 5504, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5589, by Senate Committee on Health & Long Term Care (originally sponsored by Robinson, Cleveland, Frockt and Randall)

Concerning statewide spending on primary care.

The bill was read the second time.

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

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5589.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5589, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Wylie.

SUBSTITUTE SENATE BILL NO. 5589, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5508, by Senators Liias, Muzzall, Cleveland, Frockt, Hunt, Lovick, Mullet, Randall, Robinson and Stanford

Concerning the insurance guaranty fund.

The bill was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5508.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5508, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SENATE BILL NO. 5508, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5539, by Senators Hunt and Wilson, C.

Concerning state funding for educational service districts.

The bill was read the second time.

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

Representative Bergquist spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5539.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5539, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Dent, Dufault, Jacobsen, Klippert, Maycumber, McEntire, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh and Young.

Excused: Representative Wylie.

SENATE BILL NO. 5539, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5687, by Senators Wilson, C., Lias, Billig, Das, Nguyen, Pedersen, Saldaña and Stanford

Addressing certain traffic safety improvements.

The bill was read the second time.

Representative Fey moved the adoption of amendment (1324):

On page 4, beginning on line 29, strike all of sections 4, 5, 6, and 7

Correct the title.

Representatives Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (1324) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Wicks spoke in favor of the passage of the bill.

Representatives Barkis, Klippert and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5687, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5687, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

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

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

Excused: Representative Wylie.

SENATE BILL NO. 5687, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5565, by Senators Sheldon, Rolfes, Lovick and Mullet

Allowing fire districts and regional fire authorities to carry out certain treasurer functions.

The bill was read the second time.

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

Representatives Griffey and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5565.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5565, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff,

MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Ybarra, Young and Mme. Speaker.

Excused: Representative Wylie.

SENATE BILL NO. 5565, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Griffey acknowledged that Senate Bill No. 5565 was Senator Sheldon's final piece of legislation.

The Speaker assumed the chair.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5933
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5847
 SUBSTITUTE SENATE BILL NO. 5814
 SUBSTITUTE SENATE BILL NO. 5729
 SENATE BILL NO. 5657
 SENATE BILL NO. 5510
 SECOND SUBSTITUTE SENATE BILL NO. 5616
 SENATE BILL NO. 5634
 SENATE BILL NO. 5505
 ENGROSSED HOUSE BILL NO. 1990
 HOUSE BILL NO. 1988
 HOUSE BILL NO. 1914
 HOUSE BILL NO. 1850
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5593
 SUBSTITUTE SENATE BILL NO. 5907
 SENATE BILL NO. 5972

The Speaker called upon Representative Bronoske to preside.

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

SECOND READING

SENATE BILL NO. 5895, by Senators Frockt and Mullet

Concerning timing restrictions for remedial action grants to local government.

The bill was read the second time.

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

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5895.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5895, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5895, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5649, by Senate Committee on Ways & Means (originally sponsored by Robinson, Conway, Lovick, Randall and Wilson, C.)

Modifying the Washington state paid family and medical leave act.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Labor & Workplace Standards was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Representative Sullivan moved the adoption of amendment (1338) to the committee striking amendment:

On page 19, line 11 of the striking amendment, after "(3)" strike "(a)"

On page 19, beginning on line 14 of the striking amendment, beginning with "(b)" strike all material through "2022." on line 15

Representatives Sullivan and Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1338) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Berry and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5649, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5649, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

SECOND SUBSTITUTE SENATE BILL NO. 5649, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5929, by Senators Wilson, C. and Nguyen

Changing the membership of the legislative-executive WorkFirst poverty reduction oversight task force.

The bill was read the second time.

With the consent of the House, amendment (1304) was withdrawn.

Representative Jacobsen moved the adoption of amendment (1321):

On page 4, after line 2, insert the following:

"Sec. 2. RCW 74.08A.510 and 2018 c 126 s 4 are each amended to read as follows:

(1) To assist the task force established in RCW 74.08A.505, there is created the intergenerational poverty advisory committee.

(2) The advisory committee must include diverse, statewide representation from public, nonprofit, and for-profit entities. The committee membership must reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(3) Members of the advisory committee are appointed by the secretary, with the approval of the task force.

(4) The advisory committee must include representatives from:

(a) Advocacy groups that focus on childhood poverty issues;

(b) Advocacy groups that focus on education and early childhood education issues;

(c) Academic experts in childhood poverty, education, or early childhood education issues;

(d) Faith-based organizations that address childhood poverty, education, or early childhood education issues;

(e) Tribal governments;

(f) Families impacted by poverty;

(g) Local government representatives that address childhood poverty or education issues;

(h) The business community;

(i) A group representing accredited financial counselors;

(j) A subject matter expert in infant mental health;

~~((j))~~ (k) The department of children, youth, and families; and

~~((k))~~ (1) The department.

(5) Each member of the advisory committee is appointed for a four-year term unless a member is appointed to complete an unexpired term. The secretary may adjust the length of term at the time of appointment or reappointment so that approximately one-half of the advisory committee is appointed every two years.

(6) The secretary may remove an advisory committee member:

(a) If the member is unable or unwilling to carry out the member's assigned responsibilities; or

(b) For good cause.

(7) If a vacancy occurs in the advisory committee membership for any reason, a replacement may be appointed for the unexpired term.

(8) The advisory committee shall choose cochairs from among its membership. The secretary shall convene the initial meeting of the advisory committee.

(9) A majority of the advisory committee constitutes a quorum of the advisory committee at any meeting and the action of the majority of members present is the action of the advisory committee.

(10) The advisory committee shall:

(a) Meet quarterly at the request of the task force cochairs or the cochairs of the advisory committee;

(b) Make recommendations to the task force on how the task force and the state can effectively address the needs of children affected by intergenerational poverty and achieve the purposes and duties of the task force as described in RCW 74.08A.505;

(c) Ensure that the advisory committee's recommendations to the task force are supported by verifiable data; and

(d) Gather input from diverse communities about the impact of intergenerational poverty on outcomes such as education, health care, employment, involvement in the child welfare system, and other related areas.

(11) The department shall provide staff support to the advisory committee and shall endeavor to accommodate the participation needs of its members. Accommodations may include considering the location and time of committee meetings, making options available for remote participation by members, and convening meetings of the committee in locations with proximity to available child care whenever feasible.

(12) Members of the advisory committee may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060."

Correct the title.

Representatives Jacobsen and Peterson spoke in favor of the adoption of the amendment.

Amendment (1321) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5929, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5929, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

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

Voting nay: Representatives Barkis, Boehnke, Chambers, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

SENATE BILL NO. 5929, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5788, by Senators Pedersen, Padden, Dhingra and Lovick

Concerning guardianship of minors.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5788, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5788, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SENATE BILL NO. 5788, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5790, by Senate Committee on Ways & Means (originally sponsored by Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short and Wilson, L.)

Strengthening critical community support services for individuals with intellectual and developmental disabilities.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Gilday and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5790, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5819, by Senate Committee on Ways & Means (originally sponsored by Braun, Brown, Conway, Dozier, Frockt, Keiser, Randall, Rivers, Saldaña, Short, Trudeau, Warnick and Wilson, L.)

Concerning the developmental disabilities administration's no-paid services caseload.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Gilday and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5819, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5819, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5819, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5933, by Senate Committee on Ways & Means (originally sponsored by Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes and Wilson, J.)

Establishing a school seismic safety grant program.

The bill was read the second time.

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

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5933.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5933, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5933, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5847, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Randall, Das, Hasegawa, Keiser, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.)

Providing information to public service employees about the public service loan forgiveness program.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pollet, Chambers and Jacobsen spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5847, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5847, as amended by

the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Boehnke, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Gilday, Goehner, Graham, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Steele, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5847, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5814, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Cleveland, Dhingra, Keiser, Lovelett, Lovick and Wilson, C.)

Providing funding for medical evaluations of suspected victims of child abuse.

The bill was read the second time.

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

Representatives Stonier, Caldier and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5814.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5814, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson,

Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5814, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5729, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldafia, Stanford, Trudeau and Wilson, C.)

Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing, Human Services & Veterans was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Peterson moved the adoption of amendment (1287) to the committee striking amendment:

On page 6, after line 24 of the striking amendment, insert the following:

"NEW SECTION. Sec. 4. This act takes effect July 1, 2023."

Representatives Peterson and Gilday spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1287) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5729, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5729, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5729, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5657, by Senators Wellman, Hunt, Gildon, Hasegawa, Mullet, Nguyen, Nobles, Rivers and Wilson, C.

Concerning computer science instruction in state long-term juvenile institutions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Callan, Ybarra and Frame spoke in favor of the passage of the bill.

Representatives Dufault and Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5657, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5657, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan,

Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Chandler, Dufault, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Walsh and Young.

SENATE BILL NO. 5657, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5616, by Senate Committee on Transportation (originally sponsored by Rolfes)

Concerning accounts.

The bill was read the second time.

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

Representatives Bergquist and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5616.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5616, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SECOND SUBSTITUTE SENATE BILL NO. 5616, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5593, by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Gildon, Hasegawa and Mullet)

Concerning urban growth area boundaries.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Local Government was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

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

Representatives Goehner, Pollet, Corry and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5593.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5593, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5593, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5972, by Senators Warnick and Van De Wege

Concerning extending the expiration date of a statute dealing with wildlife conflict resolution.

The bill was read the second time.

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

Representatives Volz, Valdez, Dent and Volz (again) spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5972.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5972, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SENATE BILL NO. 5972, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5883, by Senate Committee on Law & Justice (originally sponsored by Trudeau, Keiser, Billig, Conway, Hunt, Kuderer, Nguyen, Nobles, Robinson, Saldaña, Van De Wege and Wilson, C.)

Concerning an unaccompanied homeless youth's ability to provide informed consent for that minor patient's own health care, including nonemergency, outpatient, and primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries.

The bill was read the second time.

With the consent of the House, amendment (1298) was withdrawn.

Representative Eslick moved the adoption of amendment (1297):

On page 6, beginning on line 12, after "is" strike all material through "majority" on line 13 and insert "age 14 through age 17"

Representatives Eslick, Dent, Dufault and Caldier spoke in favor of the adoption of the amendment.

Representative Harris-Talley spoke against the adoption of the amendment.

Amendment (1297) was not adopted.

Representative McCaslin moved the adoption of amendment (1303):

On page 6, beginning on line 29, after "provider" strike all material through "discretion," on line 30 and insert "shall"

On page 6, beginning on line 31, after "youth." strike all material through "documentation." On line 32

On page 7, beginning at the beginning of line 4, strike all material through "patient." on line 9

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives McCaslin, Dufault, Klippert, Abbarno, Graham, Dent and McCaslin (again) spoke in favor of the adoption of the amendment.

Representatives Ortiz-Self and Senn spoke against the adoption of the amendment.

Amendment (1303) was not adopted.

Representative Dent moved the adoption of amendment (1293):

On page 7, beginning on line 10, after "(d)" strike all material through "situation" on line 17 and insert "A health care provider or health care facility that provided services to an unaccompanied homeless youth under subsection (3) of this section is not liable in a criminal or civil action, and not subject to professional or other disciplinary action, for accepting the informed consent of an unaccompanied homeless youth authorized under subsection (3) of this section if the provider or facility has relied upon the documentation described under subsection

(3)(b) of this section. The limitation on liability provided in this subsection only limits liability stemming from a health care provider or health care facility not obtaining consent as described in RCW 7.70.030(3)"

Representatives Dent, Dufault, Jacobsen, Walsh and Abbarno spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1293) was not adopted.

Representative Mosbrucker moved the adoption of amendment (1332):

On page 7, after line 22, insert the following:

"(f) During a visit with an unaccompanied homeless youth who provides informed consent authorized under this subsection (3), a primary care provider as defined under RCW 74.09.010 shall use existing best practices that align with any guidelines developed by the office of crime victims advocacy established in RCW 43.280.080 and the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 designed to identify:

(i) Whether the unaccompanied homeless youth may be a victim of human trafficking; and

(ii) Potential referral to additional services, the department of children, youth, and families, or law enforcement."

Representatives Mosbrucker and Senn spoke in favor of the adoption of the amendment.

Amendment (1332) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn, Ortiz-Self and Harris-Talley spoke in favor of the passage of the bill.

Representatives Dent, Dufault, Graham, Klippert, Caldier, Chase, Chambers and Kraft spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5883, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5883, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5883, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

March 3, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1747,
ENGROSSED HOUSE BILL NO. 1752,
ENGROSSED HOUSE BILL NO. 1784,
HOUSE BILL NO. 1888,
SUBSTITUTE HOUSE BILL NO. 1980,
SUBSTITUTE HOUSE BILL NO. 1984,
HOUSE BILL NO. 2074,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 3, 2022

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5518,

SENATE BILL NO. 5545,
SUBSTITUTE SENATE BILL NO. 5575,
SENATE BILL NO. 5602,
SENATE BILL NO. 5617,
SUBSTITUTE SENATE BILL NO. 5631,
SENATE BILL NO. 5676,
ENGROSSED SENATE BILL NO. 5800,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5815,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5853,
SENATE BILL NO. 5866,
SENATE BILL NO. 5875,
SUBSTITUTE SENATE BILL NO. 5890,
SENATE BILL NO. 5931,
SENATE BILL NO. 5940,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5818
ENGROSSED SUBSTITUTE SENATE BILL NO.
5268
SENATE JOINT MEMORIAL NO. 8006
SENATE BILL NO. 5844
SUBSTITUTE SENATE BILL NO. 5644
SUBSTITUTE SENATE BILL NO. 5756
SUBSTITUTE SENATE BILL NO. 5728

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5722, by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Liias, Lovelett, Nobles, Pedersen, Saldaña and Stanford)

Reducing greenhouse gas emissions in buildings.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

With the consent of the House, amendments (1299) and (1274) were withdrawn.

Representative Hackney moved the adoption of striking amendment (1302):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in order to meet the statewide greenhouse gas emissions limits in RCW 70A.45.020, the state must require performance standards for existing buildings.

In order to have a comprehensive understanding of the need and potential for updating the state's building stock, including the "split incentive issue" in which tenants are responsible for energy costs and building owners are responsible for choices about energy systems and building maintenance, more robust benchmarking and reporting for building performance, operations, and maintenance is needed. While the state has adopted comprehensive reporting requirements for larger buildings, it currently lacks similar requirements for smaller buildings. It is the intent of the legislature to extend existing building benchmarking, energy management, and operations and maintenance planning requirements to smaller commercial and multifamily residential buildings in order to assess the needs and opportunities for job creation and incentives and environmental and public health improvements.

The legislature further finds that in order to meet the statewide greenhouse gas emissions limits in the energy sectors of the economy, more resources must be directed toward achieving decarbonization of building heating and cooling loads, while continuing to relieve energy burdens that exist in overburdened communities. These resources must include comprehensive customer support, outreach, and technical assistance. These efforts must include notifying building owners of requirements through communications campaigns, providing resources to aid in compliance, and delivering training to equip building owners, and the industry, to be successful.

Sec. 2. RCW 19.27A.200 and 2019 c 285 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 19.27A.210, 19.27A.220, 19.27A.230, ~~((and))~~ 19.27A.240, and sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products, and that is not a place used by the public or a place of human habitation or employment where agricultural products are processed, treated, or packaged.

(2) "Baseline energy use intensity" means a building's ~~((weather normalized))~~ energy use intensity ~~((measured the previous year to making an application for an incentive under RCW 19.27A.220))~~ that is representative of energy use in a normal weather year.

(3)(a) "Building owner" means an individual or entity possessing title to a building.

(b) In the event of a land lease, "building owner" means the entity possessing title to the building on leased land.

(4) "Building tenant" means a person or entity occupying or holding possession of a building or premises pursuant to a rental agreement.

(5) "Conditional compliance" means a temporary compliance method used by covered building owners that demonstrate the owner has implemented energy use reduction strategies required by the standard, but has not demonstrated full compliance with the energy use intensity target.

(6) "Consumer-owned utility" has the same meaning as defined in RCW 19.27A.140.

(7) "Covered ~~((commercial))~~ building" ~~((means a building where the sum of nonresidential, hotel, motel, and dormitory floor areas exceeds fifty thousand gross square feet, excluding the parking garage area))~~ includes a tier 1 covered building and a tier 2 covered building.

(8) "Department" means the department of commerce.

(9) "Director" means the director of the department of commerce or the director's designee.

(10) "Electric utility" means a consumer-owned electric utility or an investor-owned electric utility.

(11) "Eligible building owner" means: (a) The owner of a covered ~~((commercial))~~ building required to comply with the

standard established in RCW 19.27A.210; or (b) ~~((the owner of a multifamily residential building where the floor area exceeds fifty thousand gross square feet, excluding the parking garage area))~~ all eligible tier 2 covered building owners.

(12) "Energy" includes: Electricity, including electricity delivered through the electric grid and electricity generated at the building premises using solar or wind energy resources; natural gas, including natural gas derived from renewable sources, synthetic sources, and fossil fuel sources; district steam; district hot water; district chilled water; propane; fuel oil; wood; coal; or other fuels used to meet the energy loads of a building.

(13) "Energy use intensity" means a measurement that normalizes a building's site energy use relative to its size. A building's energy use intensity is calculated by dividing the total net energy consumed in one year by the gross floor area of the building, excluding the parking garage. "Energy use intensity" is reported as a value of thousand British thermal units per square foot per year.

(14) "Energy use intensity target" means the target for net energy use intensity of a covered ~~((commercial))~~ building ~~((that has been established for the purposes of complying with the standard established under RCW 19.27A.210))~~.

(15) "Gas company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receiver appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any gas plant within this state.

(16) "Greenhouse gas" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(17)(a) "Gross floor area" means the total number of square feet measured between the exterior surfaces of the enclosing fixed walls of a building, including all supporting functions such as offices, lobbies, restrooms, equipment storage areas, mechanical rooms, break rooms, and elevator shafts.

(b) "Gross floor area" does not include outside bays or docks.

(18) "Investor-owned utility" means a ~~((company owned by investors, that meets one of the definitions of RCW 80.04.010, and that is engaged in distributing electricity))~~ corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(19) "Multifamily residential building" means a covered multifamily building containing sleeping units or more than ~~((two))~~ five dwelling units where occupants are primarily permanent in nature.

(20) "Net energy use" means the sum of metered and bulk fuel energy entering the building, minus the sum of metered energy leaving the building or campus. Renewable energy produced on a campus that is not attached to a covered building may be included.

(21) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than ~~((twenty five thousand))~~ 25,000 customers in the state of Washington.

(22) "Savings-to-investment ratio" means the ratio of the total present value savings to the total present value costs of a bundle of an energy or water conservation measure estimated over the projected useful life of each measure. The numerator of the ratio is the present value of net savings in energy or water and nonfuel or nonwater operation and maintenance costs attributable to the proposed energy or water conservation measure. The denominator of the ratio is the present value of the net increase in investment and replacement costs less salvage value attributable to the proposed energy or water conservation measure.

(23) "Standard" means the state energy performance standard for covered ~~((commercial))~~ buildings established under RCW 19.27A.210.

(24) "Thermal energy company" has the same meaning as defined in RCW 80.04.550.

(25) "Weather normalized" means a method for modifying the measured building energy use in a specific weather year to energy use under normal weather conditions.

(26) "Tier 1 covered building" means a building where the sum of nonresidential, hotel, motel, and dormitory floor areas exceed 50,000 gross square feet, excluding the parking garage area.

(27) "Tier 2 covered building" means a building where the sum of multifamily residential, nonresidential, hotel, motel, and dormitory floor areas exceeds 20,000 gross square feet, but does not exceed 50,000 gross square feet, excluding the parking garage area. Tier 2 covered buildings also include multifamily residential buildings where floor areas are equal to or exceed 50,000 gross square feet, excluding the parking garage area.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:

(1)(a) By December 1, 2023, the department must adopt by rule a state energy management and benchmarking requirement for tier 2 covered buildings. The department shall include a small business economic impact statement pursuant to chapter 19.85 RCW as part of the rule making.

(b) In establishing the requirements under (a) of this subsection, the department must adopt requirements for building owner implementation consistent with the standard established pursuant to RCW 19.27A.210(1) and limited to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking and associated reporting and administrative procedures. Administrative procedures must include exemptions for financial hardship and an appeals process for administrative determinations, including penalties imposed by the department.

(c) The department must provide a customer support program to building owners including, but not limited to, outreach and informational materials that connect tier 2 covered building owners to utility resources, periodic training, phone and email support, and other technical assistance. The customer support program must include enhanced technical support, such as benchmarking assistance and assistance in developing energy management and operations and maintenance plans, for tier 2 covered buildings whose owners typically do not employ dedicated building managers including, but not limited to, multifamily housing, child care

facilities, and houses of worship. The department shall prioritize underresourced buildings with a high energy use per square foot, buildings in rural communities, buildings whose tenants are primarily small businesses, and buildings located in high-risk communities according to the department of health's environmental health disparities map.

(d)(i) The department may adopt rules related to the imposition of an administrative penalty not to exceed 30 cents per square foot upon a tier 2 covered building owner for failing to submit documentation demonstrating compliance with the requirements of this subsection.

(ii) Administrative penalties collected under this section must be deposited into the low-income weatherization and structural rehabilitation assistance account created in RCW 70A.35.030 and reinvested into the program, where feasible, to support compliance with the standard.

(2) By July 1, 2025, the department must provide the owners of tier 2 covered buildings with notification of the requirements the department has adopted pursuant to this section that apply to tier 2 covered buildings.

(3) The owner of a tier 2 covered building must report the building owner's compliance with the requirements adopted by the department to the department in accordance with the schedule established under subsection (4) of this section and every five years thereafter. For each reporting date, the building owner must submit documentation to demonstrate that the building owner has developed and implemented the procedures adopted by the department by rule, limited to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking.

(4) By July 1, 2027, tier 2 covered building owners must submit reports to the department as required by the rules adopted in subsection (1) of this section.

(5)(a) By July 1, 2029, the department must evaluate benchmarking data to determine energy use and greenhouse gas emissions averages by tier 2 covered building type.

(b) The department must submit a report to the legislature and the

governor by October 1, 2029, with recommendations for cost-effective building performance standards for tier 2 covered buildings. The report must contain information on estimated costs to building owners to implement the performance standards and anticipated implementation challenges.

(c)(i) By December 31, 2030, the department must adopt rules for performance standards for tier 2 covered buildings.

(ii) In adopting these performance standards, the department must consider the age of the building in setting energy use intensity targets.

(iii) The department may adopt performance standards for multifamily residential buildings on a longer timeline schedule than for other tier 2 covered buildings.

(iv) The rules may not take effect before the end of the 2031 regular legislative session.

(v) The department must include a small business economic impact statement pursuant to chapter 19.85 RCW as part of the rule making.

Sec. 4. RCW 19.27A.220 and 2021 c 315 s 18 are each amended to read as follows:

(1) The department must establish a state energy performance standard early adoption incentive program consistent with the requirements of this section. This early adoption incentive program may include incentive payments for early adoption of tier 2 covered building owner requirements as described in subsection (6) of this section.

(2) The department must adopt application and reporting requirements for the incentive program. Building energy reporting for the incentive program must be consistent with the energy reporting requirements established under RCW 19.27A.210.

(3) Upon receiving documentation demonstrating that a building owner qualifies for an incentive under this section, the department must authorize each applicable entity administering incentive payments, as provided in RCW 19.27A.240, to make an incentive payment to the building owner. When a building is served by more than one entity offering incentives or more than one type of fuel, incentive payments must be proportional to the energy use intensity reduction of

each specific fuel provided by each entity for tier 1 buildings. The department may authorize any participating utility, regardless of fuel specific savings, serving a tier 2 building to administer the incentive payment.

(4) ~~((An eligible))~~ A covered building owner may receive an incentive payment in the amounts specified in subsection ~~((6))~~ (8)(a) of this section only if the following requirements are met:

(a) The building is either: (i) A covered commercial building subject to the requirements of the standard established under RCW 19.27A.210; or (ii) a multifamily residential building where the floor area exceeds ~~((fifty thousand))~~ 50,000 gross square feet, excluding the parking garage area;

(b) The building's baseline energy use intensity exceeds its applicable energy use intensity target by at least ~~((fifteen))~~ 15 energy use intensity units;

(c) At least one electric utility, gas company, or thermal energy company providing or delivering energy to the covered commercial building or multifamily residential building is participating in the incentive program by administering incentive payments as provided in RCW 19.27A.240; and

(d) The building owner complies with any other requirements established by the department.

(5) ~~((a) An eligible))~~ A covered building owner who meets the requirements of subsection (4) of this section may submit an application to the department for an incentive payment in a form and manner prescribed by the department. The application must be submitted in accordance with the following schedule:

~~((i))~~ (a) For a building with more than ~~((two hundred twenty thousand))~~ 220,000 gross square feet, beginning July 1, 2021, through June 1, 2025;

~~((ii))~~ (b) For a building with more than ~~((ninety thousand))~~ 90,000 gross square feet but less than ~~((two hundred twenty thousand and one))~~ 220,001 gross square feet, beginning July 1, 2021, through June 1, 2026; and

~~((iii))~~ (c) For a building with more than ~~((fifty thousand))~~ 50,000 gross square feet but less than ~~((ninety thousand and one))~~ 90,001 gross square

feet, beginning July 1, 2021, through June 1, 2027.

~~((b))~~ (6)(a) A tier 2 covered building owner may receive an incentive payment in the amounts specified in subsection (8)(b) of this section only if all required benchmarking, energy management, and operations and maintenance planning documentation as required under section 3 of this act has been submitted to the department and an incentive application has been completed.

(b) An eligible tier 2 covered building owner may submit an application beginning July 1, 2025, through June 1, 2030.

(7) The department must review each application and determine whether the applicant is eligible for the incentive program and if funds are available for the incentive payment within the limitation established in RCW 19.27A.230. If the department certifies an application, it must provide verification to the building owner and each entity participating as provided in RCW 19.27A.240 and providing service to the building owner.

~~((6) An eligible building owner)~~ (8)(a) An eligible owner of a tier 1 covered building or an eligible owner of a multifamily residential building greater than 50,000 gross square feet, excluding the parking area, that demonstrates early compliance with the applicable energy use intensity target under the standard established under RCW 19.27A.210 may receive a base incentive payment of ~~((eighty five))~~ 85 cents per gross square foot of floor area, excluding parking, unconditioned, or semiconditioned spaces.

~~((7))~~ (b) A tier 2 eligible building owner that demonstrates compliance with the applicable benchmarking, energy management, and operations and maintenance planning requirements may receive a base incentive payment of 30 cents per gross square foot of floor area, excluding parking, unconditioned, or semiconditioned spaces. The department may implement a tiered incentive structure for upgrading multifamily buildings to provide an enhanced incentive payment to multifamily building owners willing to commit to antidisplacement provisions.

(9) The incentives provided in subsection ~~((6))~~ (8) of this section

are subject to the limitations and requirements of this section, including any rules or procedures implementing this section.

~~((9))~~ (10) The department must establish requirements for the verification of energy consumption by the building owner and each participating electric utility, gas company, and thermal energy company.

~~((9))~~ (11) The department must provide an administrative process for an eligible building owner to appeal a determination of an incentive eligibility or amount.

~~((10))~~ (12) By September 30, 2025, and every two years thereafter, the department must report to the appropriate committees of the legislature on the results of the incentive program under this section and may provide recommendations to improve the effectiveness of the program. The 2025 report to the legislature must include recommendations for aligning the incentive program established under this section consistent with a goal of reducing greenhouse gas emissions from substitutes, as defined in RCW 70A.60.010.

~~((11))~~ (13) The department may adopt rules to implement this section.

Sec. 5. RCW 19.27A.230 and 2019 c 285 s 5 are each amended to read as follows:

(1) The department may not issue a certification for ~~((an))~~ a tier 1 incentive application under RCW 19.27A.220(8)(a) if doing so is likely to result in total incentive payments under RCW 19.27A.220(8)(a) in excess of ~~((seventy five million dollars))~~ \$75,000,000.

(2) The department may not issue certification for a tier 2 incentive application under RCW 19.27A.220(8)(b) if doing so is likely to result in total incentive payments under RCW 19.27A.220(8)(b) in excess of \$150,000,000.

Sec. 6. RCW 19.27A.240 and 2019 c 285 s 6 are each amended to read as follows:

(1)(a) Each qualifying utility must administer incentive payments for the state energy performance standard early adoption incentive program established in RCW 19.27A.220 on behalf of its customers who are eligible building owners of covered commercial buildings

~~((or))~~, multifamily residential buildings, or other tier 2 covered buildings consistent with the requirements of this section. Any thermal energy company, electric utility, or gas company not otherwise required to administer incentive payments may voluntarily participate by providing notice to the department in a form and manner prescribed by the department.

(b) Nothing in this subsection (1) requires a qualifying utility to administer incentive payments for the state energy performance standard early adoption incentive program established in RCW 19.27A.220 for which the qualifying utility is not allowed a credit against taxes due under this chapter, as described in RCW 82.16.185.

(2) An entity that administers the payments for the incentive program under this section must administer the program in a manner that is consistent with the standard established and any rules adopted by the department under RCW 19.27A.210 ~~((and))~~, 19.27A.220, and section 3 of this act.

(3) Upon receiving notification from the department that a building owner has qualified for an incentive payment, each entity that administers incentive payments under this section must make incentive payments to its customers who are eligible building owners of covered commercial buildings or multifamily residential buildings who qualify as provided under this section and at rates specified in RCW 19.27A.220~~((+6))~~ (8). When a building is served by more than one entity administering incentive payments, incentive payments must be proportional to the energy use intensity reduction of the participating entities' fuel.

(4) The participation by an entity in the administration of incentive payments under this section does not relieve the entity of any obligation that may otherwise exist or be established to provide customer energy efficiency programs or incentives.

(5) An entity that administers the payments for the incentive program under this section is not liable for excess payments made in reliance on amounts reported by the department as due and payable as provided under RCW 19.27A.220, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Dye moved the adoption of amendment (1314) to striking amendment (1302):

On page 1, line 17 of the striking amendment, after "commercial" strike "and multifamily residential"

On page 4, line 32 of the striking amendment, after "(27)" insert "(a)"

On page 4, at the beginning of line 33 of the striking amendment, strike "multifamily residential,"

On page 4, beginning on line 35 of the striking amendment, after "area." strike all material through "area." on line 38

On page 4, after line 38 of the striking amendment, insert the following:

"(b) "Tier 2 covered building" does not include any building that is a:

(i) childcare facility;

(ii) house of worship;

(iii) hospital;

(iv) commercial building, owned or occupied by a tenant, that provides healthcare services;

(v) commercial building owned or occupied by a person to manufacture, or to retail or wholesale sell, pharmaceutical medicine; or

(vi) commercial building that is owned or occupied by a retail or wholesale seller of building materials, including, but not limited to, sellers of lumber, flooring, roofing materials, plumbing fixtures, doors, windows, kitchen appliances, and interior lighting."

On page 5, beginning on line 25 of the striking amendment, after "managers" strike all material through "worship" on line 27

On page 6, beginning on line 33 of the striking amendment, after "(iii)" strike all material through "(iv)" on line 38

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 9, beginning on line 7 of the striking amendment, after "spaces." strike all material through "provisions." on line 11

On page 10, line 11 of the striking amendment, after "or" strike "other"

Representatives Dye, Dufault, Klicker, Klippert, Barkis, Chambers, Walsh, Goehner, Ybarra, Kraft and Harris spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Fitzgibbon and Ramel spoke against the adoption of the amendment to the striking amendment.

Amendment (1314) to striking amendment (1302) was not adopted.

Representative Dye moved the adoption of amendment (1313) to striking amendment (1302):

On page 4, line 38 of the striking amendment, after "area." insert "Tier 2 covered buildings do not include any buildings served by an electric utility with a fuel mix that has a greenhouse gas content calculation as defined in RCW 19.405.070 of 10 percent or less, and that are not using natural gas for space or water heating."

Representatives Dye, Dufault, Boehnke and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramel spoke against the adoption of the amendment to the striking amendment.

Amendment (1313) to striking amendment (1302) was not adopted.

Representative Hackney spoke in favor of the adoption of the striking amendment.

Representative Dye spoke against the adoption of the striking amendment.

Striking amendment (1302) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hackney, Ramel, Fitzgibbon and Duerr spoke in favor of the passage of the bill.

Representatives McCaslin, Dye, Abbarno, McEntire, Dufault, Barkis, Hoff, Klicker, Jacobsen, Chase, Klippert, Goehner, Harris, Gilday, Kraft, McEntire (again), Ybarra, Walsh and Boehnke spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5722, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5722, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5722, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5600, by Senate Committee on Ways & Means (originally sponsored by Keiser, Holy, Conway, Das, Dhingra, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Randall, Rivers, Robinson, Saldaña, Salomon, Stanford, Trudeau, Wagoner, Warnick, Wellman and Wilson, C.)

Concerning the sustainability and expansion of state registered apprenticeship programs.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul and Chambers spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of

Engrossed Second Substitute Senate Bill No. 5600, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5600, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Hoff, Kraft and McCaslin.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5600, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5715, by Senators Wellman, Sheldon, Randall and Wilson, C.

Modifying the definition of broadband or broadband service.

The bill was read the second time.

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

Representatives Paul and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5715.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5715, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby,

Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

SENATE BILL NO. 5715, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5664, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Keiser and Nobles)

Concerning forensic competency restoration programs.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

With the consent of the House, amendment (1300) was withdrawn.

Representative Davis moved the adoption of striking amendment (1326):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.010 and 2021 c 263 s 9 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(4) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(5) A "criminally insane" person means any person who has been acquitted of a

crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(6) "Department" means the state department of social and health services.

(7) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(8) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(9) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(10) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(13) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person

being assisted as manifested by prior charged criminal conduct.

(14) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(15) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(17) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(18) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(19) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; (~~(e)~~)

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an

immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(25) "Authority" means the Washington state health care authority.

Sec. 2. RCW 10.77.060 and 2021 c 263 s 5 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or

second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have

the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service

on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

Sec. 3. RCW 10.77.068 and 2015 c 5 s 1 are each amended to read as follows:

(1)(a) The legislature establishes ((the following)) a performance ((targets and maximum time limits for the timeliness of the completion of accurate and reliable evaluations of competency to stand trial and admissions for inpatient restoration services related to competency to proceed or stand trial for adult criminal defendants.)) target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized;

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to a state hospital following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the

limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases ((without compromise to the quality of competency evaluation and restoration services)), but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency ((evaluations and restorations, and to otherwise make sustainable improvements and track performance related to the timeliness of competency services:

(i) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized evaluation services related to competency, or to extend an offer of admission for legally authorized services following dismissal of charges based on incompetence to proceed or stand trial;

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days;

(ii) For a state hospital to extend an offer of admission to a defendant in pretrial custody for legally authorized inpatient restoration treatment related to competency;

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days;

(iii) For completion of a competency evaluation in jail and distribution of the evaluation report for a defendant in pretrial custody;

(A) A performance target of seven days or less; and

(B) A maximum time limit of fourteen days, plus an additional seven-day extension if needed for clinical reasons

~~to complete the evaluation at the determination of the department;~~

~~(iv) For completion of a competency evaluation in the community and distribution of the evaluation report for a defendant who is released from custody and makes a reasonable effort to cooperate with the evaluation, a performance target of twenty-one days or less)) services.~~

~~((b) The time periods measured in these performance targets and maximum time limits shall run from the date on which the state hospital receives the court referral and charging documents, discovery, police reports, the names and addresses of the attorneys for the defendant and state or county, the name of the judge ordering the evaluation, information about the alleged crime, and criminal history information related to the defendant. The maximum time limits in (a) of this subsection shall be phased in over a one year period beginning July 1, 2015, in a manner that results in measurable incremental progress toward meeting the time limits over the course of the year.~~

~~(e)) (4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in ((a) of this)) subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:~~

~~((i)) (a) Despite a timely request, the department has not received necessary medical ((clearance)) information regarding the current medical status of a defendant ((in pretrial custody for the purposes of admission to a state hospital));~~

~~((ii)) (b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to ((proceed or)) stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department((. Completion of a competency evaluation)), provided that completion shall not be postponed for procurement of ((mental health, substance use disorder,~~

~~or medical history)) information which is merely supplementary ((to the competency determination));~~

~~((iii)) (c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;~~

~~(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;~~

~~(e) Completion of the referral ((is frustrated by lack of)) requires additional time to accommodate the availability or participation ((by)) of counsel, ((jail or)) court personnel, interpreters, or the defendant;~~

~~((iv) The department does not have access to appropriate private space to conduct a competency evaluation for a defendant in pretrial custody;~~

~~(v)) (f) The defendant asserts legal rights that result in a delay in the provision of competency services; or~~

~~((vi)) (g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.~~

~~((2)) (5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.~~

~~(6) The department shall:~~

~~(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;~~

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

~~((3))~~ (7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits ~~((is))~~ under subsection (1) or (2) of this section ~~((after full implementation of the performance target or maximum time limit))~~, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report ~~((must))~~ shall be made publicly available. An average may be used to determine timeliness under this subsection.

~~((4 Beginning December 1, 2013, the))~~ (8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to ~~((proceed or))~~ stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

~~((5))~~ (9) This section does not create any new entitlement or cause of action related to the timeliness of competency ~~((evaluations or admission for inpatient restoration))~~ to stand trial services ~~((related to competency to proceed or stand trial))~~, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

Sec. 4. RCW 10.77.086 and 2019 c 326 s 4 are each amended to read as follows:

(1)~~((a-i))~~ If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than ~~((ninety))~~ 90 days, the court shall

commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((A))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((I))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~((and~~

~~((II))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((B))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

~~((C))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((D))~~ (d) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for

outpatient competency restoration, the ((department shall remove the defendant from the outpatient restoration program and place the defendant instead)) director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ((for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility)). The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or

authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ((change in placement)) defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ((placement and)) conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

(E)) (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

((ii) The ninety day period for competency restoration under this subsection (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(b)) (2) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial competency restoration period ((of commitment for competency restoration)) is ((forty-five)) 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration, provided that if the outpatient competency restoration placement is terminated and the defendant is subsequently admitted to an inpatient facility, the period of inpatient treatment during the first competency restoration period under this subsection shall not exceed 45 days. ((The forty-five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(e)) (3) If the court determines or the parties agree before the initial competency restoration period or at any

subsequent stage of the proceedings that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo an initial or further period of competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection ((4)) (5) of this section.

((2)) (4) On or before expiration of the initial competency restoration period ((of commitment under subsection (1) of this section)) the court shall conduct a hearing((, at which it shall)) to determine whether ((or not)) the defendant is ((incompetent. (3)) now competent to stand trial. If the court finds by a preponderance of the evidence that ((a) the defendant ((charged with a felony)) is incompetent to stand trial, the court ((shall have the option of extending the)) may order ((of commitment or alternative treatment)) an extension of the competency restoration period for an additional period of ((ninety)) 90 days, but the court must at the same time ((of extension)) set a date for a ((prompt)) new hearing to determine the defendant's competency to stand trial before the expiration of ((the)) this second restoration period. The defendant, the defendant's attorney, ((or)) and the prosecutor ((has)) have the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third competency restoration period ((as provided in subsection (4) of this section)) if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. ((The ninety day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

((4) For persons charged with a felony, at))

(5) At the hearing upon the expiration of the second competency restoration period, or at the end of the first competency restoration period ((in the case of a)) if the defendant ((with a developmental disability)) is ineligible for a second or third competency restoration period under subsection (4) of this section, if the jury or court

finds that the defendant is incompetent((, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed)) to stand trial, the court shall dismiss the charges without prejudice((,)) and ((the court shall)) order the defendant to be committed to a state hospital ((as defined in RCW 72.23.010)) for up to ((seventy two)) 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. ((The criminal charges)) However, the court shall not ((be dismissed)) dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. ((In the event that)) If the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. ((The six month))

(6) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 5. RCW 10.77.088 and 2020 c 18 s 4 are each amended to read as follows:

(1) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides

notice of a motion for an order for competency restoration treatment, in which case the court shall schedule a hearing within seven days ~~((to determine whether to enter an order of competency restoration))~~.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether ~~((or not))~~ competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration treatment, then the court shall issue an order ~~((competency restoration))~~ in accordance with subsection (2)~~((a))~~ of this section.

(2)~~((a))~~ If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, ~~((then))~~ the court shall commit the defendant to the custody of the secretary for inpatient competency restoration~~((Based))~~, or may alternatively order the defendant to receive outpatient competency restoration based on a recommendation from a forensic navigator and input from the parties~~((, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration))~~.

~~((i))~~ (a) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

~~((A))~~ (i) Adhere to medications or receive prescribed intramuscular medication; ~~((and~~

~~((B))~~ (ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((ii))~~ (b) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration under ~~((b))~~

subsection (3) of this ~~((subsection))~~ section.

~~((iii))~~ (c) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management ~~((and))~~. The court may order regular urinalysis testing ~~((for defendants who have a current substance use disorder diagnosis))~~. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

~~((iv))~~ (d) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the ~~((department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead))~~ director of the outpatient competency restoration program shall notify the authority and the department of the need to terminate the outpatient competency restoration placement and intent to request placement for the defendant in an appropriate facility of the department for inpatient competency restoration ~~((for no longer than twenty nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility))~~. The outpatient competency restoration program shall coordinate with the authority, the department, and any law enforcement personnel under (d)(i) of this subsection to ensure that the time period between termination and admission into the inpatient facility is as minimal as possible. The time period for inpatient competency restoration shall be reduced by the time period spent in active

treatment within the outpatient competency restoration program, excluding time periods in which the defendant was absent from the program and all time from notice of termination of the outpatient competency restoration period through the defendant's admission to the facility. The department shall obtain a placement for the defendant within seven days of the notice of intent to terminate the outpatient competency restoration placement.

(i) The department may authorize a peace officer to detain the defendant into emergency custody for transport to the designated inpatient competency restoration facility. If medical clearance is required by the designated competency restoration facility before admission, the peace officer must transport the defendant to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility for medical clearance once a bed is available at the designated inpatient competency restoration facility. The signed outpatient competency restoration order of the court shall serve as authority for the detention of the defendant under this subsection. This subsection does not preclude voluntary transportation of the defendant to a facility for inpatient competency restoration or for medical clearance, or authorize admission of the defendant into jail.

(ii) The department shall notify the court and parties of the ~~((change in placement))~~ defendant's admission for inpatient competency restoration before the close of the next judicial day. The court shall schedule a hearing within five days to review the ~~((placement and))~~ conditions of release of the defendant and anticipated release from treatment and issue appropriate orders. ~~((The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.~~

~~((v))~~ (e) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the

guidance and control of a professional person identified in the court order.

~~((b))~~ (3) The placement under ~~((a))~~ subsection (2) of this ~~((subsection))~~ section shall not exceed ~~((twenty nine))~~ 29 days if the defendant is ordered to receive inpatient competency restoration, ~~((or))~~ and shall not exceed ~~((ninety))~~ 90 days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection ~~((, not to exceed ninety days. This period must be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility))~~, but the total period of inpatient competency restoration may not exceed 29 days.

~~((e))~~ (4) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo competency restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in ~~((d))~~ subsection (5) of this ~~((subsection))~~ section.

~~((d(i)))~~ (5)(a) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

~~((ii))~~ (b) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to ~~((seventy two))~~ 120 hours if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services and up to 72 hours if the defendant engaged in inpatient competency restoration services, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The ~~((seventy two))~~ 120-hour or 72-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the

~~((seventy-two))~~ 120-hour or 72-hour period.

~~((+3))~~ (6) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092 and found by the court to be not competent, the court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least ~~((twenty-four))~~ 24 hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

~~((+4))~~ (7) If at any time the court dismisses charges under subsections (1) through ~~((+3))~~ (6) of this section, the court shall make a finding as to whether the defendant has a history of one or more violent acts. If the court so finds, the defendant is barred from the possession of firearms until a court restores his or her right to possess a firearm under RCW 9.41.047. The court shall state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(8) Any period of competency restoration treatment under this section includes only the time the defendant is actually at the facility or is actively participating in an outpatient competency restoration program and is in addition to reasonable time for transport to or from the facility.

Sec. 6. RCW 10.77.250 and 1987 c 75 s 1 are each amended to read as follows:

~~((The))~~ (1) Within amounts appropriated, the department shall be responsible for all costs relating to the evaluation and inpatient treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto except as otherwise provided by law. Reimbursement may be obtained by the department pursuant to RCW 43.20B.330.

(2) Within amounts appropriated, the authority shall be responsible for all costs relating to outpatient competency restoration programs.

NEW SECTION. Sec. 7. A new section is added to chapter 10.77 RCW to read as follows:

No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to detain a person for medical clearance or treatment, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

The authority shall report annually to the governor and relevant committees of the legislature, beginning November 1, 2022, and shall make the report public, describing:

(1) How many individuals are being served by outpatient competency restoration programs and in what locations;

(2) The length of stay of individuals in outpatient competency restoration programs;

(3) The number of individuals who are revoked from an outpatient competency restoration program into inpatient treatment, and the outcomes of other individuals, if any, whose participation in an outpatient competency restoration program were terminated before the completion of the program; and

(4) For individuals who were revoked from an outpatient competency restoration program into an inpatient competency restoration program, how many days the individuals spent in outpatient competency restoration treatment and inpatient competency restoration treatment, and whether the restoration programs resulted in a finding of competent to stand trial or another outcome.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Davis and Walsh spoke in favor of the adoption of the striking amendment.

Striking amendment (1326) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Davis and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5664, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5664, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SECOND SUBSTITUTE SENATE BILL NO. 5664, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5793, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Trudeau, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Nobles and Saldaña)

Concerning stipends for low-income or underrepresented community members of state boards, commissions, councils, committees, and other similar

groups. Revised for 2nd Substitute: Allowing compensation for lived experience on boards, commissions, councils, committees, and other similar groups.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was not adopted. (For Committee amendment, see Journal, Day 45, February 23, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Representative Chambers moved the adoption of amendment (1317) to the committee striking amendment:

On page 2, beginning on line 1 of the striking amendment, after "groups" strike all material through "43.06D.020" on line 3

On page 2, line 5 of the striking amendment, after "(b)" insert "Subject to available funding, an agency may provide a stipend to an individual who is an owner or employee of a small business to support their participation in class one groups, provided that the individual is not otherwise compensated for their attendance at meetings."

(c)"

ReNUMBER the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 35 of the striking amendment, strike all of subsection (5)

ReNUMBER the remaining subsection consecutively and correct any internal references accordingly.

On page 3, after line 6 of the striking amendment, insert "(c) "Small business" means a business with 10 or fewer employees. A small business does not include a business where the owner is the only employee."

On page 3, beginning on line 7 of the striking amendment, strike all of section 3

ReNUMBER the remaining sections consecutively and correct any internal references accordingly.

Representatives Chambers and Volz spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1317) to the committee striking amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Lekanoff spoke in favor of the passage of the bill.

Representatives Volz and Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5793, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5793, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Dent, Dufault, Dye, Gilday, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Paul, Schmick, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE SENATE BILL NO. 5793, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5736, by Senate Committee on Ways & Means (originally sponsored by Frockt, Dhingra, Conway, Hasegawa, Honeyford, Keiser, Kuderer, Lovelett, Lovick, Nobles, Randall, Salomon and Stanford)

Concerning partial hospitalizations and intensive outpatient treatment services for minors.

The bill was read the second time.

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

Representatives Senn and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5736.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5736, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE SENATE BILL NO. 5736, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5750, by Senators Wilson, C. and Kuderer

Designating the Washington state leadership board a trustee of the state of Washington.

The bill was read the second time.

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

Representatives Ortiz-Self and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5750.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5750, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Kraft.

SENATE BILL NO. 5750, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5720, by Senate Committee on Ways & Means (originally sponsored by Mullet, Frockt, Gildon, Nguyen, Nobles and Randall)

Providing student financial literacy education.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stonier, Ybarra and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5720, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5720, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE SENATE BILL NO. 5720, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5042, by Senators Salomon, Billig, Kuderer, Liias and Wilson, C.

Concerning the effective date of certain actions taken under the growth management act.

The bill was read the second time.

Representative Dye moved the adoption of amendment (1327):

On page 2, after line 22, insert the following:

"Sec. 3. RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with *RCW 36.70A.5801;

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not

in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) ~~((a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c))~~) a person who is certified by the governor within sixty days of filing the request with the board; or ~~((d))~~ (c) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

~~(4) ((To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.~~

~~(5))~~When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes."

Correct the title.

Representatives Dye, Boehnke, Dufault, Stokesbary and Walsh spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1327) was not adopted.

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

Representatives Fitzgibbon and Riccelli spoke in favor of the passage of the bill.

Representatives Dye, Stokesbary, Barkis, Dufault, Klicker, Graham, Orcutt, Goehner and Abbarno spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5042.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5042, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5042, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

March 3, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1051,

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1795,
SECOND SUBSTITUTE HOUSE BILL NO. 1818,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1930,
SUBSTITUTE HOUSE BILL NO. 2019,
ENGROSSED HOUSE BILL NO. 2096,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1642
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716
SUBSTITUTE HOUSE BILL NO. 1724
HOUSE BILL NO. 1833
SUBSTITUTE HOUSE BILL NO. 1867
HOUSE BILL NO. 1934
SUBSTITUTE HOUSE BILL NO. 1941
HOUSE BILL NO. 1953
HOUSE BILL NO. 1974
HOUSE BILL NO. 2033
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064
SUBSTITUTE HOUSE BILL NO. 1717
SUBSTITUTE HOUSE BILL NO. 1747
ENGROSSED HOUSE BILL NO. 1752
ENGROSSED HOUSE BILL NO. 1784
HOUSE BILL NO. 1888
SUBSTITUTE HOUSE BILL NO. 1980
SUBSTITUTE HOUSE BILL NO. 1984
HOUSE BILL NO. 2074
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1930
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1795
HOUSE BILL NO. 1051
SECOND SUBSTITUTE HOUSE BILL NO. 1818
SUBSTITUTE HOUSE BILL NO. 2019
ENGROSSED HOUSE BILL NO. 2096
SENATE BILL NO. 5518
SENATE BILL NO. 5545
SUBSTITUTE SENATE BILL NO. 5575
SENATE BILL NO. 5602
SENATE BILL NO. 5617
SUBSTITUTE SENATE BILL NO. 5631
SENATE BILL NO. 5676
ENGROSSED SENATE BILL NO. 5800
ENGROSSED SUBSTITUTE SENATE BILL NO.
5815
ENGROSSED SUBSTITUTE SENATE BILL NO.
5853
SENATE BILL NO. 5866
SENATE BILL NO. 5875
SUBSTITUTE SENATE BILL NO. 5890
SENATE BILL NO. 5931
SENATE BILL NO. 5940

The Speaker called upon Representative Orwall to
preside.

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

SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO.
5628, by Senate Committee on Law & Justice (originally
sponsored by Dhingra, Frockt, Kuderer, Stanford,
Trudeau, Wellman and Wilson, C.)**

**Concerning cyber harassment, addressing concerns
in the case of Rynearson v. Ferguson, and adding a crime
of cyberstalking.**

The bill was read the second time.

There being no objection, the committee striking
amendment by the Committee on Public Safety was before
the House for purpose of amendment. (For Committee
amendment, see Journal, Day 46, February 24, 2022).

Representative Kraft moved the adoption of amendment
(1355) to the committee striking amendment:

On page 2, beginning on line 9 of the
striking amendment, after "~~(4))~~" strike
all material through "misdemeanor" on
line 10 and insert "Cyber harassment is
a class C felony"

On page 2, beginning on line 11 of the
striking amendment, strike all of
subsection (b)

On page 2, beginning on line 32 of the
striking amendment, after "under" strike
"subsection (2)(b)(iii) or (iv) of"

On page 8, beginning on line 11 of the
striking amendment, after "9.61.260"
strike "(2)(b)(iii) or (iv)"

On page 8, line 18 of the striking
amendment, after "9.61.260" strike
"(2)(b)(iii) or (iv)"

On page 8, line 34 of the striking
amendment, after "9.61.260" strike
"(2)(b)(iii) or (iv)"

On page 9, beginning on line 2 of the
striking amendment, after "9.61.260"
strike "(2)(b)(iii) or (iv)"

On page 9, beginning on line 8 of the
striking amendment, after "9.61.260"
strike "(2)(b)(iii) or (iv)"

On page 9, beginning on line 17 of the
striking amendment, after "9.61.260"
strike "(2)(b)(iii) or (iv)"

On page 10, beginning on line 27 of the striking amendment, after "9.61.260" strike "(2)(b)(iii) or (iv)"

On page 10, line 33 of the striking amendment, after "9.61.260" strike "(2)(b)(iii) or (iv)"

On page 36, at the beginning of line 34 of the striking amendment, strike "(2)(b)(i)"

On page 51, at the beginning of line 38 of the striking amendment, strike "(2)(b)(i)"

On page 64, at the beginning of line 18 of the striking amendment, strike "(2)(b)"

On page 78, at the beginning of line 11 of the striking amendment, strike "(2)(b)"

Representative Kraft spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1355) to the committee striking amendment, was not adopted.

Representative Kraft moved the adoption of amendment (1354) to the committee striking amendment:

On page 2, line 20 of the striking amendment, after "participant" insert ", elected official,"

On page 2, beginning on line 21 of the striking amendment, after "performing" strike all material through "official's" on line 22 and insert "his or her"

On page 2, line 24 of the striking amendment, after "participant" insert ", elected official,"

On page 2, line 26 of the striking amendment, after "participant" insert ", elected official,"

On page 2, beginning on line 27 of the striking amendment, after "performance of" strike all material through "official's" on line 28 and insert "his or her"

Representative Kraft spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1354) to the committee striking amendment, was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hackney, Mosbrucker and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5628, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5628, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5628, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5765, by Senate Committee on Health & Long Term Care (originally sponsored by Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

Concerning the practice of midwifery.

The bill was read the second time.

Representative Caldier moved the adoption of amendment (1316):

On page 2, line 5, after "to" strike "(a woman) individuals" and insert "a woman or an individual"

On page 2, line 6, after "or to" strike "(her)" and insert "her or"

On page 2, line 11, after "the" strike "~~((mother))~~" and insert "mother or"

On page 3, at the beginning of line 16, strike "~~((women))~~" and insert "women or"

On page 3, line 25, after "additional" strike "~~((fifty women))~~" and insert "~~((fifty))~~ 50 women or"

On page 5, line 9, after "of" strike "~~((a woman))~~" and insert "a woman or"

Representatives Caldier and Graham spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1316) was not adopted.

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

Representative J. Johnson spoke in favor of the passage of the bill.

COLLOQUY

Representative Schmick: "Thank you Madame Speaker. I rise to ask if the Chair of the Healthcare & Wellness Committee will yield to a question?"

Speaker: "Will the good member from the 34th yield to a question from the member from the 9th?"

Representative Cody: "Yes."

Representative Schmick: "The bill creates limited prescriptive license extensions and medical device and implant license extensions authorizing midwives to prescribe, obtain, and administer certain drugs, devices, and implants. To obtain any such license extension a midwife must complete additional study and training. My question relates to abortion. Does this bill authorize midwives to perform abortions?"

Representative Cody: "Thank you for that question. No, this bill does not authorize a midwife to perform abortions. The limited prescriptive license extensions in Section 3 and 6 do not refer to abortion or abortion services. In addition, Section 2 of the bill which defines the practice of midwifery does not refer to abortion or abortion services. The bill does not apply to abortion or abortion services."

Representatives Kraft, Caldier and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5765.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5765, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5765, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5791, by Senate Committee on Ways & Means (originally sponsored by Schoesler and Short)

Concerning law enforcement officers' and firefighters' retirement system benefits.

The bill was read the second time.

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

Representatives Bronoske and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5791.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5791, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5791, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5558, by Senate Committee on Transportation (originally sponsored by King, Lias and Mullet)

Concerning the bistate governance of interstate toll bridges owned by local governments.

The bill was read the second time.

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

Representatives Barkis, Fey, Mosbrucker and Corry spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Kraft was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5558.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5558, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5558, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5002, by Senators Hunt, Carlyle, Conway, Dhingra, Hasegawa, Hawkins, Mullet, Rivers and Wilson, C.

Addressing the state auditor's duties and procedures.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was adopted. (For Committee amendment, see Journal, Day 43, February 21, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Valdez and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5002, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5002, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representative Kraft.

SENATE BILL NO. 5002, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5854, by Senators Randall, Hunt, Lovick, Nobles and Wilson, C.**Concerning ethical performance of faculty duties.**

The bill was read the second time.

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

Representatives Pollet and Chambers spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5854.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5854, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, McCaslin and Young.

Excused: Representative Kraft.

SENATE BILL NO. 5854, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5909, by Senators Randall, Van De Wege, Carlyle, Conway, Hunt, Mullet, Rolfes and Stanford**Concerning legislative oversight of gubernatorial powers concerning emergency proclamations and unanticipated receipts.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on State Government & Tribal Relations was before the House for purpose of

amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Corry moved the adoption of amendment (1336) to the committee striking amendment:

On page 1, line 19, after "affected;" strike "or"

On page 1, line 24, after "representatives" strike "." and insert "i or"

(c) Sixty days after a proclamation of a state of emergency is signed by the governor, unless extended by the legislature through concurrent resolution. If the legislature is not in session, the state of emergency may be extended in writing by three of the four members of the leadership of the senate and the house of representatives until the legislature can extend the state of emergency by concurrent resolution. No individual extension may exceed 60 days, but the legislature may pass subsequent resolutions of extension and the leadership of the senate and the house of representatives may issue subsequent extensions in writing in accordance with this subsection (3)(c).

(4)"

On page 3, beginning on 21, after "order" strike all material through "of" on line 22 and insert "~~((or orders concerning waiver or suspension of statutory obligations or limitations under subsection (2) of))~~ issued under"

Beginning on page 4, line 1, strike all of sections 3 through 5 and insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 43.06 RCW to read as follows:

(1)(a) The joint legislative emergency oversight committee is established, with members as provided in this subsection.

(i) The president of the senate shall appoint three members from the senate, two of whom are members of the largest caucus and one of whom is a member of the second largest caucus of the senate.

(ii) The speaker of the house of representatives shall appoint three members from the house of representatives, two of whom are members of the largest caucus and one of whom is a member of the second largest caucus of the house of representatives.

(b) Initial appointments to the committee must be made no later than 15 days after the effective date of this section. Initial terms shall expire when new members are appointed as provided in (c) of this subsection.

(c) Subsequent appointments shall be made by June 1st of the first year in a legislative biennium. Terms shall expire when new members are appointed in the following biennium, or if the member ceases to serve as a legislator of the chamber from which they were appointed. A committee member may be removed by the president of the senate or the speaker of the house of representatives only if an extraordinary circumstance prevents the member from continuing to serve on the committee. Vacancies shall be filled by December 15th in the same manner as the initial appointment, with terms that last until a subsequent appointment is made in the first year of the next legislative biennium.

(d) The committee shall choose its chair from among its membership.

(2) The purpose of the committee is to receive specified information about a governor-declared state of emergency that has lasted at least six months. The chair of the committee shall convene a meeting in every March, August, and December during which a state of emergency has been in place for at least six months. The chair may convene additional meetings, so long as the chair specifically identifies the reason that any additional meetings are necessary.

(a) During each committee meeting, the governor, or the governor's designee, shall appear to provide comprehensive information about the current state of emergency and to respond to questions from committee members.

(b)(i) By the first day of the month in which a committee meeting is scheduled to occur, the office of financial management shall submit a report to the committee, and to the appropriate fiscal committees of the legislature, containing the following information:

(A) The amounts and sources of any money transferred to the state general fund, and any other fund in the custody of the state, related to the state of emergency;

(B) The amounts and recipients of any money spent by the state related to the state of emergency;

(C) The total encumbrances from previous states of emergency at the time that the emergency under consideration was declared;

(D) A list of state agencies that have received funding related to the state of emergency, and the amount each agency has received; and

(E) A list of state agencies that have made expenditures related to the state of emergency, and the amount each agency has spent.

(ii) For each category of information listed in this subsection (2)(b), the report must include total amounts since the beginning of the state of emergency as well as amounts since the last report was provided.

(3) Staff support for the committee shall be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) The expenses of the committee shall be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees."

Representatives Corry, Dufault, Corry (again), MacEwen, Graham, Stokesbary, Volz, Dent and Kraft spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

There being no objection, the House deferred action on SENATE BILL NO. 5909, and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5838, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nobles, Rivers, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.)

Providing a monthly diaper subsidy for parents or other caregivers receiving temporary assistance for needy families.

The bill was read the second time.

Representative Caldier moved the adoption of amendment (1273):

On page 2, beginning on line 1, after "monthly" strike "diaper subsidy" and insert "voucher to purchase diapers and other child-related necessities"

On page 2, line 9, after "may" strike "make additional monthly payments" and insert "provide vouchers to purchase diapers and other child-related necessities"

On page 2, line 12, after "set the" strike "benefit" and insert "voucher"

On page 2, line 15, after "new" strike "subsidy" and insert "voucher"

On page 2, line 16, after "diaper" strike "subsidy" and insert "voucher"

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (1273) was not adopted.

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

Representatives Frame, Gilday and J. Johnson spoke in favor of the passage of the bill.

Representatives Dufault, Caldier, Sutherland and Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5838.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5838, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai,

Tharinger, Valdez, Volz, Walen, Wicks, Wylie and Mme. Speaker.

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

SUBSTITUTE SENATE BILL NO. 5838, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5528, by Senate Committee on Transportation (originally sponsored by Pedersen, Liias and Hawkins)

Concerning the imposition of additive revenue sources within a regional transit authority area. Revised for 1st Substitute: Concerning the imposition of supplemental revenue sources within a regional transit authority area.

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (1337):

On page 2, line 2, after "area." insert "An enhanced service zone may not include a city or town that does not allow development of duplexes, triplexes, and fourplexes on all lots zoned for single-family residential uses within one half mile of each transit stop of a regional transit system."

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (1337).

SPEAKER'S RULING

"The title of the bill is an act relating to the imposition of supplemental revenue sources within a regional transit authority area to finance high capacity transportation improvements, serving that area.

The bill permits a regional transit authority to establish one or more enhanced service zones within its boundaries for the purpose of financing improvements to high capacity transportation systems directly benefiting such zones. The bill also permits the authority to levy and collect certain taxes upon approval of the voters.

Amendment (1337) precludes a city or town that prohibits certain kinds of development from inclusion within an enhanced service zone. Local development regulations and zoning are separate and distinct subjects from the question presented in the bill before us—how a regional transit authority finances improvements to a high capacity transportation system.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.
The point of order is well taken."

Representative Chambers moved the adoption of amendment (1346):

On page 2, line 2, after "area." insert "The boundaries of an enhanced service zone must be no more than approximately one half of a mile from the proposed system improvements that benefit the enhanced service zone."

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (1346) was not adopted.

Representative Entenman moved the adoption of amendment (1329):

On page 2, line 25, after "zone" strike "shall not materially and unreasonably" and insert "may not"

On page 2, line 27, after "plan" insert ", by more than six months. A regional transit authority may not proceed with the construction of any system improvement or improvements financed by an enhanced service zone prior to providing a report regarding the engineering and financing of each such system improvement to the transportation committees of the legislature that confirms that the system improvement will not delay the estimated completion date of high capacity transportation system improvements contained in an existing voter-approved regional transit plan by more than six months"

Representatives Entenman and Barkis spoke in favor of the adoption of the amendment.

Amendment (1329) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hackney spoke in favor of the passage of the bill.

Representatives Barkis, Stokesbary, Dufault, Kraft, Orcutt and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5528, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5528, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5555
SENATE BILL NO. 5196
SENATE BILL NO. 5817
HOUSE BILL NO. 1846

There being no objection, the House adjourned until 10:00 a.m., March 4, 2022, the 54th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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

2022 Regular Session
Convened January 10, 2022
Adjourned Sine Die March 10, 2022

VOLUME 3



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

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 4, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

SENATE BILL NO. 5615

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

MESSAGE FROM THE SENATE

March 3, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1241,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,
 SUBSTITUTE HOUSE BILL NO. 1617,
 HOUSE BILL NO. 1622,
 HOUSE BILL NO. 1647,
 HOUSE BILL NO. 1651,
 SUBSTITUTE HOUSE BILL NO. 1701,
 SUBSTITUTE HOUSE BILL NO. 1708,
 HOUSE BILL NO. 1738,
 SUBSTITUTE HOUSE BILL NO. 1768,
 HOUSE BILL NO. 1907,
 SUBSTITUTE HOUSE BILL NO. 1955,
 SUBSTITUTE HOUSE BILL NO. 1961,
 SUBSTITUTE HOUSE BILL NO. 2001,
 SUBSTITUTE HOUSE BILL NO. 2050,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2136 by Representatives Shewmake and Paul

AN ACT Relating to establishing the Washington state rural commission; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Stanford, Keiser, Lias and Wilson, C.)

Restructuring cannabis revenue appropriations.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Amendment (1320) was ruled out of order.

Representative Sullivan moved the adoption of striking amendment (1333):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.530 and 2018 c 299 s 909 are each amended to read as follows:

The dedicated ((~~marijuana~~)) cannabis account is created in the state treasury. All moneys received by the ((~~state liquor~~))

~~and cannabis)) board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. ((During the 2015-2017 and 2017-2019 fiscal biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.))~~

Sec. 2. RCW 69.50.540 and 2021 c 334 s 986 are each amended to read as follows:

~~((The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:))~~

~~(1) For the purposes ((listed in)) of this subsection (1), the legislature must appropriate ((to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as)) the amounts provided in this subsection:~~

~~(a) ((One hundred twenty five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the~~

~~healthy youth survey to student populations attending institutions of higher education in Washington;~~

~~(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;~~

~~(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;~~

~~(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;~~

~~(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;~~

~~(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million four hundred twenty-three thousand dollars for fiscal years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and~~

~~(iv) Ninety eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;~~

~~(e) Four hundred sixty five thousand dollars for fiscal year 2020, four hundred sixty four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;~~

~~(f) One hundred eighty nine thousand dollars for fiscal year 2020 to the~~

~~department of health for rule making regarding compassionate care renewals;~~

~~(g) Eight hundred eight thousand dollars for each of fiscal years 2020 through 2023 to the department of health for the administration of the marijuana authorization database;~~

~~(h) Six hundred thirty five thousand dollars for fiscal year 2020, six hundred thirty five thousand dollars for fiscal year 2021, six hundred twenty one thousand dollars for fiscal year 2022, and six hundred twenty seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance based laboratory analysis of pesticides in marijuana;~~

~~(i) One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; and~~

~~(j) One hundred sixty three thousand dollars for fiscal year 2022 and one hundred fifty nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program under Engrossed Substitute House Bill No. 1443 (cannabis industry/equity) and~~

~~(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:~~

~~(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:~~

~~(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty five percent must be directed to evidence based or research based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost beneficial; and~~

~~(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.~~

~~(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.~~

~~(iii) For each fiscal year, the legislature must appropriate a minimum of twenty five million five hundred thirty six thousand dollars under this subsection (2)(a);~~

~~(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):~~

~~(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:~~

~~(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence based or research based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence only approach;~~

~~(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and~~

~~(III) Media based education campaigns across television, internet, radio, print, and out of home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and~~

~~(B) The Washington poison control center.~~

~~(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);~~

~~(c)(i) Up to six tenths of one percent to the University of Washington and four tenths of one percent to Washington State University for research on the short and long term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.~~

~~(ii) For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty one thousand dollars to the University of Washington. For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2023-2025 fiscal biennium;~~

~~(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;~~

~~(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;~~

~~(f)(i) Up to three tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.~~

~~(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and~~

~~(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that~~

~~are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).~~

~~(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:~~

~~(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.~~

~~(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.~~

~~(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.~~

~~(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).~~

~~(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million~~

~~dollars per fiscal year thereafter))~~
\$12,500,000 annually to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(b) \$11,000,000 annually to the department of health for the following:

(i) Creation, implementation, operation, and management of a marijuana, vapor product, and commercial tobacco education and public health program that contains the following:

(A) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, uses evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(B) Programs that support development and implementation of coordinated intervention strategies for the prevention and reduction of commercial tobacco, vapor product, and marijuana use by youth and marijuana cessation treatment services, including grant programs to local health departments or other local community agencies;

(C) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(D) Outreach to priority populations regarding commercial tobacco, vapor product, and marijuana use, prevention, and cessation; and

(ii) The Washington poison control center;

(c)(i) \$3,000,000 annually to the department of commerce to fund cannabis social equity grants under RCW 43.330.540; and

(ii) \$200,000 annually to the department of commerce to fund technical assistance through a roster of mentors under RCW 43.330.540;

(d) \$200,000 annually, until June 30, 2032, to the health care authority to contract with the Washington state institute for public policy to conduct the cost-benefit evaluations and produce the reports described in RCW 69.50.550;

(e) \$25,000 annually to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(f) \$300,000 annually to the University of Washington and \$175,000 annually to the Washington State University for research on the short-term and long-term effects of marijuana use to include, but not be limited to, formal and informal methods for estimating and measuring intoxication and impairments, and for the dissemination of such research;

(g) \$550,000 annually to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW;

(h) \$2,423,000 for fiscal year 2022 and \$2,423,000 for fiscal year 2023 to the Washington state patrol for a drug enforcement task force;

(i) \$270,000 for fiscal year 2022 and \$290,000 for fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(j) \$800,000 for each of fiscal years 2020 through 2023 to the department of health for the administration of the marijuana authorization database; and

(k) \$621,000 for fiscal year 2022 and \$635,000 for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana.

(2) Subsections (1)(a) through (g) of this section must be adjusted annually based on the United States bureau of labor statistics' consumer price index for the Seattle area.

(3) After appropriation of the amounts identified in subsection (1) of this section, the legislature must annually appropriate such remaining amounts for the purposes listed in this subsection (3) as follows:

(a) Fifty-two percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(b) Eleven percent to the health care authority to:

(i) Design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(ii) Develop, implement, maintain, and evaluate programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the diagnostic and statistical manual of mental disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women. In deciding which programs and practices to fund under this subsection (3)(b)(ii), the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute; and

(iii) Contract with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(c)(i) One and one-half percent to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue

distribution under this subsection (3)(c)(i) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (3)(c), 100 percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town;

(ii) Three and one-half percent to counties, cities, and towns ratably on a per capita basis. Counties must receive 60 percent of the distribution based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer;

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount made under this subsection (3)(c), if any, for each county and city as determined in (c)(i) and (ii) of this subsection; and

(iv) Distribution amounts allocated to each county, city, and town in (c)(i) and (ii) of this subsection must be distributed in four installments by the last day of each fiscal quarter; and

(d) Thirty-two percent must be deposited in the state general fund.

NEW SECTION. Sec. 3. The joint legislative audit and review committee shall conduct a review of the appropriation and expenditure of cannabis revenues pursuant to RCW 69.50.540 and report to the appropriate legislative committees by December 1, 2023. The report shall include an examination on the appropriation and expenditure of these funds to evaluate: How these funds have been appropriated and expended; whether the appropriations and expenditures are consistent with the provisions of RCW 69.50.540; and whether information related to the appropriations and expenditures is readily available to the general public. The report shall include options for increasing the transparency and accountability related to the appropriation and expenditure of cannabis-related revenues."

Correct the title.

Representative MacEwen moved the adoption of amendment (1357) to striking amendment (1333):

On page 6, at the beginning of line 36, strike "marijuana" and insert "cannabis"

On page 6, line 38, after "A" strike "marijuana" and insert "cannabis"

On page 7, line 1, after "with" strike "marijuana" and insert "cannabis"

On page 7, line 5, after "product, and" strike "marijuana" and insert "cannabis"

On page 7, at the beginning of line 6, strike "marijuana" and insert "cannabis"

On page 7, line 11, after "by" strike "marijuana" and insert "cannabis"

On page 7, line 14, after "product, and" strike "marijuana" and insert "cannabis"

On page 7, line 30, after "by" strike "marijuana" and insert "cannabis"

On page 7, line 33, after "of" strike "marijuana" and insert "cannabis"

On page 8, line 6, after "of" strike "marijuana" and insert "cannabis"

On page 8, line 8, after "of the" strike "marijuana" and insert "cannabis"

On page 8, line 12, after "in" strike "marijuana" and insert "cannabis"

On page 9, line 16, after "licensed" strike "marijuana" and insert "cannabis"

On page 9, line 20, after "licensed" strike "marijuana" and insert "cannabis"

On page 9, line 29, after "licensed" strike "marijuana" and insert "cannabis"

Representative MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1357) to striking amendment (1333) was adopted.

Representative Schmick moved the adoption of amendment (1345) to striking amendment (1333):

On page 9, line 15 of the striking amendment, after "(c)(i)" strike "One and one-half" and insert "Three"

On page 9, line 24 of the striking amendment, after "city or town" insert ". Half the amounts provided under this subsection (3)(c)(i) must be used to

increase local law enforcement resources"

On page 9, line 25 of the striking amendment, after "(ii)" strike "Three and one-half" and insert "Seven"

On page 9, line 30 of the striking amendment, after "or retailer" insert ". Half the amounts provided under this subsection (3)(c)(ii) must be used to increase local law enforcement resources"

On page 9, line 38 of the striking amendment, after "(d)" strike "Thirty-two" and insert "Twenty-seven"

Representatives Schmick, Chambers, Schmick (again), Walsh, Jacobsen, Eslick, Harris, Goehner, Hoff, Dye, Volz, Chambers (again), Orcutt, Dufault, Dent, Klippert and MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1345) to striking amendment (1333) was not adopted.

Representative Sullivan spoke in favor of the adoption of the striking amendment, as amended.

Representative MacEwen spoke against the adoption of the striking amendment, as amended.

Striking amendment (1333), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan and MacEwen spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Chopp was excused.

On motion of Representative MacEwen, Representative Sutherland was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5796, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5796, as

amended by the House, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chase, Dent, Dufault, Dye, Eslick, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Schmick, Walsh and Ybarra.

Excused: Representatives Chopp and Sutherland.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5745, by Senate Committee on Ways & Means (originally sponsored by Liias, Keiser, Conway, Nobles and Wilson, C.)

Increasing the personal needs allowance for persons receiving state financed care.

The bill was read the second time.

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

Representatives Gregerson, Corry and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5745.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5745, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude,

Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5745, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5555, by Senate Committee on State Government & Elections (originally sponsored by Van De Wege, Hunt, Mullet and Randall)

Concerning public safety telecommunicators.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community & Economic Development was adopted. (For Committee amendment, see Journal, Day 44, February 22, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul, Boehnke and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5555, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5555, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5555, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5196, by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner and Wilson, C.

Describing how the legislature may convene a special session.

The bill was read the second time.

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

Representatives Valdez and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5196.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5196, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representative Young.

Excused: Representatives Chopp and Sutherland.

SENATE BILL NO. 5196, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5749, by Senate Committee on Housing & Local Government (originally sponsored by Trudeau, Salomon, Hasegawa, Nobles and Wilson, C.)

Concerning rent payments made by residential tenants. Revised for 1st Substitute: Concerning rent payments made by residential and manufactured housing community tenants.

The bill was read the second time.

With the consent of the House, amendments (1306), (1307), (1308), (1309), (1310), (1311) and (1312) were withdrawn.

Representative Gilday moved the adoption of amendment (1358):

On page 1, line 8, after "tenant" insert ", except that a landlord is not required to accept a personal check from any tenant that has had a personal check written to the landlord or the landlord's agent that has been returned for nonsufficient funds or account closure within the previous nine months"

On page 1, line 9, after "mail" strike "or at" and insert "unless the landlord provides"

On page 3, line 27, after "tenant" insert ", except that a landlord is not required to accept a personal check from any tenant that has had a personal check written to the landlord or the landlord's agent that has been returned for nonsufficient funds or account closure within the previous nine months"

On page 3, line 28, after "mail" strike "or at" and insert "unless the landlord provides"

Representatives Gilday and Peterson spoke in favor of the adoption of the amendment.

Amendment (1358) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5749, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5749, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham,

Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, Walsh and Young.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5749, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5505, by Senators Rolfes, Warnick, Hasegawa, Lovelett, Lovick, Mullet, Pedersen, Van De Wege, Wagoner and Wilson, C.

Reinstating a property tax exemption for property owned by certain nonprofit organizations where a portion of the property is used for the purpose of a farmers market.

The bill was read the second time.

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

Representatives Berg and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5505.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5505, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SENATE BILL NO. 5505, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5728, by Senate Committee on Ways & Means (originally sponsored by Holy, Dhingra and Nobles)

Concerning the state's portion of civil asset forfeiture collections.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bergquist and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5728, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5728, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5728, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5644, by Senate Committee on Behavioral Health Subcommittee on Health & Long Term Care (originally sponsored by Wagoner and Frockt)

Concerning providing quality behavioral health co-response services

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chambers, Orwall, Eslick, Rule and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5644, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5644, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5644, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing, Human Services & Veterans was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 28, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson, Gilday and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5268, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp and Sutherland.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5756, by Senate Committee on State Government & Elections (originally sponsored by Hunt, Muzzall and Conway)

Establishing the semiquincentennial committee.

The bill was read the second time.

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

Representatives Lekanoff and Volz spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5756.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5756, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chase, Dent, Dufault, Dye, Goehner, Graham, Griffey, Harris, Hoff, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Vick, Walsh and Young.

Excused: Representatives Chopp and Sutherland.

SUBSTITUTE SENATE BILL NO. 5756, having received the necessary constitutional majority, was declared passed.

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

MESSAGES FROM THE SENATE

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1753,
SECOND SUBSTITUTE HOUSE BILL NO. 1905,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1747,
ENGROSSED HOUSE BILL NO. 1752,
ENGROSSED HOUSE BILL NO. 1784,
HOUSE BILL NO. 1888,
SUBSTITUTE HOUSE BILL NO. 1980,
SUBSTITUTE HOUSE BILL NO. 1984,
HOUSE BILL NO. 2074,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker (Representative Bronoske presiding) called upon Representative Leavitt to preside.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SENATE BILL NO. 5017
ENGROSSED SENATE BILL NO. 5919
SENATE BILL NO. 5519

The Speaker (Representative Leavitt presiding) called upon Representative Bronoske to preside.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5818, by Senate Committee on Housing & Local Government (originally sponsored by Salomon, Liias, Kuderer, Saldaña and Short)

Promoting housing construction in cities through amendments to and limiting appeals under the state environmental policy act and growth management act.

The bill was read the second time.

Representative Fitzgibbon moved the adoption of striking amendment (1284):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.600 and 2020 c 173 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the

following actions in order to increase its residential building capacity:

- (a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;
- (b) Authorize development in one or more areas of not fewer than two hundred acres in cities with a population greater than forty thousand or not fewer than one hundred acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;
- (c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;
- (d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;
- (e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;
- (f) Adopt a subarea plan pursuant to RCW 43.21C.420;
- (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;
- (h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;
- (i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;
- (j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;
- (k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;
- (l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;
- (m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;
- (n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;
- (o) Remove minimum residential parking requirements related to accessory dwelling units;
- (p) Remove owner occupancy requirements related to accessory dwelling units;
- (q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;
- (r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on June 11, 2020, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;
- (s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty

percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) ~~((If adopted by April 1, 2023,))~~
The adoption of ordinances, development regulations and amendments to ((development)) such regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, 2023, to amend ~~((their))~~ its comprehensive plan~~((r))~~ or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, 2021, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the

expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

Sec. 2. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including

Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are

not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or

intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are

clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of

land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be

consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand

management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 3. RCW 43.21C.495 and 2020 c 173 s 2 are each amended to read as follows:

~~((If adopted by April 1, 2023, amendments to development regulations))~~

Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter . . . , Laws of 2022 (this act) unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1) (~~or (4)~~), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

Sec. 4. RCW 43.21C.501 and 2019 c 348 s 6 are each amended to read as follows:

(1) Project actions described in this section that pertain to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 are exempt from appeals under this chapter on the basis of the evaluation of or impacts to the following elements of the environment, provided that the appropriate requirements for a particular element of the environment, as set forth in subsections (2) and (3) of this section, are met.

(2)(a) Transportation. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to transportation elements of the environment, so long as (~~the project does not present significant adverse impacts to the state owned transportation system as determined by the department of transportation and~~) the project is:

~~((a)(i))~~ (i)(A) Consistent with a locally adopted transportation plan; or

~~((ii))~~ (B) Consistent with the transportation element of a comprehensive plan; and

~~((b)(i))~~ (ii)(A) A project for which traffic or parking impact fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

~~((ii))~~ (B) A project for which traffic or parking impacts are (~~expressly~~) mitigated by an ordinance,

or ordinances, of general application adopted by the city or town.

~~((2))~~ (b) The exemption under this subsection (2) does not apply if the department of transportation has found that the project will present significant adverse impacts to the state-owned transportation system.

(3)(a) Aesthetics. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the aesthetics element of the environment, so long as the project is subject to design review pursuant to adopted design review requirements at the local government level.

(b) Light and glare. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the light and glare element of the environment, so long as the project is subject to design review pursuant to adopted design review requirements at the local government level.

(4) For purposes of this section(~~("impacts"))~~):

(a) "Design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(b) "Impacts to transportation elements of the environment" include impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

NEW SECTION. Sec. 5. (1) The legislature recognizes that certain rule-based categorical exemption thresholds to chapter 43.21C RCW, found in WAC 197-11-800, have not been updated in recent years, and should be modified in light of the increased environmental protections in place under chapters 36.70A and 90.58 RCW, the current affordable housing crisis, and other laws. It is the intent of the legislature to direct the department of ecology to conduct expedited rule making to modify

the thresholds for the categorical exemptions described under subsection (2) of this section.

(2) By December 31, 2022, the department of ecology shall modify the rule-based categorical exemptions to chapter 43.21C RCW found in WAC 197-11-800 as follows:

(a) Include four attached single-family residential units to the current exemption under WAC 197-11-800(1)(b)(i);

(b) Create a new exemption level under WAC 197-11-800(1)(d) for single-family residential project types with a total square footage of fewer than 1,500 square feet in incorporated urban growth areas of at least 100 units;

(c) Increase the exemption level under WAC 197-11-800(1)(d) for multifamily residential project types in incorporated urban growth areas from 60 units to 200 units; and

(d) Add the following sentence to WAC 197-11-800(1)(c)(i): "The city, town, or county must document the result of its outreach with the department of transportation on impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to state-owned transportation facilities."

(3) This section expires January 1, 2024.

NEW SECTION. Sec. 6. A new section is added to chapter 43.21C RCW to read as follows:

Any applicant whose project qualifies as exempt or categorically exempt under either this chapter or under rules adopted pursuant to this chapter is not required to file an environmental checklist if other information is available to establish that a project qualifies for an exemption."

Correct the title.

Representatives Fitzgibbon and Dye spoke in favor of the adoption of the striking amendment.

Striking amendment (1284) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5818, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5818, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5818, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5498, by Senators Wilson, C., Billig, Das, Lovelett, Lovick, Nobles, Wagoner and Wellman

Awarding diplomas posthumously.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5498, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5498, as amended by the House, and the bill passed

the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SENATE BILL NO. 5498, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5678, by Senate Committee on Environment, Energy & Technology (originally sponsored by Short, Carlyle, Frockt and Mullet)

Concerning energy transformation, nonemitting electric generation, and renewable resource project analysis and declaratory orders.

The bill was read the second time.

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

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5678.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5678, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE SENATE BILL NO. 5678, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5758, by Senate Committee on Housing & Local Government (originally sponsored by Gildon and Rivers)

Concerning condominium conversions.

The bill was read the second time.

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

Representatives Gilday and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5758.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5758, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5758, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5017, by Senators Wellman, Honeyford, Mullet and Wilson, C.

Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning. (REVISED FOR ENGROSSED: Clarifying school district procurement requirements for service contracts for construction management, value engineering, constructibility review, and building commissioning.)

The bill was read the second time.

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

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5017.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5017, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives McCaslin and Young.

ENGROSSED SENATE BILL NO. 5017, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1990, by Representatives Duerr, Slatter, Kloba, Walen and Fey

Concerning a sales and use tax deferral for projects to improve the state route number 167 and Interstate 405 corridor.

The bill was read the second time.

Representative Duerr moved the adoption of amendment (1206):

On page 2, line 8, after "in the" strike "fifth" and insert "tenth"

On page 2, line 12, after "the" strike "fifth" and insert "tenth"

Representatives Duerr and Barkis spoke in favor of the adoption of the amendment.

Amendment (1206) was adopted.

The bill was ordered engrossed.

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

Representatives Duerr and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1990.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1990, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

ENGROSSED HOUSE BILL NO. 1990, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5919, by Senators Van De Wege, Mullet, Conway, Gildon, Honeyford, Lovick, Randall, Salomon and Wagoner

Concerning the standard for law enforcement authority to detain or pursue persons. (REVISED FOR ENGROSSED: Concerning the definition of "physical force," "necessary," and "totality of the circumstances," and the standard for law enforcement authority to use physical force and providing the authority for a peace

officer to engage in a vehicular pursuit when there is reasonable suspicion a person has violated the law and the officer follows appropriate safety standards.)

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Graham moved the adoption of amendment (1368) to the committee striking amendment:

On page 1, line 9 of the striking amendment, after "violent offense" strike "~~((or sex offense))~~" and insert "or sex offense"

Representatives Graham and Goodman spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1368) to the committee striking amendment was adopted.

Representative Goodman moved the adoption of amendment (1366) to the committee striking amendment:

On page 1, beginning on line 14 of the striking amendment, after "(b)" strike all material through "person" on line 17 and insert "The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the safety of))~~ a serious risk of harm to others"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Goodman and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1366) to the committee striking amendment was adopted.

Representative Rule moved the adoption of amendment (1369) to the committee striking amendment:

On page 1, beginning on line 20, after "circumstances;" strike all material through "pursuit" on line 29 and insert "and

~~((d))~~ (c)(i) Except as provided in ~~((d))~~(c)(ii) of this subsection, the ~~((officer has received authorization to~~

~~engage in the pursuit from)) pursuing officer notifies a supervising officer ((and)) immediately upon initiating the vehicular pursuit; there is supervisory ((control)) oversight of the pursuit((-The)); and the pursuing officer, in consultation with the supervising officer ((must consider)), considers alternatives to the vehicular pursuit((-The supervisor must consider)), the justification for the vehicular pursuit."~~

On page 2, beginning on line 2, after "~~not~~" strike all material through "~~The~~" on line 10 and insert "~~met~~";

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the pursuing officer ((will request)) requests the on-call supervisor be notified of the pursuit according to the agency's procedures((-The)), and the pursuing officer ((must consider)) considers alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. ((The"

On page 2, beginning on line 12, after "~~not~~" strike all material through "~~comply~~" on line 14 and insert "~~met~~".)

(2) ((A)) In any vehicular pursuit under this section:

(a) The pursuing officer and supervising officer, if applicable, shall comply"

On page 2, at the beginning of line 18, strike "~~(f)~~" insert "~~(b)~~"

On page 2, at the beginning of line 19, strike "~~notifies~~" and insert "~~shall notify~~"

On page 2, line 22, after "~~officer~~" insert ", if applicable, shall"

On page 2, at the beginning of line 25, strike "~~(g) The pursuing officer is~~" and insert "(c) The pursuing officer must be"

On page 2, line 26, after "~~officer,~~" insert "if applicable,"

On page 2, at the beginning of line 29, strike "~~(h)~~" and insert "~~(d)~~"

On page 2, line 30, after "~~supervising officer,~~" insert "if applicable,"

On page 2, at the beginning of line 31, strike "~~develops~~" and insert "~~shall develop~~"

On page 2, at the beginning of line 36, strike all of subsection (1)(i) and insert the following:

"(e) The pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option."

On page 3, at the beginning of line 1, strike "~~(2)~~" and insert "~~(3)~~"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 2, strike "~~subsection (1) of~~"

Representatives Rule and Mosbrucker spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1369) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5919, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5919, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Eslick, Fey, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele,

Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Tharinger, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Berry, Chopp, Entenman, Fitzgibbon, Frame, Harris-Talley, J. Johnson, Macri, Pollet, Santos, Thai and Valdez.

ENGROSSED SENATE BILL NO. 5919, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1846, by Representatives Berg and Ramel

Providing a tax preference for rural and nonrural data centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1846 was substituted for House Bill No. 1846 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1846 was read the second time.

Representative Berg moved the adoption of striking amendment (1340):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that data centers are a cornerstone for strong internet infrastructure that is critical to the continuing prosperity of Washington's vibrant digital economy.

(2) The legislature further finds that the data center industry is experiencing explosive growth across the nation and the competition among states for data center investments has increased dramatically. A department of commerce study, *2018 State of the Data Center Industry, An Analysis of Washington's Competitiveness*, found that data center growth in rural Washington is at the lower end of the growth rate experienced by other major competitive markets.

(3) The legislature recognizes that rural county data center investments are necessary but insufficient for the state's total economy and competitiveness. Washington is the only state that restricts incentives geographically. As a result, data centers serving urban counties requiring higher performance and that offer colocation services for multiple tenants that foster technology ecosystems are lost to other states, particularly neighboring Oregon.

(4) The legislature further finds that data centers are one of the most energy-intensive building types, consuming 10 to 50 times the energy per floor space of a typical commercial office building. In addition, the legislature finds that it is imperative that the economic expansion of data centers not result in negative environmental impacts to the communities in which the data centers are located. To this end, the legislature encourages data centers to be good environmental stewards for their community through adopting practices to mitigate negative environmental impacts of data centers, such as the use of energy derived from renewable resources, redirecting waste heat for alternative uses, or other industrial symbiosis practices.

(5) The legislature therefore intends to encourage additional investments in data technology facilities through expanding and extending the current sales and use tax exemption for rural county data centers and establishing a sales and use tax exemption pilot program for data centers in counties with populations over 800,000, which will in turn incentivize local economic development, increased local tax revenues, and construction and trade jobs across Washington through the development of additional data center facilities.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 3, 4, 5, and 6, chapter . . . , Laws of 2022 (sections 3, 4, 5, and 6 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these sales and use tax exemptions on eligible server equipment and eligible power infrastructure equipment at eligible computer data centers as ones intended to: Induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a); improve industry competitiveness as indicated in RCW 82.32.808(2)(b); create or retain jobs as indicated in RCW 82.32.808(2)(c); and reduce structural inefficiencies in the tax structure as indicated in RCW 82.32.808(2)(d).

(3) It is the legislature's specific public policy objective to:

(a) Maintain and grow the existing data center sector in Washington state, and encourage development of new data center facilities and refurbishment of existing data centers, thereby increasing the competitiveness of Washington's tax structure, which will increase or maintain construction and trade job growth in rural areas, and increase local tax revenue streams.

(b) Improve industry competitiveness and to increase, create, or retain jobs in computer data centers in counties with a population over 800,000, as determined by the April 1, 2021, office of financial management population estimates, thereby increasing family wage jobs. It is the legislature's intent to establish a pilot program that would provide a sales and use tax exemption on eligible server equipment and power infrastructure installed in eligible computer data centers, charges made for labor and services rendered in respect to installing eligible server equipment, and for construction, installation, repair, alteration, or improvement of eligible power infrastructures in order to increase investment in data center construction, leasing, and other investment throughout rural counties and counties with a population over 800,000, as determined by the April 1, 2021, office of financial management population estimates, thereby growing employment in the technology industry while adding real and personal property to state and local property tax rolls, thereby increasing the county tax base.

(4) The legislature intends to extend the expiration date of the tax preference. The joint legislative audit and review committee shall conduct a review and determine if the tax preference is (a) generating capital investment in new computer data centers, refurbished data centers, or existing data centers (e.g., replacement server equipment), (b) generating state and local tax collections from data center investment and operations, and (c) generating or maintaining construction and trade jobs in the state. The review must factor in changing economic conditions.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including data available from the

department of revenue regarding rural county property tax assessments and employment data from the employment security department.

Sec. 3. RCW 82.08.986 and 2017 c 135 s 26 are each amended to read as follows:

(1)(a) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center to which a valid exemption certificate applies, and to charges made for labor and services rendered in respect to installing eligible server equipment. ~~((Until January 1, 2026, the))~~

(b) This exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure at an eligible computer data center for which an exemption certificate has been issued.

(c) No new exemption certificates may be issued on or after July 1, 2036.

(d) The exemptions provided in this section expire July 1, 2048.

(e) Each calendar year, the department may issue no more than six certificates for data centers which qualify through refurbishment. Certificates are available for refurbished data centers on a first-in-time basis based on the date the application required under this section is received by the department. Each qualifying business may apply for only one certificate for a refurbished data center each calendar year.

(2)(a) In order to ~~((claim the exemption))~~ obtain an exemption certificate under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(c) With respect to computer data centers for which the commencement of construction occurs after July 1, 2015, but before July 1, 2019, the exemption provided in this section is limited to no more than eight computer data centers, with total eligible data centers provided under this section limited to twelve from July 1, 2015, through ~~((July 1, 2025))~~ the effective date of this section. Tenants of qualified data centers do not constitute additional data centers under the limit. The exemption is available on a first-in-time basis based on the date the application required under this section is received by the department.

(d) The exemption certificate is effective on the date the application is received by the department, which is deemed to be the date of issuance. Only purchases on or after the date of issuance qualify for the exemption under this section. No tax refunds are authorized for purchases made before the effective date of the exemption certificate.

(e) Exemption certificates expire two years after the date of issuance, unless construction has been commenced.

(3)(a)(i) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment ~~((at the))~~ assigned to an eligible computer data center has increased by a minimum of:

~~((+i))~~ (A) Thirty-five family wage employment positions; or, if lower

~~((+ii))~~ (B) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(~~((+i))~~) (i)(B) is based only on the space occupied by the

qualifying tenant in the eligible computer data center.

(ii) After the minimum number of family wage employment positions as required under (a)(i) of this subsection (3) is established, a qualifying business or a qualifying tenant must maintain the minimum family wage employment positions required under (a)(i) of this subsection (3) while the exemption certificate is valid.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase, since the date of issuance of the qualifying business's exemption certificate, in family wage employment positions employed by qualifying tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each qualifying tenant ~~((must be in proportion to the amount of space in the eligible computer data center occupied by the qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all qualifying tenants))~~ is equal to the net increase in family wage employment positions assigned to an eligible computer data center as described in (b)(ii)(A)(I) and (II) of this subsection (3), multiplied by the percentage of total space within the eligible computer data center occupied by the qualifying tenant. Any combination of qualifying business and qualifying tenant family wage employment positions may meet this requirement.

(C)(I) In the instance of an existing data center facility that was ineligible, regardless of the date of commencement of construction, that later obtains an exemption certificate under this section, the data center may count the existing employment positions that are dedicated to the data center toward the family wage employment position requirements if the employment positions meet the requirements of a family wage employment position as described in (c)(i)(B) and (C) of this subsection (3).

(II) In the instance of the refurbishment of an existing data center that previously qualified under the data center program, the data center may count the existing employment positions dedicated to the data center toward the family wage employment position requirements if the employment positions meet the requirements of a family wage employment position as described in (c)(i)(B) and (C) of this subsection (3).

(c)(i) For purposes of this subsection((7)):

(A) For exemption certificates issued before the effective date of this section, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis ((at the)) assigned to an eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located as published by the employment security department. The per capita personal income to be used to determine qualification for any year is the amount that was established for the immediate prior year.

(B) For exemption certificates issued on or after the effective date of this section, family wage employment positions are new permanent employment positions requiring 40 hours of weekly work, or their equivalent, on a full-time basis assigned to an eligible computer data center and receiving a wage equivalent to or greater than 125 percent of the per capita personal income of the county in which the qualified project is located as published by the employment security department. The per capita personal income to be used to determine qualification for any year is the amount that was established for the immediate prior year.

(C) An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. ((For purposes of this subsection (3)(c), "new"))

(D) "New permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the ((owner)) qualifying business or qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the ((owner of the eligible computer data center)) qualifying business and by employees of qualifying tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the applicable requirements in (c)(i) of this subsection (3) are met.

(d) ((All)) (i) For a qualifying business or qualifying tenant that does not meet the requirements of this subsection (3), previously exempted sales and use taxes are immediately due and payable ((for a qualifying business or qualifying tenant that does not meet the requirements of this subsection)) and any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, except as described in (d)(iii) of this subsection (3).

(ii) The department of labor and industries must, at the request of the department, assist in determining whether the requirements of this subsection (3) have been met.

(iii) If the department, with the assistance of the department of labor and industries, finds that a failure to meet the requirements of this subsection (3) is due to circumstances beyond the control of the qualifying business or

qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may provide exceptions or extensions to the requirements of this subsection (3).

(iv) Any repayment of taxes triggered by the failure of a qualifying business or qualifying tenant to meet the requirements of this subsection (3) must be calculated in proportion to the duration of time for which any applicable requirement was not met.

(v) If the department is notified that a qualifying business or qualifying tenant fails to meet the requirements of this subsection (3), the department may require a qualifying business or qualifying tenant to submit records necessary to determine whether the requirements have been met.

(4) For exemption certificates issued on or after the effective date of this section:

(a) Within three years after being placed in service, the qualifying business operating a newly constructed data center must certify to the department that it has attained certification under one or more of the following sustainable design or green building standards:

(i) BREEAM for new construction or BREEAM in-use;

(ii) Energy star;

(iii) Envision;

(iv) ISO 50001-energy management;

(v) LEED for building design and construction or LEED for operations and maintenance;

(vi) Green globes for new construction or green globes for existing buildings;

(vii) UL 3223; or

(viii) Other reasonable standards approved by the department.

(b) The department may require qualifying businesses and qualifying tenants to submit records necessary to verify the requirements under (a) of this subsection have been met.

(c)(i) For a qualifying business or qualifying tenant that does not meet the requirements of (a) of this subsection (4), all previously exempted sales and

use taxes may be immediately due and payable, any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, and an additional 10 percent penalty is assessed, except as described in (c)(ii) of this subsection (4).

(ii) If the department finds that a failure to meet the requirements of this subsection (4) is due to circumstances beyond the control of the qualifying business or qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may, at its discretion, provide exceptions or extensions to the requirements of this subsection (4). The department may, at its discretion, coordinate with agencies with relevant expertise to assist in determining whether the requirements have been met.

(5) A qualifying business or a qualifying tenant claiming the exemption under this section is encouraged to take direct steps to adopt practices to mitigate negative environmental impacts resulting from expanded use of data centers, including through:

(a) Coordinating with the industrial waste coordination program established under RCW 43.31.625 to identify and provide technical assistance in implementing industrial symbiosis projects;

(b) To the extent possible, procuring or contracting for power from renewable sources;

(c) Adopting practices to improve the energy efficiency of existing data centers, including through upgrading and consolidating technology, managing data center airflow, and adjusting and improving heating, ventilation, and air conditioning systems; and

(d) Taking actions to conserve, reuse, and replace water. This includes using water efficient fixtures and practices; treating, infiltrating, and harvesting rainwater; recycling water before discharging; partnering with local water utilities to use discharged water for irrigation and other water conservation purposes; using reclaimed water where possible for data center operations; and supporting water restoration in local watersheds.

(6) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual tax performance report with the department as required under RCW 82.32.534. The report must identify construction firm names and employment levels used for constructing, renovating, refurbishing, or remodeling the data centers.

~~((+5)) (7)(a) ((The exemption provided in this section does not apply to:~~

~~(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and~~

~~(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5).~~

~~(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.~~

~~(6)) The certificate holder may not at any time assign or transfer a certificate without the prior written consent of the department. The department must allow certificate transfers if the certificate holder meets the following requirements:~~

~~(i) The certificate assignee or transferee is qualified to do business in the state;~~

~~(ii) The assignee or transferee acknowledges the transfer of the certificate in writing;~~

~~(iii) The assignee or transferee agrees to keep and perform all the terms of the certificates; and~~

~~(iv) An assignment or transfer of the certificate is to an entity that:~~

(A) Controls, is controlled by, or under common control with, the certificate holder;

(B) Acquires all or substantially all of the stock or assets of the certificate holder; or

(C) Is the resulting entity of a merger or consolidation with the certificate holder.

(b) In the event the assignee or transferee acquires eligible server equipment in a qualifying asset sale under (a)(iv)(B) of this subsection, the purchaser shall be deemed to purchase the eligible server equipment pursuant to the transferred certificate.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) "Building" means a fully enclosed structure with a weather resistant exterior wall envelope or concrete or masonry walls designed in accordance with the requirements for structures under chapter 19.27 RCW. This definition of "building" only applies to computer data centers for which commencement of construction occurs on or after July 1, 2015.

(c) "Certificate of occupancy" means:

(i) For a newly constructed eligible computer data center, the certificate of occupancy issued by a local governing authority for the structure or structures which comprise the eligible computer data center; or

(ii) For renovations of an eligible computer data center, the certificate of occupancy issued by a local governing authority for the renovated structure or structures that comprise the eligible computer data center.

(d)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and

(C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in ~~((e))~~ (d)(i)(A) through (C) of this subsection ~~((6))~~ (8).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

~~((d))~~ (e) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting websites. The term also includes providing services such as email, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

~~((e))~~ (f)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370 at the time an application for an exemption under this section is received;

(B) Having at least twenty thousand square feet dedicated to housing working servers ~~(, where the server space has not previously been dedicated to housing working servers);~~ and

(C) For which the commencement of construction occurs:

(I) After March 31, 2010, and before July 1, 2011;

(II) After March 31, 2012, and before July 1, 2015; or

(III) After June 30, 2015, and before July 1, ~~((2025))~~ 2035.

(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW

19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or ~~((other improvements made to))~~ refurbishment of existing facilities regardless of whether the existing facility was previously ineligible and regardless of whether commencement of construction of the existing facility occurred outside of the dates listed in (f)(i)(C)(I) through (III) of this subsection, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center. If no building permit is required for renovation or refurbishment, then the date that renovation or refurbishment begins is the "commencement of construction."

~~((iii) With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, or facilities in existence on July 1, 2015, that are expanded, renovated, or otherwise improved after June 30, 2015, an eligible computer data center includes only the portion of the computer data center meeting the requirements in (e)(i)(B) of this subsection (6).~~

~~((f))~~ (g) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes generators; wiring; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment. The term does not include substations.

~~((g))~~ (h) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((e))~~ (f)(i)(C)(I) of this subsection ~~((6))~~ (8), the original server equipment installed in an eligible

computer data center on or after April 1, 2010, and before January 1, 2026, and replacement server equipment. For purposes of this subsection ~~((+6)(g))~~ (8)(h)(i), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2018.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((+e))~~ (f)(i)(C)(II) of this subsection ~~((+6))~~ (8), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and before January 1, 2026, and replacement server equipment. For purposes of this subsection ~~((+6)(g))~~ (8)(h)(ii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2024.

~~((+A))~~ (iii) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((+e))~~ (f)(i)(C)(III) of this subsection ~~((+6))~~ (8), "eligible server equipment" means the original server equipment installed in a building within an eligible computer data center on or after July 1, 2015, and replacement server equipment. Server equipment installed in movable or fixed stand-alone, prefabricated, or modular units, including intermodal shipping containers, is not "directly installed in a building." For purposes of this subsection ~~((+6)(g))~~ (8)(h)(iii)~~((+A))~~, "replacement server equipment" means server equipment that ~~((replaces))~~:

(A)(I) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; or

(II) Replaces existing server equipment in a computer data center that meets the following requirements: Was ineligible before the effective date of this section for the exemptions provided under this section and RCW 82.12.986; has been refurbished; and to which a valid exemption certificate applies; and

(B) Is installed and put into regular use no later than twelve years after the date of the certificate of occupancy or completion of refurbishment of the computer data center.

(iv) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center with an exemption certificate on or after April 1, 2010, ~~((and before January 1, 2026,))~~ and replacement server equipment. For purposes of this subsection ~~((+6)(g))~~ (8)(h)(iv), "replacement server equipment" means server equipment that:

(A)(I) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; or

(II) Replaces existing server equipment in a computer data center that meets the following requirements: Was ineligible before the effective date of this section for the exemptions provided under this section and RCW 82.12.986; has been refurbished; and to which a valid exemption certificate applies; and

(B) Is installed and put into regular use ~~((before April 1, 2024; and~~

~~((C) For tenants leasing space in an eligible computer data center built after July 1, 2015, is installed and put into regular use no later than twelve years after the date of the certificate of occupancy))~~ no later than 12 years after the date of the certificate of occupancy or completion of refurbishment of the computer data center.

~~((+h))~~ (i) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or

any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

~~((i))~~ (j) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state. The term also does not include a lessee of space in an eligible computer data center under ~~((e))~~ (f)(i)(C)(I) of this subsection ~~((6))~~ (8), if the lessee and lessor are affiliated and:

(i) That space will be used by the lessee to house server equipment that replaces server equipment previously installed and operated in that eligible computer data center by the lessor or another person affiliated with the lessee; or

(ii) Prior to May 2, 2012, the primary use of the server equipment installed in that eligible computer data center was to provide electronic data storage and data management services for the business purposes of either the lessor, persons affiliated with the lessor, or both.

~~((j))~~ (k)(i) "Refurbished" or "refurbishment" means a substantial improvement to an eligible computer data center to update or modernize servers, server space, ventilation, or power infrastructure in an eligible computer data center.

(ii) For a qualifying computer data center to be considered refurbished, the qualifying business must certify, in a form and manner prescribed by the department, that the refurbishment of an eligible computer data center is complete. The refurbishment is considered complete on the date that the improved portion of the computer data center is operationally complete and able to be used for its intended purpose.

(1) "Server equipment" means the computer hardware located in an eligible

computer data center and used exclusively to provide electronic data storage and data management services, including cloud services, for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(9) This section expires July 1, 2048.

Sec. 4. RCW 82.12.986 and 2015 3rd sp.s. c 6 s 303 are each amended to read as follows:

(1)(a) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center for which an exemption certificate under RCW 82.08.986 has been issued, and to the use of labor and services rendered in respect to installing such server equipment.

~~((The))~~ (b) Until July 1, 2048, this exemption also applies to the use by a qualifying business or qualifying tenant of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure at an eligible computer data center for which an exemption certificate under RCW 82.08.986 has been issued.

(c) The exemptions provided in this section expire July 1, 2048.

(2) A qualifying business or a qualifying tenant is not eligible for the exemption under this section unless the department issued an exemption certificate to the qualifying business or a qualifying tenant for the exemption provided in RCW 82.08.986.

~~(3)((a) The exemption provided in this section does not apply to:~~

~~(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or~~

~~equipment used in a computer data center; and~~

~~(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (3).~~

~~(b) If a person has received the benefit of the exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this subsection (3)(b) until paid in full. A person is not required to repay taxes under this subsection with respect to property and services for which the person is required to repay taxes under RCW 82.08.986(5).~~

~~(4)) The definitions and requirements in RCW 82.08.986 apply to this section.~~

(4) The exemption provided in subsection (1) of this section does not apply to the use of eligible server equipment and eligible power infrastructure, and the labor and services provided in subsection (1) of this section, if first used by qualifying businesses or qualifying tenants on or after July 1, 2048.

(5) This section expires July 1, 2053.

NEW SECTION. Sec. 5. A new section is added to chapter 82.08 RCW to read as follows:

(1)(a) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center to which a valid exemption certificate applies, and to charges made for labor and services rendered in respect to installing eligible server equipment.

(b) The exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor, material, equipment, and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure at an eligible computer data center for

which an exemption certificate has been issued.

(c) No new exemption certificates may be issued on or after July 1, 2028.

(d) The exemptions provided in this section expire July 1, 2038.

(2)(a)(i) In order to obtain an exemption, a qualifying business must be located in a county with a population over 800,000, as determined by the April 1, 2021, office of financial management population estimates and must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(ii) For the purposes of demonstrating that the requirements of this subsection (2)(a) are met, a qualifying business must submit records of available power for customers at the time of the application for the exemption under this section. The qualifying business must demonstrate that it has a minimum of 1.5 megawatts of available power. The qualifying business must provide requests for proposals, pricing offered, and marketing materials associated with the requirements of this subsection, as required by the department, as supporting documentation that the requirements of this subsection (2)(a) have been met.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(c)(i) The exemptions provided in this section are limited to qualifying businesses or tenants, and the department is authorized to approve:

(A) Six applications to obtain the exemptions for qualifying businesses in the first calendar year of the exemption; and

(B) Six applications to obtain the exemptions for qualifying businesses in

each year, calendar year three through calendar year six, of the exemption.

(ii) The exemption is available on a first-in-time basis based on the date the application required under this section is received by the department.

(d) The exemption certificate is effective on the date the application is received by the department, which is deemed to be the date of issuance. Only purchases on or after the date of issuance qualify for the exemption under this section. No tax refunds are authorized for purchases made before the effective date of the exemption certificate.

(e) Exemption certificates expire two years after the date of issuance, unless construction has been commenced.

(f) A qualifying tenant must contract for a minimum electrical capacity of 150 kilowatts for server and computer equipment in a qualifying business. Tenants that previously qualified under RCW 82.08.986 or 82.12.986 must reapply if they intend to expand into a qualifying business.

(3)(a)(i) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment assigned to an eligible computer data center has increased by a minimum of three family wage employment positions for each incremental increase of 20,000 square feet of space that is newly dedicated to housing working servers at the eligible computer data center. For qualifying tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(i) is based only on the space occupied by the qualifying tenant in the eligible computer data center.

(ii) After the minimum number of family wage employment positions as required under (a)(i) of this subsection (3) is established, a qualifying business or a qualifying tenant must maintain the minimum family wage employment positions required under (a)(i) of this subsection (3) while the exemption certificate is valid.

(b) In calculating the number of family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase, since the date of issuance of the qualifying business's exemption certificate, in family wage employment positions employed by qualifying tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each qualifying tenant is equal to the net increase in family wage employment positions assigned to an eligible computer data center as described in (b)(ii)(A)(I) and (II) of this subsection (3), multiplied by the percentage of total space within the eligible computer data center occupied by the qualifying tenant. Any combination of qualifying business and qualifying tenant family wage employment positions may meet this requirement.

(c)(i) For purposes of this subsection:

(A) For exemption certificates issued on or after the effective date of this section, family wage employment positions are new permanent employment positions requiring 40 hours of weekly work, or their equivalent, on a full-time basis assigned to an eligible computer data center and receiving a wage equivalent to or greater than 125 percent of the per capita personal income of the county in which the qualified project is located as published by the employment security department. The per capita personal income to be used to determine qualification for any year is the amount that was established for the immediate prior year.

(B) An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position.

(C) "New permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the qualifying business or qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the qualifying business and by employees of qualifying tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

(d)(i) For a qualifying business or qualifying tenant that does not meet the requirements of this subsection (3), all previously exempted sales and use taxes immediately due and payable, and any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, except as described in (d)(iii) of this subsection (3).

(ii) The department of labor and industries must, at the request of the department, assist in determining whether the requirements of this subsection (3) have been met.

(iii) If the department, with the assistance of the department of labor and industries, finds that a failure to meet the requirements of this subsection (3) is due to circumstances beyond the control of the qualifying business or qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may provide exceptions or extensions to the requirements of this subsection (3).

(iv) Any repayment of taxes triggered by the failure of a qualifying business or qualifying tenant to meet the requirements of this subsection (3) must be calculated in proportion to the duration of time for which any applicable requirement was not met.

(v) If the department is notified that a qualifying business or qualifying tenant fails to meet the requirements of this subsection (3), the department may require a qualifying business or qualifying tenant to submit records necessary to determine whether the requirements have been met.

(4) For exemption certificates issued on or after the effective date of this section:

(a) Within three years after being placed in service, the qualifying business operating a newly constructed data center must certify to the department that it has attained certification under one or more of the following sustainable design or green building standards:

(i) BREEAM for new construction or BREEAM in-use;

(ii) Energy star;

(iii) Envision;

(iv) ISO 50001-energy management;

(v) LEED for building design and construction or LEED for operations and maintenance;

(vi) Green globes for new construction or green globes for existing buildings;

(vii) UL 3223; or

(viii) Other reasonable standards approved by the department.

(b) The department may require qualifying businesses and qualifying tenants to submit records necessary to verify the requirements under this subsection (4) have been met.

(c)(i) For a qualifying business or qualifying tenant that does not meet the requirements of this subsection (4), all previously exempted sales and use taxes are immediately due and payable, any exemption certificate issued to that qualifying business or qualifying tenant under this section is canceled, and an additional 10 percent penalty is assessed, except as described in (c)(ii) of this subsection (4).

(ii) If the department finds that a failure to meet the requirements of this subsection (4) is due to circumstances beyond the control of the qualifying business or qualifying tenant including, but not limited to, a declaration of an economic recession, pandemic, or natural disaster affecting data center operations, the department may, at its discretion, provide exceptions or extensions to the requirements of this subsection (4). The department may, at its discretion, coordinate with agencies with relevant expertise to assist in determining whether the requirements of this subsection (4) have been met.

(5) A qualifying business or a qualifying tenant claiming the exemption under this section is encouraged to take direct steps to adopt practices to mitigate negative environmental impacts resulting from expanded use of data centers, including through:

(a) Coordinating with the industrial waste coordination program established under RCW 43.31.625 to identify and provide technical assistance in implementing industrial symbiosis projects;

(b) To the extent possible, procuring or contracting for power from renewable sources;

(c) Adopting practices to improve the energy efficiency of existing data centers, including through upgrading and consolidating technology, managing data center airflow, and adjusting and improving heating, ventilation, and air conditioning systems; and

(d) Taking actions to conserve, reuse, and replace water. This includes using water efficient fixtures and practices; treating, infiltrating, and harvesting rainwater; recycling water before discharging; partnering with local water utilities to use discharged water for irrigation and other water conservation purposes; using reclaimed water where possible for data center operations; and supporting water restoration in local watersheds.

(6) Qualifying businesses and tenants must claim an exemption under this section in the current tax year when the taxes would have been due unless an extension is filed with the department.

(7) A qualifying business or a qualifying tenant claiming an exemption under this section must complete an

annual tax performance report as required in RCW 82.32.534. The report must identify construction firm names and employment levels used for constructing, renovating, refurbishing, or remodeling the data centers.

(8)(a) The certificate holder may not at any time assign or transfer a certificate without the prior written consent of the department. The department must allow certificate transfers if the certificate holder meets the following requirements:

(i) The certificate assignee or transferee is qualified to do business in the state;

(ii) The assignee or transferee acknowledges the transfer of the certificate in writing;

(iii) The assignee or transferee agrees to keep and perform all the terms of the certificates; and

(iv) An assignment or transfer of the certificate is to an entity that:

(A) Controls, is controlled by, or under common control with, the certificate holder;

(B) Acquires all or substantially all of the stock or assets of the certificate holder; or

(C) Is the resulting entity of a merger or consolidation with the certificate holder.

(b) Information submitted on the tax performance report is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided otherwise in RCW 82.32.330.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least 20 percent in another person.

(b) "Building" means a fully enclosed structure with a weather resistant exterior wall envelope or concrete or masonry walls designed in accordance with the requirements for structures under chapter 19.27 RCW.

(c) "Certificate of occupancy" means:

(i) For a newly constructed eligible computer data center, the certificate of

occupancy issued by a local governing authority for the structure or structures which comprise the eligible computer data center; or

(ii) For renovations of an eligible computer data center, the certificate of occupancy issued by a local governing authority for the renovated structure or structures that comprise the eligible computer data center.

(d)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; continuous on-site security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in (d)(i)(A) through (C) of this subsection (9).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least 100,000 square feet.

(e) "Electronic data storage and data management services" includes, but is not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting websites. The term also includes providing services such as email, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

(f) "Eligible computer data center" means a computer data center having at least 20,000 square feet dedicated for housing working servers. Movable or fixed stand-alone, prefabricated, or modular

units, including intermodal shipping containers, do not qualify as "eligible computer data centers."

(g) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes generators; wiring; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment. The term does not include substations.

(h)(i) "Eligible server equipment" means for a qualifying business whose computer data center qualifies as an eligible computer data center, the original server equipment installed in an eligible computer data center on or after the effective date of this section, and replacement server equipment.

(ii) For purposes of this subsection (9)(h), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or section 6 of this act; and

(B) Is installed and put into regular use within 10 years of the effective date of this section.

(iii) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center with an exemption certificate on or within 10 years of the effective date of this section, and replacement server equipment. For purposes of this subsection (9)(h)(iii), "replacement server equipment" means server equipment that:

(A)(I) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or section 6 of this act and is installed and put into regular use before July 1, 2027; or

(II) Replaces existing server equipment in a computer data center that meets the following requirements: Was ineligible before the effective date of this section for the exemptions provided under this section and section 6 of this act; has been refurbished; and to which a valid exemption certificate applies; and

(B) Is installed and put into regular use no later than 12 years after the date of the certificate of occupancy or completion of refurbishment of the computer data center.

(i) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(j) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(k)(i) "Refurbished" or "refurbishment" means a substantial improvement to an eligible computer data center for which a certificate of occupancy is not issued. Such an improvement must update or modernize servers, server space, ventilation, or power infrastructure in an eligible computer data center.

(ii) For a qualifying computer data center to be considered refurbished, the qualifying business must certify, in a form and manner prescribed by the department, that the refurbishment of an eligible computer data center is

complete. The refurbishment is considered complete on the date that the improved portion of the computer data center is operationally complete and able to be used for its intended purpose.

(1) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner. For the purposes of this subsection, "electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting websites. The term also includes providing services such as email, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice, unless used within the eligible computer data center.

(10) This section expires July 1, 2038.

NEW SECTION. **Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

(1) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to the use of labor and services rendered in respect to installing such server equipment. The exemption also applies to the use by a qualifying business or qualifying tenant of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure.

(2) The exemption provided in this section does not apply to any person for whom the exemption under section 5 of this act does not apply.

(3) A qualifying business or a qualifying tenant claiming an exemption

under this section must complete an annual tax performance report as required in RCW 82.32.534. The report must identify construction firm names and employment levels used for constructing, renovating, refurbishing, or remodeling the data centers.

(4) The definitions and requirements in section 5 of this act apply to this section.

(5) The exemption provided in subsection (1) of this section does not apply to the use of eligible server equipment and eligible power infrastructure, and the labor and services provided in subsection (1) of this section, if first used by qualifying businesses or qualifying tenants on or after July 1, 2038.

(6) This section expires July 1, 2043.

NEW SECTION. Sec. 7. A new section is added to chapter 82.08 RCW to read as follows:

From the effective date of this section, in order to obtain the exemption provided in RCW 82.08.986 or section 5 of this act, a qualifying business or qualifying tenant must certify to the department that, for new construction work to be performed on the site of the computer data center, the computer data center receiving an exemption under RCW 82.08.986 or section 5 of this act will be constructed by the prime contractor and its subcontractors in a way that includes community workforce agreements or project labor agreements and the payment of area standard prevailing wages and apprenticeship utilization requirements, provided the following apply:

(1) The owner and the prime contractor and all of its subcontractors regardless of tier have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such bidder and any party to such project labor agreement, and only when such bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such agreement or agreements, should it be designated the successful bidder; and

(2) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound

to such agreement or agreements, neither the project contractor nor the subcontractors are obligated to sign any other local, area, or national agreement.

NEW SECTION. Sec. 8. (1) The department of commerce shall contract with the Pacific Northwest national laboratory to:

(a) Evaluate Washington's current and future electric grid resilience and reliability based on current and projected electric energy production, the state's ability to produce energy in state, Washington's reliance on energy production outside of the state, and its energy grid interdependence with other western states;

(b) Identify key grid resilience and reliability challenges that could emerge under multiple future scenarios given adoption of new energy technologies, changes in residential and industrial energy demand, and changes in energy production and availability from both in and out-of-state sources;

(c) Study the impact to the future electric grid resulting from the growth of the information technology sector, including the impact of increased data center energy demand from the tax exemptions provided in RCW 82.08.986 or section 5 of this act;

(d) Review and incorporate existing models, data, and study findings including, but not limited to, the "Washington 2021 state energy strategy and the 2021 northwest power plan," to ensure a duplication of efforts does not occur and to highlight modeling gaps related to regional grid resilience planning;

(e) Convene an advisory group to inform scenario development and review results, which may include representatives from the Washington State University Pacific Northwest national laboratory advanced grid institute, utilities and transportation commission, relevant legislative committees, energy producers, utilities, labor, environmental organizations, tribes, and communities at high risk of rolling blackouts and power supply inadequacy; and

(f) Develop recommendations for enhancing electric grid reliability and resiliency for Washington that includes considerations of affordability, equity, and federal funding opportunities.

(2) The department of commerce shall report by December 1, 2022, in compliance with RCW 43.01.036, the Pacific Northwest national laboratory's findings and recommendations to the appropriate committees of the legislature concerning electric grid resilience and reliability evaluated in subsection (1) of this section.

(3) This section expires December 1, 2023.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 8 of this act, referencing section 8 of this act by bill or chapter number and section number, is not provided by June 30, 2022, in the omnibus appropriations act, section 8 of this act is null and void."

Correct the title.

Representative Orcutt moved the adoption of amendment (1352) to striking amendment (1340):

On page 28, beginning on line 5, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Springer spoke against the adoption of the amendment to the striking amendment.

Amendment (1352) to striking amendment (1340) was not adopted.

Representative Berg spoke in favor of the adoption of the striking amendment.

Representative Orcutt spoke against the adoption of the striking amendment.

Striking amendment (1340) was adopted.

The bill was ordered engrossed.

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

Representative Berg spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1846.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1846, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris-Talley, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Walsh, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dufault, Dye, Eslick, Gilday, Graham, Hansen, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, McCaslin, Orcutt, Robertson, Schmick, Stokesbary, Sutherland, Vick, Volz, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5624, by Senators Warnick, Van De Wege and Nobles

Extending the expiration date of certain sections of chapter 92, Laws of 2019, regarding livestock identification.

The bill was read the second time.

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

Representatives Dent and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5624.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5624, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5624, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5612, by Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J.

Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 45, February 23, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Mosbrucker and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5612, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5612, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5612, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5787, by Senators Nguyen, Dhingra, Frockt, Keiser, Kuderer, Lias, Lovick, Nobles and Pedersen

Concerning the linked deposit program.

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5787.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5787, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dent and Young.

SENATE BILL NO. 5787, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5787.

Representative Dent, 13th District

SECOND READING

HOUSE BILL NO. 1641, by Representatives Hoff, Springer, Corry, Dufault, Graham, Sutherland, Rule, Griffey and Young

Restoring the business and occupation and public utility tax exemption for custom farming and hauling farm products.

The bill was read the second time.

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

Representatives Hoff and Springer spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1641.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1641, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1641, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5585, by Senators Rolfes and Das

Setting domestic wastewater discharge fees.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5585, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5585, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5585, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5862, by Senate Committee on Housing & Local Government (originally sponsored by Lovelett, Rivers, Fortunato, Gildon, Kuderer, Lovick, Nguyen, Nobles, Stanford, Wilson, C. and Wilson, J.)

Concerning technical changes to the commercial property assessed clean energy and resiliency program.

The bill was read the second time.

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

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5862.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5862, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Walsh.

SUBSTITUTE SENATE BILL NO. 5862, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2018, by Representatives Paul, Rule, Bergquist, Bronoske, Chapman, Leavitt, Ramel, Ryu, Sutherland, Berg, Callan, Frame, Riccelli and Lekanoff

Creating a three-day shop local and save sales and use tax holiday to benefit all Washington families for certain items \$1,000 or less during the month of September.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2018 was substituted for House Bill No. 2018 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2018 was read the second time.

Representative Orcutt moved the adoption of amendment (1285):

On page 2, line 15, after "12:00 a.m." strike all material through "2022" on line 16 and insert "on the Saturday immediately preceding the first Monday in September through 11:59 p.m. on the first Monday in September"

On page 2, line 25, after "12:00 a.m." strike all material through "2022" on line 26 and insert "on the Saturday immediately preceding the first Monday in September through 11:59 p.m. on the first Monday in September"

On page 3, beginning on line 8, after "1" strike ", 2022" and insert "each year"

On page 3, line 15, after "18" strike ", 2022," and insert "each year"

On page 3, line 23, strike section 7

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1285) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 52; Absent, 0; Excused, 0

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

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

Representative Caldier moved the adoption of amendment (1271):

On page 2, line 14, after "items" strike "with a purchase price of \$1,000, or less,"

On page 2, line 24, after "items" strike "with a purchase price of \$1,000, or less,"

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1271) was not adopted.

Representative Frame moved the adoption of amendment (1295):

On page 2, beginning on line 10, strike sections 2 and 3 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) Subject to the limitations and conditions provided in this section, the provisions of this chapter do not apply to sales of qualified items with a purchase price of \$1,000, or less, purchased by an individual between 12:00 a.m. on September 3, 2022, and 11:59 p.m. on September 5, 2022.

(2) The department may adopt rules for the administration of this section, including emergency rules. These rules must be consistent with the streamlined sales and use tax agreement, to the extent the department considers advisable, so long as the rules are consistent with this section.

(3) The following definitions apply to this section:

(a) "Individual" means a natural person purchasing the qualified item for personal use or consumption. An "individual" does not include a natural person purchasing the qualified item for use or consumption by a business or in a business capacity.

(b) "Non-qualified items" means: motor vehicles; watercraft; alcoholic beverages; soft drinks; prepared food; tobacco; marijuana products, or its successor term, as defined in RCW 69.50.101; vapor products as defined in RCW 70.345.010; and any product, the retail sale of which is unlawful. For purposes of this subsection (3)(b), the definitions in RCW 82.08.0293 apply.

(c) "Qualified items" means any article of tangible personal property, digital good, or digital code used solely to obtain one or more digital goods, excluding non-qualified items.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) Subject to the limitations and conditions provided in this section, the provisions of this chapter do not apply to sales of qualified items with a purchase price of \$1,000, or less, purchased by an individual between 12:00 a.m. on September 3, 2022, and 11:59 p.m. on September 5, 2022.

(2) The department may adopt rules for the administration of this section, including emergency rules. These rules must be consistent with the streamlined

sales and use tax agreement, to the extent the department considers advisable, so long as the rules are consistent with this section.

(3) The definitions in section 2 of this act apply to this section."

Representatives Frame and Orcutt spoke in favor of the adoption of the amendment.

Amendment (1295) was adopted.

The bill was ordered engrossed.

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

Representatives Paul and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2018.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2018, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Fitzgibbon, Hansen, Harris-Talley, Pollet, Simmons, Stokesbary and Walen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5590, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wagoner, Das, Lovelett, Mullet and Rolfes)

Eliminating the 2022 expiration date of the marine resources advisory council.

The bill was read the second time.

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

Representatives Dye and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5590, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5590, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Dozier, Frockt, Hasegawa, Mullet, Rolfes, Short, Wagoner, Wellman and Wilson, L.)

Establishing the Washington blockchain work group.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Community & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 24, 2022).

Representative Ryu moved the adoption of amendment (1221) to the committee striking amendment:

On page 1, line 20 of the striking amendment, after "(d)" insert "A privacy

expert with experience in blockchain technology or its applications;

(e)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 18 of the striking amendment, after "systems" insert "including, but not limited to, African American, Latino American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities"

On page 3, line 5 of the striking amendment, after "designee;" insert "the director of the department of licensing, or the director's designee; the director of the office of equity, or the director's designee;"

Representatives Ryu and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1221) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Boehnke and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5544, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5544, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,

Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Klippert, Kraft and McCaslin.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5519, by Senators Dozier, Mullet, Brown, Gildon, Rivers, Wilson, J. and Wilson, L.

Replacing an inactive certificate status with an inactive license designation.

The bill was read the second time.

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

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5519.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5519, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SENATE BILL NO. 5519, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5548, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra and Mullet)

Concerning the uniform unregulated child custody transfer act.

The bill was read the second time.

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

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Robertson and Chase were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5548.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5548, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Chase and Robertson.

SUBSTITUTE SENATE BILL NO. 5548, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman and Wilson, C.)

Enhancing opportunity in limited areas of more intense rural development.

The bill was read the second time.

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

Representatives Goehner and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5275.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5275, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Robertson.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5615, by Senators Lovick, Hunt, Hasegawa, Honeyford, Lovelett, Nobles, Pedersen, Randall, Rolfes and Wellman

Designating pickleball as the official state sport.

The bill was read the second time.

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

Representatives Berg and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5615.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5615, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan,

Chandler, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kraft, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Chapman, Dent, Hoff, Klippert, Kloba, Kretz, McCaslin, McEntire, Orcutt, Stokesbary, Sutherland, Vick, Walsh and Ybarra.

SENATE BILL NO. 5615, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5078, by Senate Committee on Law & Justice (originally sponsored by Liias, Kuderer, Darneille, Hunt, Nguyen, Pedersen, Wilson, C. and Lovelett)

Addressing firearm safety measures to increase public safety. Revised for 1st Substitute: Addressing firearm safety measures to increase public safety. (REVISED FOR ENGROSSED: Establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state.)

The bill was read the second time.

The Speaker assumed the chair.

With the consent of the House, amendments (1202), (1216), (1187), (1196), (1198), (1318) and (1356) were withdrawn.

Representative Graham moved the adoption of amendment (1200):

On page 7, line 33, after "than" strike "10" and insert "30"

On page 7, line 39, after "than" strike "10" and insert "30"

Representatives Graham, Walsh and Young spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1200) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused: 0

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

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

Representative Klippert moved the adoption of amendment (1220):

On page 7, line 33, after "than" strike "10" and insert "15"

On page 7, line 39, after "than" strike "10" and insert "15"

With the consent of the House, Representative Klippert withdrew amendment (1220).

Representative Harris-Talley moved the adoption of amendment (1353):

On page 7, line 33, after "ammunition" insert "for a rifle or shotgun, or more than 15 rounds of ammunition for a pistol"

Representatives Harris-Talley, Walsh, Graham and Young spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (1353) was not adopted.

Representative Walsh moved the adoption of amendment (1173):

On page 8, line 1, after "device;" strike "or"

On page 8, line 3, after "firearm" insert "; or"

(d) Parts necessary to repair a large capacity magazine, when: (i) the large capacity magazine to be repaired was

present in the state of Washington as of July 1, 2022, (ii) repair does not increase the capacity of the large capacity magazine, and (iii) any and all leftover parts following completion of the repair are disposed of in a manner which prevents the creation of additional large capacity magazines from such parts"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1173) was not adopted.

Representative Young moved the adoption of amendment (1217):

On page 8, line 1, after "device;" strike "or"

On page 8, line 3, after "firearm" insert "; or"

(d) A magazine of the same capacity as a magazine ordinarily packaged with a firearm when used with that firearm"

Representatives Young, Walsh and Hoff spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (1217) was not adopted.

Representative Abbarno moved the adoption of amendment (1170):

On page 8, line 10, after "state." insert "\"Distribute" does not include giving out, providing, making available, or delivering a large capacity magazine to an immediate family or household member, so long as the large capacity magazine was present in the state of Washington prior to July 1, 2022. For purposes of this subsection, "an immediate family or household member" means (a) persons related by blood or marriage; (b) adult persons who are presently residing together; or (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren."

Representatives Abbarno, Sutherland, Hoff and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1170) was not adopted.

Representative Gilday moved the adoption of amendment (1197):

On page 8, line 10, after "state." insert "Distribute" does not include transfers of large capacity magazines between family members."

Representative Gilday spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1197) was not adopted.

Representative Graham moved the adoption of amendment (1201):

On page 8, line 10, after "state." insert "Distribute" does not

include transfers of large capacity magazines between individuals when

one of the individuals transferring the large capacity magazine holds

a valid concealed pistol license under chapter 9.41 RCW."

Representatives Graham, Kraft, Sutherland, Gilday, Walsh and Dent spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1201) was not adopted.

Representative Ybarra moved the adoption of amendment (1218):

On page 8, line 21, after "may" insert "intentionally"

On page 9, line 6, after "section" insert "with criminal intent"

On page 9, line 11, after "online" insert "with criminal intent"

Representatives Ybarra, Rude, Abbarno, Walsh and Young spoke in favor of the adoption of the amendment.

Representatives Hackney and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1218) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused: 0

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

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

Representative Klippert moved the adoption of amendment (1219):

On page 9, line 5, after "state" insert ";

(d) The importation or distribution of a large capacity magazine by or to a dealer that is properly licensed under federal and state law, as part of receipt of a firearm packaged with a large capacity magazine, provided that the large capacity magazine is (i) destroyed by the dealer, (ii) retained by the dealer for purposes of sale to any branch of the armed forces of the United States or the state of Washington or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes, or (iii) retained by the dealer for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this state"

Representatives Klippert and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1219) was not adopted.

Representative Young moved the adoption of amendment (1225):

On page 9, after line 7, insert "(4)(a) A person who is charged with a violation of this section may petition the court for a deferred prosecution, provided the defendant: (i) has no prior convictions for the same offense, and (ii) stipulates that he or she will not again violate the terms of RCW 9A.41 pertaining to large capacity magazines for a minimum of two years.

(b) A person who is granted a deferred prosecution under this section and does not violate the terms of the deferred prosecution shall not be guilty of a gross misdemeanor punishable under chapter 9A.20 RCW."

Representatives Young, Walsh and Wilcox spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1225) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused: 0

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

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

Representative Young moved the adoption of amendment (1226):

On page 9, after line 7, insert "(4) In any prosecution for a violation of this section, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that the large capacity magazine, conversion kit, part, or combination of parts, was legally obtained in the state of Washington prior to the effective date of this act or outside the state of

Washington. The defendant may establish he or she obtained the large capacity magazine, conversion kit, part, or combination of parts at issue prior to the effective date of this Act with an authentic photographic image of the large capacity magazine, conversion kit, part, or combination of parts that is digitally marked or electronically associated with a date and time stamp prior to the effective date of this act, or through other admissible evidence."

Representatives Young and Walsh spoke in favor of the adoption of the amendment.

Representative Valdez spoke against the adoption of the amendment.

Amendment (1226) was not adopted.

Representative Walsh moved the adoption of amendment (1185):

On page 7, beginning on line 33, after "ammunition," strike all

material through "person," on line 36

Representatives Walsh and Dent spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1185) was not adopted.

Representative Kraft moved the adoption of amendment (1359):

On page 8, beginning on line 24, beginning with "(2)" strike all material through "following:" on line 25

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Kraft and Kraft (again) spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (1359) was not adopted.

Representative Walsh moved the adoption of amendment (1172):

On page 1, beginning on line 11, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Walsh and Kraft spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (1172) was not adopted.

Representative Walsh moved the adoption of amendment (1188):

On page 9, beginning on line 8, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Walsh, Kraft and Walsh (again) spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (1188) was not adopted.

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

Representatives Valdez, Berry, Senn, Ortiz-Self, Peterson, Hackney and Stonier spoke in favor of the passage of the bill.

Representatives Young, McEntire, Griffey, Gilday, Jacobsen, Orcutt, Schmick, Hoff, Chambers, Sutherland, Graham, Chase, McCaslin, Dye, Kraft, Klicker, Kretz, Klippert, MacEwen, Dent, Rude, Eslick, Barkis, Mosbrucker, Vick, Wilcox and Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5078, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 1; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, J. Johnson, Kloba,

Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Absent: Representative Chandler.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5078, having received the necessary constitutional majority, was declared passed.

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

MESSAGES FROM THE SENATE

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5459,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5714,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755,
SUBSTITUTE SENATE BILL NO. 5799,
ENGROSSED SENATE BILL NO. 5849,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5309,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5901,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1051,
HOUSE BILL NO. 1613,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1795,
SECOND SUBSTITUTE HOUSE BILL NO. 1818,
HOUSE BILL NO. 1832,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1930,
SUBSTITUTE HOUSE BILL NO. 2019,
ENGROSSED HOUSE BILL NO. 2096,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 4, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1593,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1629,
HOUSE BILL NO. 1648,
HOUSE BILL NO. 1700,
HOUSE BILL NO. 1704,
HOUSE BILL NO. 1739,
HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1790,
HOUSE BILL NO. 1927,
ENGROSSED HOUSE BILL NO. 1931,
ENGROSSED HOUSE BILL NO. 1982,
HOUSE BILL NO. 2007,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2037,
SUBSTITUTE HOUSE BILL NO. 2051,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**SUPPLEMENTAL
INTRODUCTION & FIRST READING**

ESB 5309 by Senators Rivers, Brown, Das, Fortunato, Hasegawa, Keiser, Lovelett, Mullet, Robinson, Wilson, C. and Wilson, L.

AN ACT Relating to providing a sales and use tax exemption for adult and baby diapers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

ESSB 5459 by Senate Committee on Ways & Means (originally sponsored by Mullet and Wilson, L.)

AN ACT Relating to creating a business and occupation tax deduction for persons conducting payment card processing activity; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

ESSB 5714 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Liias, Gildon, Lovelett, Mullet, Nguyen and Rolfes)

AN ACT Relating to creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

E2SSB 5755 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Billig, Nobles, Saldaña and Wellman)

AN ACT Relating to authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of underdeveloped lands in urban areas; adding a new chapter to Title 82 RCW; and providing expiration dates.

Referred to Committee on Finance.

SSB 5799 by Senate Committee on Business, Financial Services & Trade (originally sponsored by Robinson and Lovick)

AN ACT Relating to modifying the application of the workforce education investment advanced computing surcharge to provider clinics and affiliated organizations; amending RCW 82.04.299; creating a new section; and providing an effective date.

Referred to Committee on Finance.

ESB 5849 by Senator Warnick

AN ACT Relating to tax incentives; amending RCW 84.25.030, 82.60.049, 82.04.294, 82.60.020, and 82.60.120; adding a new section to chapter 82.60 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

ESB 5901 by Senators Randall, Billig, Holy, Mullet, Nguyen and Saldaña

AN ACT Relating to economic development tax incentives for targeted counties; amending RCW 82.08.820 and 82.12.820; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

ESSB 5980 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Randall, Hunt, Kuderer and Mullet)

AN ACT Relating to providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses; amending RCW 82.04.4451; reenacting and amending RCW 82.32.045; and creating new sections.

Referred to Committee on Finance.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 1918

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

SECOND READING

HOUSE BILL NO. 1988, by Representatives Shewmake, Berry and Paul

Concerning tax deferrals for investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1988 was substituted for House Bill No. 1988 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1988 was read the second time.

Representative Orcutt moved the adoption of amendment (1341):

On page 6, line 22, after "receive a" insert "one hundred percent"

Beginning on page 6, line 23, after "this act" strike all material through "faith efforts" on page 8, line 8

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (1341) was not adopted.

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

Representative Shewmake spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative J. Johnson was excused.

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1988.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1988, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley,

Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

Excused: Representatives Chandler and J. Johnson.

SECOND SUBSTITUTE HOUSE BILL NO. 1988, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1914, by Representatives Riccelli, Orcutt, Berry, Leavitt, McEntire, Ryu, Santos, Walen, Wicks, Ortiz-Self, Stonier, Robertson, Peterson, Rule, Vick, Goodman, Dolan, Orwall, Eslick, Barkis, Graham, Berg, Dent, Bateman and Macri

Updating and expanding the motion picture competitiveness program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1914 was substituted for House Bill No. 1914 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1914 was read the second time.

Representative Riccelli moved the adoption of striking amendment (1365):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.365.005 and 2006 c 247 s 1 are each amended to read as follows:

The legislature recognizes the motion picture industry in Washington as a valuable commodity contributing greatly to the economic vitality of the state and the cultural integrity of our communities. The legislature further recognizes the production of in-state motion pictures, television programs, and television commercials creates a marked increase in tourism, family-wage jobs, and the sale of local goods and services generating revenue for the state. Furthermore, with captive national and international audiences, the world is introduced to the state's pristine scenic venues and reminded that the Pacific Northwest is a great place to

live and raise a family. The legislature also recognizes the inherent educational value of promoting arts and culture as well as the benefits of training young motion picture professionals who will build a fruitful industry for years to come.

The legislature finds in recent years that the state has realized a drastic decline in motion picture production that precludes economic expansion and threatens the state's reputation as a production destination. With the emergence of tax incentives in (~~(thirty)~~) other states nationwide, in-state producers are taking their projects to more competitive economic climates, such as Oregon and Vancouver, British Columbia, where compelling tax incentive packages and subsidies are already in effect.

The legislature also finds that in recent years increasingly workers in Washington state are without health insurance coverage and retirement income protections, causing hardships on workers and their families and higher costs to the state.

The legislature also recognizes that there are significant barriers to entry for those from marginalized communities to enter the motion picture workforce. This results in lost opportunity for people to tell stories in film that reflect a breadth of diversity in experience across race, gender, ability, sexual orientation, and place of origin.

The legislature also finds that more investment in the film industry will increase revenue with Washington state businesses and create family-wage jobs that pay health and retirement benefits for Washington workers. Moreover, targeted investments in rural and marginalized communities will create opportunities to build an equitable workforce and film industry.

Therefore, it is the intent of the legislature to recognize both national and international competition in the motion picture production marketplace. The legislature is committed to leveling the competitive playing field and promoting an equitable film industry and is interested in a partnership with the private sector to regain Washington's place as a premier destination to make motion pictures, television, and television commercials. While at the same time the legislature is committed to

ensuring that workers in the motion picture and television industry are covered under health insurance and retirement income plans and that motion picture production sets and stories reflect the diversity of Washington residents.

Sec. 2. RCW 43.365.010 and 2017 3rd sp.s. c 37 s 1103 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" and "program" mean ~~((s))~~ a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production and associated creative industries and assisting and providing services for attracting the film industry and associated creative industries, by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Board of directors" and "board" mean the board of directors established in RCW 43.365.030.

(3) "Contribution" means cash contributions.

~~((3))~~ (4) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

~~((4))~~ (5) "Department" means the department of commerce.

~~((5))~~ (6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

~~((6))~~ (7) "Motion picture" means a recorded audiovisual production intended for distribution to the public for exhibition in public and/or private settings by means of any and all delivery systems and/or delivery platforms now or hereafter known, including without

limitation, screenings in motion picture theaters, broadcasts and cablecast transmissions for viewing on televisions, computer screens, and other audiovisual receivers, viewings on screens by means of digital video disc (DVD) players, video on demand (VOD) services, and digital video recording (DVR) services, direct internet transmission, and viewing on digital computer-based systems which respond to the users' actions (interactive media).

~~((7))~~ (8) "Person" has the same meaning as provided in RCW 82.04.030.

(9) "Rural community" has the same meaning as "rural county" in RCW 82.14.370.

Sec. 3. RCW 43.365.030 and 2012 c 189 s 3 are each amended to read as follows:

(1) A Washington motion picture competitiveness program under this chapter must be administered by a board of directors appointed by the governor, and the appointments must be made within sixty days following enactment. The department, after consulting with the board, must adopt rules for the standards that shall be used to evaluate the applications for funding assistance prior to June 30, 2006.

(2) The board must evaluate and award financial assistance to motion picture projects under rules set forth under RCW 43.365.020.

(3) The board must consist of the following members:

(a) ~~((One member))~~ Two members representing the Washington motion picture production industry, one of whom must demonstrate expertise in the financing of motion picture projects;

(b) ~~((One member representing the Washington motion picture postproduction industry))~~

~~((c))~~ One member representing technologies impacting the Washington ~~((interactive media or))~~ emerging motion picture industry;

~~((d))~~ (c) Two members representing labor unions affiliated with Washington motion picture production;

~~((e))~~ One member representing the Washington visitors and convention bureaus;

~~((f))~~ One member representing the Washington tourism industry;

~~(g) One member representing the Washington restaurant, hotel, and airline industry))~~ (d) Three members representing industries and businesses impacted by motion picture production, one of whom must represent industries or businesses located east of the crest of the Cascade mountain range and one of whom must represent industries or businesses located west of the crest of the Cascade mountain range;

(e) Two cochair of the board's equity committee, not already serving on the board, recommended by the board to the governor;

(f) Two cochair of the board's advisory committee, also known as the film leadership council, not already serving on the board, recommended by the board to the governor; and

~~((h))~~ (g) A chairperson, chosen at large, must serve at the pleasure of the governor.

(4) The term of the board members, other than the chair, is four years, except as provided in subsection (5) of this section.

(5) The governor must appoint board members ~~((in 2010)) to ((two year or)) four-year staggered terms((. Once the initial two year or four year terms expire, all subsequent terms are for four years. The terms of the initial board members are as follows:~~

~~(a) The board positions in subsection (3)(b), (c), and (g) of this section, and one position from subsection (3)(d) of this section must be appointed to two-year terms; and~~

~~(b) The remaining board positions in subsection (3) of this section shall be appointed to four-year terms)), except the board member initially appointed to the position in subsection (3)(b) of this section and the board member initially appointed to the position in subsection (3)(f) of this section must each be appointed to a two-year term. Once those initial two-year terms expire, all subsequent terms are for four years.~~

(6) A board member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080.

(7) ~~((Five))~~ Seven members of the board constitute a quorum.

(8) The board must elect a treasurer and secretary annually, and other officers as the board members determine necessary, and may adopt bylaws or rules for its own government.

(9) The board must make any information available at the request of the department to administer this chapter.

(10) Contributions received by a board must be deposited into the account described in RCW 43.365.020(2).

(11) Board members must comply with all requirements of a 501(c)(6) organization, including the prohibition on using information obtained as a board member for personal gain. Board members must act in the best interest of the approved motion picture competitiveness program. Each board member is required to complete an annual conflicts of interest form to disclose all conflicts and potential conflicts of interest with board actions. If a board member has a conflict of interest with respect to an application for funding assistance, the board member must disclose the board member's conflict and not be present for a discussion or vote on the application.

Sec. 4. RCW 43.365.020 and 2012 c 189 s 2 are each amended to read as follows:

(1) The department must adopt criteria for the approved motion picture competitiveness program with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production. Rules adopted by the department shall allow the program, within the established criteria, to provide funding assistance only when it captures economic opportunities for Washington's communities and businesses and shall only be provided under a contractual arrangement with a private entity. In establishing the criteria, the department shall consider:

(a) The additional income and tax revenue to be retained in the state for general purposes;

(b) The creation and retention of family-wage jobs which provide health insurance and payments into a retirement plan;

(c) The impact of motion picture projects to maximize in-state labor and

the use of in-state film production and film postproduction companies;

(d) The impact upon the local economies and the state economy as a whole, including multiplier effects;

(e) The intangible impact on the state and local communities that comes with motion picture projects;

(f) The regional, national, and international competitiveness of the motion picture filming industry;

(g) The revitalization of the state as a premier venue for motion picture production and national television commercial campaigns;

(h) Partnerships with the private sector to bolster film production in the state and serve as an educational and cultural purpose for its citizens;

(i) The vitality of the state's motion picture industry as a necessary and critical factor in promoting the state as a premier tourist and cultural destination;

(j) Giving preference to additional seasons of television series that have previously qualified and to motion picture productions that tell stories of marginalized communities; and

(k) Other factors the department may deem appropriate for the implementation of this chapter.

(2) The board of directors (~~created under RCW 43.365.030~~) shall create and administer an account for carrying out the purposes of subsection ~~((3))~~ (4) of this section.

(3) The board's goal must be to commit at least 20 percent of funding assistance to motion picture productions located or filmed in rural communities and 20 percent of funding assistance to motion picture productions that tell stories of marginalized communities.

(4) Money received by the approved motion picture competitiveness program shall be used only for:

(a) Health insurance and payments into a retirement plan, and other costs associated with film production; ~~((and))~~

(b) Staff and related expenses to maintain the program's proper administration and operation;

(c) Supporting the growth and development of the Washington state film

industry through career connected learning, workforce development, and business development with a focus on better supporting people from marginalized or rural communities; and

(d) Developing resources to facilitate filming in rural communities including, but not limited to, economic development grants for filming, training for film liaisons, information about film permitting processes, and grants to support the expansion of location database collateral.

~~((4))~~ (5) Except as provided otherwise in subsections ~~((7))~~ (8) and (9) of this section, maximum funding assistance from the approved motion picture competitiveness program is limited to an amount up to thirty percent of the total actual investment in the state of at least:

(a) Five hundred thousand dollars for a single motion picture produced in Washington state; or

(b) One hundred fifty thousand dollars for a television commercial associated with a national or regional advertisement campaign produced in Washington state.

~~((5))~~ (6) Except as provided otherwise in subsections ~~((7))~~ (8) and (9) of this section, maximum funding assistance from the approved motion picture competitiveness program is limited to an amount up to thirty-five percent of the total actual investment of at least three hundred thousand dollars per episode produced in Washington state. A minimum of six episodes of a series must be produced to qualify under this subsection. A maximum of up to thirty percent of the total actual investment from the approved motion picture competitiveness program may be awarded to an episodic series of less than six episodes.

~~((6))~~ (7) With respect to costs associated with nonstate labor for motion pictures and episodic services, funding assistance from the approved motion picture competitiveness program is limited to an amount up to fifteen percent of the total actual investment used for costs associated with nonstate labor. To qualify under this subsection, the production must have a labor force of at least eighty-five percent of Washington residents. The board may establish additional criteria to maximize the use of in-state labor.

~~((7))~~ (8)(a) The approved motion picture competitiveness program may allocate an annual aggregate of no more than ten percent of the qualifying contributions by the program under RCW 82.04.4489 to provide funding support for filmmakers who are Washington residents, new forms of production, and emerging technologies.

(i) Up to thirty percent of the actual investment for a motion picture with an actual investment lower than that of motion pictures under subsection ~~((4))~~ (5)(a) of this section; or

(ii) Up to thirty percent of the actual investment of an interactive motion picture intended for multiplatform exhibition and distribution.

(b) Subsections ~~((4) and)~~ (5) and (6) of this section do not apply to this subsection.

~~((8))~~ (9)(a) In addition to the maximum funding assistance established in subsections (5) and (6) of this section, up to a 10 percent enhancement award on a motion picture production's state investment must be given for motion pictures: (i) Located or filmed in a rural community; or (ii) that tell stories of marginalized communities.

(b) Total actual investment requirements established in subsections (5) and (6) of this section apply to this subsection (9).

(10)(a) Funding assistance must include up to \$3,000,000 for small motion picture productions produced in Washington state, subject to subsection (11) of this section, that are creatively driven by Washington residents. To qualify, the small motion picture production must have at least two Washington residents in any combination of the following positions: Writer, director, producer, or lead actor. An entity seeking funding assistance for a small motion picture production must demonstrate that the amount of the total actual investment for the production is less than \$1,000,000.

(b) Maximum funding assistance and total actual investment requirements, established in subsections (5), (6), (7), (8), and (9) of this section apply to small motion picture productions. The department shall adopt rules as necessary to implement this subsection (10).

(11) Funding assistance approval must be determined by the approved motion picture competitiveness program within a maximum of thirty calendar days from when the application is received, if the application is submitted after August 15, 2006. For small motion picture productions, the approved motion picture competitiveness program, after determining a conditional approval of the production, shall hold the production's funding assistance in reserve while the entity seeking funding assistance for the production secures financing for the remainder of the budget. Once the entity seeking funding assistance for the production demonstrates to the program that it has secured the necessary financing, the program shall certify the small motion picture production as approved. If the entity seeking funding assistance cannot demonstrate within six months from the date of conditional approval that it has secured the total budget, the program must make the funding assistance available to other eligible applicants with funding assistance approval.

(12) By December 31, 2022, and annually thereafter, the department, on behalf of the board, must report to the legislature on the approved motion picture competitiveness program. This report may include information required in the survey established in RCW 43.365.040. At a minimum, the report must include an annual list of recipients awarded financial assistance from the prior year with total estimated production costs, locations of each production, and the board's progress towards the goal of at least 20 percent of its funding assistance provided to motion picture productions located or filmed in rural communities and 20 percent of its funding assistance provided to motion picture productions that tell stories of marginalized communities. The report must also include information on workforce development, career connected learning, and business development activities, including whether they have been scaled up in size from the previous year and how they are meeting the goal of supporting people from marginalized communities.

(13) The approved motion picture competitiveness program must allocate funds for training and job placement for marginalized communities as follows:

(a) For fiscal years 2023 and 2024, a minimum of \$500,000 for each fiscal year; and

(b) For each fiscal year on or after July 1, 2024, a minimum of \$750,000.

Sec. 5. RCW 82.04.4489 and 2017 3rd sp.s. c 37 s 1102 are each amended to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than ~~((seven hundred fifty thousand dollars))~~ \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of ~~((seven hundred fifty thousand dollars))~~ \$1,000,000 or an amount equal to one hundred percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first-in-time basis. The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed ~~((three million five hundred thousand dollars))~~ \$20,000,000. If this limitation is reached, the department must notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within thirty days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program must provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department may not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.365 RCW.

(12) Persons claiming a credit against the tax imposed under this chapter for

contributions made to a Washington motion picture competitiveness program and not otherwise receiving funding assistance under RCW 43.365.020 are exempt from the annual reporting requirements in RCW 82.32.534 and 43.365.040.

(13) No credit may be earned for contributions made on or after July 1, (~~2027~~) 2030.

Sec. 6. RCW 43.365.040 and 2012 c 189 s 5 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how incentives are used.

(2) Each motion picture production receiving funding assistance under RCW 43.365.020 must report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which funding assistance under RCW 43.365.020 is taken. The department may extend the due date for timely filing of annual surveys under this section if failure to file was the result of circumstances beyond the control of the motion picture production receiving the funding assistance.

(3) The Washington motion picture competitiveness program established in RCW 43.365.030, in collaboration with the department and the department of revenue, and in consultation with the joint legislative audit and review committee, must develop a survey form and instructions that accompany the survey form by November 1, 2012. The instructions must provide sufficient detail to ensure consistent reporting. The survey must be designed to acquire data to allow the state to better measure the effectiveness of the program and to provide transparency of the motion picture competitiveness program. The survey must include:

(a) The total amount of taxes paid;

(b) The amount of taxes paid classified by type, which may include, but is not limited to, sales taxes, use taxes, business and occupation taxes, unemployment insurance taxes, and workers' compensation premiums;

(c) The amount of funding assistance received; and

(d) The following information for employment positions in Washington by the motion picture production receiving funding assistance, including indirect employment by contractors or other affiliates:

(i) The number of total employment positions;

(ii) The average number of hours worked by employed individuals;

(iii) The average base pay of individuals employed by motion picture companies, including contributions to health care benefits and retirement plans;

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits; and

(v) The number of employment positions filled by Washington state residents, and residency information for employment positions filled by people from other locations.

(4) The department may request additional information necessary to measure the results of the funding assistance (~~program~~), to be submitted at the same time as the survey.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension the department must declare the amount of funding assistance for the previous calendar year to be immediately due and payable. The department must assess interest, but not penalties, on the amounts due under this section. The interest is assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date the funding assistance was received, and accrues until the funding assistance is repaid.

(6) The department must use the information from this section to prepare summary descriptive statistics. The department must report these statistics to the legislature each even-numbered year by September 1st. The department must provide the complete annual surveys to the joint legislative audit and review committee, which shall perform a review as required under RCW 43.365.050.

(7) The motion picture competitiveness program must periodically audit and generally monitor the survey information

submitted by production companies for completeness and accuracy.

Sec. 7. RCW 43.365.050 and 2006 c 247 s 7 are each amended to read as follows:

~~((The provisions of RCW 82.04.4489 are subject to review by the joint legislative audit and review committee.))~~ (1) It is the legislature's specific public policy objective to increase the viability of the motion picture and film industry and associated creative industries in Washington state. It is the legislature's intent to increase the credit available under RCW 82.04.4489 in order to attract additional motion picture and film projects, thereby increasing family-wage jobs.

(2) The joint legislative audit and review committee ((will)) must review and make a recommendation to the ((house finance committee and the senate ways and means committee)) fiscal committees of the legislature by December 1, ((2010)) 2026, regarding the effectiveness of the motion picture competitiveness program including, but not limited to, the amount of state revenue generated, the amount and number of family ((wages {wage})) - wage jobs with benefits created, adherence to the criteria in RCW 43.365.020, changes in Washington's share of the film employment market, and any other factors deemed appropriate by the joint legislative audit and review committee.

(3) In order to obtain the data necessary to perform the review in subsection (2) of this section, the joint legislative audit and review committee may refer to tax data provided to the department of revenue and the annual survey required under RCW 43.365.040.

NEW SECTION. Sec. 8. 2017 3rd sp.s. c 37 s 1101 (uncodified) is repealed."

Correct the title.

Representatives Riccelli and Boehnke spoke in favor of the adoption of the striking amendment.

Striking amendment (1365) was adopted.

The bill was ordered engrossed.

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

Representatives Boehnke, Riccelli and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1914.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1914, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, Paul and Young.

Excused: Representatives Chandler and J. Johnson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1914.

Representative Paul, 10th District

SECOND READING

HOUSE BILL NO. 1918, by Representatives Macri, Valdez, Berry, Ryu, Simmons, Peterson, Goodman, Ramel, Kloba, Bateman, Harris-Talley and Pollet

Reducing emissions from outdoor power equipment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1918 was substituted for House Bill No. 1918 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1918 was read the second time.

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

Representatives Macri and Orcutt spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1918.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1918, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Dent, Dufault, Graham, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Sutherland, Walsh and Ybarra.

Excused: Representatives Chandler and J. Johnson.

SECOND SUBSTITUTE HOUSE BILL NO. 1918, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 7, 2022, the 57th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 7, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance.

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

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

INTRODUCTION & FIRST READING

HJM 4003 by Representatives Rude, Fitzgibbon, Stokesbary, Robertson, Bergquist, Berry, Sells, Schmick, MacEwen, Leavitt, Pollet, Chambers, Santos, Ryu, Gilday, Macri, Eslick, Taylor, Dent, Wicks, Riccelli, Harris-Talley, Dolan, Berg, Hoff, Goehner, Klicker, Dye, Bronoske, Paul, Goodman, Boehnke, Shewmake, Senn, Young and Peterson

Requesting Congress support the immediate restriction of all future purchases of petroleum and other hydrocarbons from Russia.

Referred to Committee on Rules.

There being no objection, the memorial listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 5, 2022

SSB 5488 Prime Sponsor, Committee on Transportation: Concerning state contributions in support of the Tacoma Narrows toll bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.56.165 and 2009 c 567 s 1 are each amended to read as follows:

A special account to be known as the Tacoma Narrows toll bridge account is created in the motor vehicle fund in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the Tacoma Narrows public-private initiative project, including any capitalized interest;

(b) All of the toll charges and other revenues received from the operation of the Tacoma Narrows bridge as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the second Tacoma Narrows bridge; ~~((and))~~

(e) All liquidated damages collected under any contract involving the construction of the second Tacoma Narrows bridge; and

(f) Beginning with September 2022 and ending July 1, 2032, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the general fund to the account the sum of \$3,250,000. The total amount that may be transferred pursuant to this subsection is \$130,000,000.

(2) Proceeds of bonds shall be used consistent with RCW 47.46.130, including the reimbursement of expenses and fees incurred under agreements entered into under RCW 47.46.040 as required by those agreements.

(3) Toll charges, other revenues, and interest may only be used to:

(a) Pay required costs that contribute directly to the financing, operation, maintenance, management, and necessary repairs of the tolled facility, as determined by rule by the transportation commission; and

(b) Repay amounts to the motor vehicle fund as required under RCW 47.46.140.

(4) Toll charges, other revenues, and interest may not be used to pay for costs that do not contribute directly to the financing, operation, maintenance, management, and necessary repairs of the tolled facility, as determined by rule by the transportation commission.

(5) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's website using current department resources.

(6) When repaying the motor vehicle fund under RCW 47.46.140, the state treasurer shall transfer funds from the Tacoma Narrows toll bridge account to the motor vehicle fund on or before each debt service date for bonds issued for the Tacoma Narrows public-private initiative project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 2. RCW 47.46.190 and 2018 c 195 s 1 are each amended to read as follows:

(1) The legislature finds funding of the Tacoma Narrows bridge facility to be distinct from other Washington state tolling facilities due to its increasing debt service costs, which is the primary driver of the facility's escalating costs. Washington state has since recommended and established financing structures with steadier levels of debt service payments for subsequent tolled transportation facilities, supporting better management of the state's debt burden and a lower financial burden for toll ratepayers.

(2) The Tacoma Narrows bridge facility debt service structure resulted, in part, from a decision by the legislature to fund construction of the bridge without drawing from state tax dollars. As a result, toll revenue was committed to fund ~~((ninety-nine))~~ 99 percent of bridge

construction costs, as well as the associated interest payments and other associated debt service costs. This is not the standard more recently utilized by the legislature, as is the case of the state route 520 bridge's construction, ~~((seventy-two))~~ 72 percent of which is to be paid for with toll revenues. In light of the maximum burden for bridge construction that was placed on Tacoma Narrows bridge toll ratepayers, there is no equitable reason that the burden of future debt service payment increases should be borne by these same toll ratepayers.

(3) The legislature established the Tacoma Narrows bridge work group in 2017 and tasked it with identifying opportunities for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. The work group recommended a request of up to ~~((one hundred twenty five million dollars))~~ \$125,000,000 in state funding from the legislature to offset future debt service payment increases, allocated across the remaining years of tolling at levels that result in maintaining toll rates at fiscal year 2018 levels.

(4) Due to the findings aforementioned, an alternative is put forward by the legislature. State contribution loans for each fiscal biennium are to be made through the life of the debt service plan of up to a total of ~~((eighty five million dollars))~~ \$85,000,000, and will be repaid in annual amounts beginning after the debt service and deferred sales tax are fully repaid. It is the intent of the legislature that the commission will(+

~~((a) Maintain tolls at no more than toll rates effective at the fiscal year 2018 level until fiscal year 2022; and~~

~~((b) Maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level beginning in fiscal year 2022))~~ adjust tolls accordingly, in consideration of annual contributions from nontoll sources and the costs required to be covered under RCW 47.46.100, until such time as the debt service and deferred sales tax obligation is fully met according to the repayment schedule in place as of June 7, 2018, and until any state contribution loans are fully repaid.

(5) To offset part of the toll rate increases that would otherwise be

necessary to meet increases in future debt service payments, it is the intent of the legislature that the state treasurer make state contribution loan transfers to the Tacoma Narrows toll bridge account created in RCW 47.56.165 on the first day of each fiscal biennium, beginning in the 2019-2021 fiscal biennium, through the life of the debt service plan. It is the intent of the legislature that the state treasurer make state contribution loan transfers in amounts necessary to ensure debt service payments are made in full after toll revenue from the Tacoma Narrows bridge toll facility is applied to the debt payment amounts and other required costs.

(6) This section does not create a private right of action.

Sec. 3. RCW 47.46.200 and 2018 c 195 s 2 are each amended to read as follows:

(1) Through 2031, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes sufficient information to enable the legislature to determine an adequate amount of contribution from nontoll sources required for each fiscal biennium to maintain ~~((tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level, while also maintaining))~~ the debt service plan repayment schedule in place as of June 7, 2018. The report must be submitted by January 5th of each year.

(2) Beginning in 2031, and until such time as the state contribution loans described in RCW 47.46.190(4) are repaid, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes information detailing the annual expected toll revenue to be used for repayment of the state contribution loans ~~((while maintaining tolls at no more than twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~. The report must be submitted by January 5th of each year.

(3) This section does not create a private right of action."

Correct the title.

Signed by Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Berry; Chapman; Dent; Donaghy; Duerr; Entenman; Griffey; Hackney; Paul; Ramel; Riccelli; Slatter; Taylor; Valdez and Wicks.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Goehner; Klicker and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member and Orcutt.

Referred to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

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

SECOND READING

SENATE BILL NO. 5634, by Senator Carlyle

Updating the utilities and transportation commission's regulatory fees.

The bill was read the second time.

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

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5634.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5634, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker,

Orcutt, Paul, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SENATE BILL NO. 5634, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1074 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW to read as follows:

(1) The legislature finds that the mortality rate in Washington state due to overdose, withdrawal related to substance abuse such as opiates, benzodiazepines, and alcohol, and suicide is unacceptably high and that such mortality may be preventable. The legislature further finds that, through the performance of overdose, withdrawal, and suicide fatality reviews, preventable causes of mortality can be identified and addressed, thereby reducing the number of overdose, withdrawal, and suicide fatalities in Washington state.

(2)(a) A local health department may establish multidisciplinary overdose, withdrawal, and suicide fatality review teams to review overdose, withdrawal, and suicide deaths and to develop strategies for the prevention of overdose, withdrawal, and suicide fatalities.

(b) The department shall assist local health departments to collect the reports of any overdose, withdrawal, and suicide fatality reviews conducted by local health departments and assist with entering the reports into a database to the extent that the data is not protected under subsection (3) of this section. Notwithstanding subsection (3) of this section, the department shall respond to any requests for data from the database to the extent permitted for health care

information under chapters 70.02 and 70.225 RCW. In addition, the department shall provide technical assistance to local health departments and overdose, withdrawal, and suicide fatality review teams conducting overdose, withdrawal, and suicide fatality reviews and encourage communication among overdose, withdrawal, and suicide fatality review teams.

(c) All overdose, withdrawal, or suicide fatality reviews undertaken under this section shall be shared with the department, subject to the same confidentiality restrictions described in this section.

(3)(a) All health care information collected as part of an overdose, withdrawal, and suicide fatality review is confidential, subject to the restrictions on disclosure provided for in chapter 70.02 RCW. When documents are collected as part of an overdose, withdrawal, and suicide fatality review, the records may be used solely by local health departments for the purposes of the review.

(b) Information, documents, proceedings, records, and opinions created, collected, or maintained by the overdose, withdrawal, and suicide fatality review team or the local health department in support of the review team are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(c) Any person who was in attendance at a meeting of the review team or who participated in the creation, collection, or maintenance of the review team's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the review team's information, documents, records, or opinions. This subsection does not prevent a member of the review team from testifying in a civil or criminal action concerning facts which form the basis for the overdose, withdrawal, and suicide fatality review team's proceedings of which the review team member had personal knowledge acquired independently of the overdose, withdrawal, and suicide fatality review team or which is public information.

(d) Any person who, in substantial good faith, participates as a member of the review team or provides information to further the purposes of the review team may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(e) All meetings, proceedings, and deliberations of the overdose, withdrawal, and suicide fatality review team must be confidential and may be conducted in executive session.

(4) This section does not prevent a local health department from publishing statistical compilations and reports related to the overdose, withdrawal, and suicide fatality review. Any portions of such compilations and reports that identify individual cases and sources of information must be redacted.

(5) To aid in an overdose, withdrawal, and suicide fatality review, the local health department has the authority to:

(a) Request and receive data for specific overdose, withdrawal, and suicide fatalities including, but not limited to, all medical records related to the overdose, withdrawal, and suicide, autopsy reports, medical examiner reports, coroner reports, schools, criminal justice, law enforcement, and social services records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, schools, criminal justice, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, the department of health and its licensees, the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers.

(6) Upon request by the local health department, health care providers, health care facilities, clinics, schools, criminal justice, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, the department of health and its licensees, the department of social and health services and its licensees and providers, and the

department of children, youth, and families and its licensees and providers must provide all medical records related to the overdose, withdrawal, and suicide, autopsy reports, medical examiner reports, coroner reports, social services records, and other data requested for specific overdose, withdrawal, and suicide fatalities to perform an overdose, withdrawal, and suicide fatality review to the local health department.

(7) For the purposes of this section, "overdose, withdrawal, and suicide fatality review" means a confidential process to review minor or adult overdose, withdrawal, and suicide deaths as identified through a death certificate; by a medical examiner or coroner; or by a process defined by the local department of health. The process may include a systematic review of medical, clinical, and hospital records related to the overdose, withdrawal, and suicide; confidential interviews conducted with the protections established in subsection (3) of this section; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "overdose, withdrawal, and suicide fatality reviews; and adding a new section to chapter 70.05 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1074 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1074, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares that, due to technological advances since the 1971 adoption of the open public meetings act, elected officials no longer conduct the public's business solely at in-person meetings, but can and do utilize telephonic and other electronic methods to efficiently conduct the business of state and local government remotely. Further, limitations on public gatherings required as the result of a disaster or emergency, for example, to assist in preventing the spread of infectious diseases, may affirmatively necessitate the use of technology and the avoidance of in-person attendance at public meetings for the conduct of governmental business. It is the policy of the state that a governing body's actions, including deliberations, shall be taken and conducted in the open. When the public cannot observe and participate

in person, it may limit participation in democracy. Therefore, this act shall be construed in favor of ensuring access by the public to observe elected officials when they meet pursuant to this act. It is the intent of this act to modernize and update the open public meetings act emergency procedures to reflect technological advances, while maintaining the act's public policy that governing body's actions and deliberations be taken and conducted openly while balancing public safety in emergency conditions. Governing bodies are encouraged to adopt resolutions or ordinances establishing where and how meetings will be held in the event of an emergency, in order to allow the public to more easily learn about and observe public agency action in an emergent situation.

The legislature further finds people participating in their government, especially through public comment, is an essential part of developing public policy. The legislature finds that there are numerous developing technologies that can be used to facilitate public comment, especially for those with disabilities, underserved communities, and those who face time or distance challenges when traveling to public meetings. Therefore, the legislature intends to encourage public agencies to make use of remote access tools as fully as practicable to encourage public engagement and better serve their communities.

Sec. 2. RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended to read as follows:

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the

instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process.

Sec. 3. RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to read as follows:

(1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(2) Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

NEW SECTION. Sec. 4. A new section is added to chapter 42.30 RCW to read as follows:

(1) Public agencies are encouraged to make an audio or video recording of, or to provide an online streaming option for, all regular meetings of its governing body, and to make recordings of these meetings available online for a minimum of six months.

(2) This section does not alter a local government's recordkeeping requirements under chapter 42.56 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 42.30 RCW to read as follows:

(1) If, after the declaration of an emergency by a local or state government or agency, or by the federal government, a public agency determines that it cannot hold a meeting of the governing body with members or public attendance in person with reasonable safety because of the emergency, the public agency may:

(a) Hold a remote meeting of the governing body without a physical location; or

(b) Hold a meeting of the governing body at which the physical attendance by some or all members of the public is limited due to a declared emergency.

(2) During a remote meeting, members of the governing body may appear or attend by phone or by other electronic

means that allows real-time verbal communication without being in the same physical location. For a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, the public agency must provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the public agency on a locally available cable television station that is available throughout the jurisdiction or other electronic, internet, or other means of remote access that does not require any additional cost for access to the program. The public agency may also allow the other electronic means of remote access.

(3) No action may be taken at a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency if the public agency has not provided an option for the public to listen to proceedings pursuant to subsection (2) of this section, except for an executive session as authorized in this chapter.

(4) Notice of a remote meeting without a physical location or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency must be provided in accordance with this chapter and must include instructions on how the public may listen live to proceedings and on how the public may access any other electronic means of remote access offered by the public agency.

(5) A remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency that is held under the provisions of this section shall be considered open and public in compliance with the requirements of this chapter. Nothing in this section alters the ability of public agencies to take action in response to an emergency as provided for in RCW 42.30.070, or to have members of a governing body participate in a meeting remotely with no declared emergency.

(6) Notwithstanding any other provision in this section, any governing body of a public agency which held some

of its regular meetings remotely prior to March 1, 2020, may continue to hold some of its regular meetings remotely with no declared emergency so long as the public agency provides an option for the public to listen to the proceedings pursuant to subsection (2) of this section.

Sec. 6. RCW 42.30.040 and 2012 c 117 s 124 are each amended to read as follows:

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. This section does not prohibit any generally applicable conditions determined by the governing body to be reasonably necessary to protect the public health or safety, or to protect against interruption of the meeting, including a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency.

Sec. 7. RCW 42.30.050 and 1971 ex.s. c 250 s 5 are each amended to read as follows:

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. Nothing in this section prohibits the governing body from stopping people from speaking to the governing body when not recognized by the governing body to speak.

Sec. 8. RCW 42.30.070 and 1983 c 155 s 2 are each amended to read as follows:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site, for a remote meeting without a physical location, or for a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

Sec. 9. RCW 42.30.077 and 2014 c 61 s 2 are each amended to read as follows:

(1) Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than ((~~twenty-four~~) 24 hours in advance of the published start time of the meeting. An agency subject to provisions of this section ((is not required to post an agenda if it does not have a website or if it employs fewer than ten full time equivalent employees)) may share a website with, or have its website hosted by, another public agency to post meeting agendas, minutes, budgets, contact information, and other records, including any resolution or ordinance adopted by the agency establishing where and how the public agency will meet in the event of an emergency. Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. Nothing

in this section modifies notice requirements or shall be construed as establishing that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall not provide a basis for awarding attorney fees under RCW 42.30.120 or commencing an action for mandamus or injunction under RCW 42.30.130.

(2) A special purpose district, city, or town subject to the provisions of this section is not required to post an agenda online if the district, city, or town:

(a) Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000, as placed on the last completed and balanced tax rolls of the county preceding the date of the most recent tax levy;

(b) Has a population within its jurisdiction of under 3,000 persons; and

(c) Provides confirmation to the state auditor at the time it files its annual reports under RCW 43.09.230 that the cost of posting notices on a website of its own, a shared website, or on the website of the county in which the largest portion of the district's, city's, or town's population resides, would exceed one-tenth of one percent of the district's, city's, or town's budget.

Sec. 10. RCW 42.30.080 and 2012 c 188 s 1 are each amended to read as follows:

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by ~~((electronic mail))~~ email to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or ~~((electronic mail))~~ email; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's website. An agency is not required to post a special meeting notice on its website if it ~~((i))~~ does not have a website ~~((i))~~ or share a website with another agency. Except in the case of a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency as provided for in this chapter, an agency is not required to post a special meeting notice on its website if it employs ~~((fewer than ten))~~ no full-time equivalent employees ~~((i))~~, or ~~((iii))~~ does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location and is not held as a remote meeting; except that during a declared emergency which prevents a meeting from being held in-person with reasonable safety an agency that hosts a website or shares a website with another agency may instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency.

Such notice must be delivered or posted, as applicable, at least ~~((twenty-four))~~ 24 hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage, or

when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against.

Sec. 11. RCW 42.30.090 and 2012 c 117 s 125 are each amended to read as follows:

The governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. (~~Whenever~~) Except in the case of remote meetings without a physical location as provided for in this chapter, whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

Sec. 12. RCW 42.30.110 and 2019 c 162 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a)(i) To consider matters affecting national security;

(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans,

security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a

candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. The announced purpose of excluding the public must be entered into the minutes of the meeting required by RCW 42.30.035.

NEW SECTION. Sec. 13. A new section is added to chapter 42.30 RCW to read as follows:

(1) Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

(2) Upon the request of any individual who will have difficulty attending a meeting of the governing body of a public agency by reason of disability, limited mobility, or for any other reason that

makes physical attendance at a meeting difficult, the governing body shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

(3) Nothing in this section prevents a governing body from allowing public comment on items not on the meeting agenda.

(4) Nothing in this section diminishes the authority of governing bodies to deal with interruptions under RCW 42.30.050, limits the ability of the governing body to put limitations on the time available for public comment or on how public comment is accepted, or requires a governing body to accept public comment that renders orderly conduct of the meeting unfeasible.

Sec. 14. RCW 42.30.900 and 1971 ex.s. c 250 s 16 are each amended to read as follows:

This chapter may be known and cited as the ("Open Public Meetings Act of 1971") Washington state open public meetings act or OPMA.

NEW SECTION. **Sec. 15.** Sections 5 through 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "participation;" strike the remainder of the title and insert "amending RCW 42.30.010, 42.30.030, 42.30.040, 42.30.050, 42.30.070, 42.30.077, 42.30.080, 42.30.090, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wicks and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dent, Dufault, Jacobsen, Klippert, Kraft, McCaslin, McEntire, Sutherland and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1646 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) In 2020, an estimated 120,000 Washingtonians age 65 and older were living with Alzheimer's disease or another dementia and the number is expected to rise to 140,000 by 2025;

(2) Dementia affects the whole family in many ways, including pulling family members, most often women, out of the workforce to care for their loved ones with the disease;

(3) There are an estimated 295,000 unpaid caregivers in Washington providing 426,000,000 total hours of unpaid care annually;

(4) The legislature authorized the preparation of the first Washington state plan to address Alzheimer's disease and other dementias in 2016; and

(5) There is great value in continuing to improve awareness and services for individuals living with Alzheimer's disease and other dementias, and reestablishing the formal dementia action collaborative to update the state plan and make recommendations is essential.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) The dementia action collaborative is established with members as provided in this subsection.

(a) The governor shall appoint the following members, and may appoint additional members at the governor's discretion:

(i) A representative of the governor's office;

(ii) A representative and an alternate from the department in the aging and long-term support administration;

(iii) A representative and an alternate from the department in the developmental disabilities administration;

(iv) A representative and an alternate from the department of health;

(v) A representative and an alternate from the health care authority;

(vi) A representative and an alternate from the office of the state long-term care ombuds;

(vii) At least one person with Alzheimer's disease or another dementia;

(viii) A caregiver of a person with Alzheimer's disease or another dementia;

(ix) A representative of the University of Washington's memory and brain wellness center;

(x) A representative of an organization representing area agencies on aging;

(xi) A representative of an association representing long-term care facilities in Washington;

(xii) A representative of an association representing physicians in Washington;

(xiii) A representative of a Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias;

(xiv) A representative of an Alzheimer's advocacy organization;

(xv) An attorney who specializes in elder law;

(xvi) An Alzheimer's disease researcher;

(xvii) A representative of an organization representing emergency medical service providers in Washington;

(xviii) An expert in workforce development;

(xix) A representative of the Washington state council on aging;

(xx) A representative of the governor's office of Indian affairs;

(xxi) A licensed behavioral health provider with clinical expertise in Alzheimer's disease or other dementias;

(xxii) A representative of a health care organization that primarily serves people of color, including seniors; and

(xxiii) A nurse with expertise in serving individuals with Alzheimer's disease or other dementias.

(b) In appointing members to the dementia action collaborative, the governor shall give priority to persons who had previously served on the Alzheimer's disease working group established pursuant to chapter 89 (Senate Bill No. 6124), Laws of 2014, and its successor work groups.

(2)(a) The secretary or the secretary's designee shall convene the dementia action collaborative and submit all required reports. The secretary or the secretary's designee shall serve as the cochair with either the member representing an Alzheimer's disease advocacy organization or the member representing the Washington-based organization of volunteers, family, and friends of those affected by Alzheimer's disease and other dementias.

(b) The department shall provide any necessary administrative support to the dementia action collaborative.

(c) Meetings of the dementia action collaborative must be open to the public. At least one meeting each year must accept comments on the dementia action collaborative's proposed recommendations from members of the public, including comments from persons and families affected by Alzheimer's disease or other dementias. The department must use technological means, such as web casts, to assure public participation.

(3)(a) The dementia action collaborative must assess the current and future impacts of Alzheimer's disease and other dementias on Washington residents, including:

(i) Examining progress in implementing the Washington state Alzheimer's plan adopted in 2016;

(ii) Assessing available services and resources for serving persons with Alzheimer's disease and other dementias, as well as their families and caregivers;

(iii) Examining and developing strategies to rectify disparate effects of Alzheimer's disease and other dementias on people of color; and

(iv) Developing a strategy to mobilize a state response to this public health crisis.

(b) In addition to the activities in (a) of this subsection, the dementia action collaborative must review and revise the Washington state Alzheimer's plan adopted in 2016, and any subsequent revisions to that plan. Revisions to the plan must evaluate and address:

(i) Population trends related to Alzheimer's disease and other dementias, including:

(A) Demographic information related to Washington residents living with Alzheimer's disease or other dementias, including average age, average age at first diagnosis, gender, race, and comorbidities; and

(B) Disparities in the prevalence of Alzheimer's disease and other dementias between different racial and ethnic populations;

(ii) Existing services, resources, and health care system capacity, including:

(A) The types, cost, and availability of dementia services, medicaid reimbursement rates for dementia services, and the effect of medicaid reimbursement rates on the availability of dementia services;

(B) Dementia-specific training requirements for long-term services and supports staff;

(C) The needs of public safety and law enforcement to respond to persons with Alzheimer's disease or other dementias;

(D) The availability of home and community-based resources, including respite care and other services to assist families, for persons with Alzheimer's disease or other dementias;

(E) Availability of long-term dementia care beds, regardless of payer;

(F) State funding and Alzheimer's disease research through Washington universities and other resources; and

(G) Advances in knowledge regarding brain health, dementia, and risk reduction related to Alzheimer's disease and other dementias since the adoption of the Washington state Alzheimer's plan established in 2016.

(4) The department must submit a report of the dementia action collaborative's findings and recommendations to the governor and the legislature in the form of an updated Washington state Alzheimer's plan no later than October 1, 2023. The department must submit annual updates and recommendations of the dementia action collaborative for legislative and executive branch agency action to the governor and the legislature each October 1st, beginning October 1, 2024.

(5) This section expires June 30, 2028."

On page 1, line 2 of the title, after "collaborative;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1646 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Bateman and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1646, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1646, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1646, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1725 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that indigenous people experience disproportionate rates of violence in Washington state. Tribes, state leaders, and grassroots activists have done substantial work to identify factors directly affecting the rates of violence and to ensure that addressing the crisis

of missing and murdered indigenous people is a priority at every level. The legislature intends to provide law enforcement with additional tools to disseminate timely, accurate information to engage the public more effectively in assisting with locating missing indigenous people, and to compensate for the unique challenges that indigenous communities face accessing media coverage and the ability to share information.

Sec. 2. RCW 13.60.010 and 2017 3rd sp.s. c 6 s 315 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the maintenance and operation of a toll-free telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of children, youth, and families, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "amber alert plan" or an "endangered missing person advisory plan" which includes ((a)) "silver alert" ((~~designation~~)) and "missing indigenous person alert" designations for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children" means an individual under ((~~eighteen~~)) 18 years of age.

(b) "Missing endangered person" means ((a)):

(i) A missing indigenous woman or indigenous person; or

(ii) A person who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance and who is:

((+i+)) (A) A person with a developmental disability as defined in RCW 71A.10.020(5);

((+ii+)) (B) A vulnerable adult as defined in RCW 74.34.020; or

((+iii+)) (C) A person who has been diagnosed as having Alzheimer's disease or other age-related dementia.

(c) "Missing indigenous person alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing indigenous person.

(d) "Silver alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing endangered person age ~~((sixty))~~ 60 or older."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 13.60.010; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1725 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1725, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1725, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1725, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1779 with the following amendment:

On page 2, line 20, strike "and"

On page 2, line 22, after "hospitals" insert "; and"

(4) Hospitals that qualify as a medicare dependent hospital"

On page 2, after line 22, insert the following:

"NEW SECTION. Sec. 3. (1) The surgical smoke evacuation account is created in the custody of the state treasurer. Revenues to the account consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for

purposes provided in subsection (3) of this section.

(2) By July 1, 2025, the director of the department of labor and industries must certify to the state treasurer the amount of any unobligated moneys in the surgical smoke evacuation account that were appropriated by the legislature from the general fund during the 2023-2025 fiscal biennium, and the treasurer must transfer those moneys back to the general fund.

(3)(a) Subject to the funds available in the surgical smoke evacuation account and beginning January 2, 2025, a hospital described in (b) of this subsection may apply to the department of labor and industries for reimbursement for the costs incurred by the hospital on or before January 1, 2025, to purchase and install smoke evacuation systems as defined in section 1 of this act. The reimbursement may not exceed \$1,000 for each operating room in the hospital. The reimbursements under this subsection are only available until moneys contained in the account are exhausted.

(b) Only the following hospitals may apply for reimbursement:

(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(ii) Hospitals with fewer than 25 acute care beds in operation;

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(iv) Hospitals that qualify as a medicare dependent hospital.

(c) The department of labor and industries must determine the process for making an application for reimbursement."

On page 1, line 2 of the title, after "49.17 RCW;" insert "creating a new section;"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1779 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Callan and Hoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Corry, Dent, Dufault, Dye, Eslick, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, Schmick, Shewmake, Sutherland, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1779, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1893 with the following amendment:

On page 4, after line 2, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 18.71 RCW to read as follows:

(1) Emergency medical services providers who are currently licensed or certified in another state or who hold a current certification from a national certifying agency approved by the department are eligible for a Washington provisional emergency services provider certification.

(2) To be eligible for a Washington provisional emergency services provider certification, the applicant shall:

(a) Be currently licensed or certified in another state and be in good standing with the emergency medical services board of that state or hold a current emergency medical services provider certification from a national certifying agency approved by the department;

(b) Be employed or have a valid employment offer from a Washington emergency medical services agency; and

(c) Be approved for a provisional status from the county medical program director in which the applicant is or will be employed.

(3) If the employer or host agency has:

(a) Fewer than 25 employees holding a current emergency medical technician or paramedic certification or license, up to 20 percent of those employees, rounded to the next whole number, may practice under a provisional certification; or

(b) Twenty-five or more employees holding a current emergency medical technician or paramedic certification or license, up to 10 percent of those employees, rounded to the next whole number, may practice under a provisional certification.

Sec. 3. RCW 18.73.081 and 1993 c 254 s 1 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for provisional certification, certification, recertification, decertification, or modification of certificates;

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

(e) Review and approval or disapproval of training programs; and

(f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors.

Sec. 4. RCW 18.71.205 and 2015 c 93 s 3 are each amended to read as follows:

(1) The secretary of the department of health shall prescribe:

(a) Practice parameters, training standards for, and levels of, physician's trained advanced emergency medical technicians and paramedics;

(b) Minimum standards and performance requirements for the certification and recertification of physician's trained advanced emergency medical technicians and paramedics; and

(c) Procedures for provisional certification, certification, recertification, and decertification of physician's trained advanced emergency medical technicians and paramedics.

(2) Initial certification shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(4) As used in this chapter and chapter 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to this chapter or osteopathic medicine and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

(5) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

(6) Such activities of physician's trained advanced emergency medical technicians and paramedics shall be limited to actions taken under the express written or oral order of medical program directors and shall not be construed at any time to include freestanding or nondirected actions, for actions not presenting an emergency or life-threatening condition, except nonemergency activities performed pursuant to subsection (7) of this section.

(7) Nothing in this section prohibits a physician's trained advanced emergency medical technician or paramedic, acting under the responsible supervision and direction of an approved medical program director, from participating in a community assistance referral and education services program established under RCW 35.21.930 if such participation does not exceed the participant's training and certification."

On page 1, line 3, after "request;" strike "and amending RCW 18.73.030." and insert "amending RCW 18.73.030, 18.73.081, and 18.71.205; and adding a new section to chapter 18.71 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1893 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Donaghy and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1893, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1893, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Graham, Kraft, McCaslin, Sutherland and Young.

SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Suicide is a public health issue that affects many Washington families and communities daily. Over the last 10 years, Washington state has been at the forefront of suicide prevention, investing more in upstream suicide prevention strategies and supports with the goal of a noteworthy reduction in suicide by 2025.

(2) At the request of the governor, in 2020 Washington stakeholders engaged in a national and statewide initiative to end veteran and military member suicide. This initiative culminated in a new state plan to educate providers and help them address the unique needs of veterans and military members, particularly those in transition to civilian life; and to provide resources and supports including improved lethal means safety training. The purpose of this act is to support the implementation of that plan.

(3) Service members, veterans, and their families are at a higher risk of being affected by suicide as experiences prior to enlistment, during service, and transition from service can contribute to suicidal thoughts and behaviors. A report on post-9/11 era military deaths by the United States department of veterans affairs found that service members are four times more likely to die by suicide than in military operations. Over 7,000 service members died in combat during the global war on terror, while more than 30,000 active duty members and veterans died by suicide. For veterans of all United States military operations, there is an average of 22 suicide deaths per day across the country, with one occurring every 65 minutes.

(4) Washington is home to 544,290 veterans, 60,699 active duty service members, 17,941 guard and reserve service members, and 2,000,000 military and veteran family members. Although veterans themselves make up only seven percent of the Washington population, they account for 19 percent of total suicides in the state. Nearly 1,000 veterans have died by suicide in Washington state over the last five years. More than two-thirds of veterans who died by suicide in Washington used a firearm.

(5) Family members of veterans who die by suicide are at higher risk for future suicide due to the exposure of experiencing suicide loss. Research shows for every suicide that occurs, 135 people suffer from the effects either

directly or indirectly, meaning veteran suicides impact a community of 2,600,000 people.

(6) There is no one path to suicide, but life experiences, moral injury, trauma, culture, and health can play a major role in suicidal behavior. Military and veteran culture in particular includes stigma around mental wellness and help-seeking behavior, emphasizes reliability on group cohesion, and facilitates access, comfortability, and familiarity with lethal means such as firearms. Additionally, a significant number of veterans do not seek care within the veterans administration system.

(7) The legislature intends to address the tragedy of suicide amongst veterans, military members, and their families through support of professionals and community and peer organizations serving veterans, cultural changes that support help-seeking behaviors, and investments in education, training, prevention, and care.

NEW SECTION. Sec. 2. A new section is added to chapter 43.60A RCW to read as follows:

(1) There is created in the department a suicide prevention community-based services grant program. The purpose of the grant program is to provide suicide prevention, peer support, and other assistance to at-risk and transitioning veterans and military members and their families in their communities.

(2) Subject to the availability of amounts appropriated for the specific purposes provided in this section and amounts disbursed from the veterans and military members suicide prevention account created in section 3 of this act, the department, in consultation with the forefront suicide prevention center, must establish a process to receive, review, process, and award grants to organizations, including nonprofit and peer support community programs, that address veterans, military members, and their families who may be at risk of suicide and other mental health crises. Priority should be given to organizations using peer support models that use evidence-based, research-based, or promising practices.

(3) The department shall report to the legislature annually beginning July 1, 2023, on grant recipients, number of veterans and military members served, and

the types of services offered by grant recipients.

(4) The forefront suicide prevention center shall evaluate the effectiveness of each grant program recipient providing suicide prevention and peer support services to veterans, military members, and their families who may be at risk of suicide and other mental health crises.

(5) For the purposes of this section, "forefront suicide prevention center" means the University of Washington's forefront suicide prevention center of excellence.

NEW SECTION. Sec. 3. A new section is added to chapter 43.60A RCW to read as follows:

(1) The veterans and military members suicide prevention account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature, revenues received from the prevent veteran suicide emblem under section 8 of this act, and all receipts from gifts, grants, bequests, devises, or other donations from public and private sources to support veterans and military members suicide prevention measures. Expenditures from the account may be used only for the purposes provided in subsection (3) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, and voluntary donations for deposit into the account, including funds generated by voluntary donations under (b) of this subsection.

(b) The department may accept, for deposit into the account, voluntary donations from persons who are: (i) Applying for a concealed pistol license or renewal of a concealed pistol license; or (ii) undergoing a background check under chapter 9.41 RCW in connection with the purchase of a firearm from a firearms dealer. The department shall coordinate with local law enforcement agencies, the department of licensing, and firearms dealers licensed under chapter 9.41 RCW to develop a form and process for publicizing and collecting voluntary donations under this subsection. The

department and the department of licensing shall post educational information regarding the voluntary donation provisions of this section on their websites.

(3) All moneys deposited into the account must be used for activities that are dedicated to the benefit of veteran and military member suicide education and prevention including, but not limited to: (a) Expanding the department's peer corps program; and (b) providing programs, peer support, and services that assist veterans and military members in addressing mental health and wellness impacts of military service, trauma, moral injury, and transition to civilian life. Funds may also be used for the suicide prevention community-based services grant program established in section 2 of this act. Funds from the account may not be used to supplant existing funds received by the department nor shall grant recipients use the funds to supplant existing funding.

(4) For the purposes of this section the following definitions apply:

(a) "Veteran" has the same meaning as provided in RCW 41.04.005 and 41.04.007.

(b) "Military members" means actively serving members of the national guard or reserves, or active duty military personnel.

(c) "Account" means the veterans and military members suicide prevention account.

NEW SECTION. Sec. 4. A new section is added to chapter 43.60A RCW to read as follows:

Beginning December 2022, subject to the availability of amounts appropriated for this specific purpose, the governor's challenge team and service members, veterans, and their families suicide prevention advisory committee shall report to the legislature on a biannual basis regarding implementation of the plan developed by the committee.

NEW SECTION. Sec. 5. A new section is added to chapter 43.60A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall:

(1) Create and maintain a database of information on nonprofit, for-profit, city, county, state, and federal

organizations, providers, and resources that address the mental health, well-being, and suicide prevention of veterans, military members, and their families. The department shall establish criteria for inclusion in the database by July 1, 2022. The department must make the database accessible on its website to veterans, military members, and their families by July 1, 2023;

(2) Provide suicide prevention education training and information for veterans, military members, and their families that is accessible through the internet; and

(3) By December 1, 2023, create, in consultation with the suicide-safer homes task force, a web-based application to be shared by state agencies and primary care providers with veterans, military members, and their families to provide applicable information and resources including but not limited to benefits, mental health resources, and lethal means safety information.

NEW SECTION. **Sec. 6.** A new section is added to chapter 18.130 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall consult with the department of veterans affairs to create educational materials informing health care providers regulated under this chapter about the availability of the nationwide 988 phone number for individuals in crisis to connect with suicide prevention and mental health crisis counselors. The educational materials must include information about the veterans crisis line for veterans and service members, and, beginning July 1, 2023, information about the resources developed under section 5 of this act.

(2) The department shall:

(a) Determine the health professions to which this section shall apply; and

(b) Collaborate with the corresponding disciplining authority under RCW 18.130.020 to ensure that the educational materials are distributed electronically to appropriate licensed health care providers when a provider renews his or her license.

(3) Beginning July 1, 2023, all health care providers are strongly encouraged to inquire with new patients entering care

whether the patient is a veteran, member of the military, or a family member of a veteran or member of the military. If the patient responds in the affirmative, the provider is encouraged to share the educational materials created under this section with the patient.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a suicide-safer homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the department of veterans affairs. To the extent possible, the task force membership should include representatives from geographically diverse and priority populations, including tribal populations.

(2) The suicide-safer homes task force shall be cochaired by the director, or the director's designee, of the department of veterans affairs and the director, or the director's designee, of the forefront suicide prevention center and also consist of the following members:

(a) Two representatives of suicide prevention organizations, selected by the cochaairs of the task force;

(b) Two representatives of the firearms industry, selected by the cochaairs of the task force;

(c) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochaairs of the task force;

(d) Two representatives of law enforcement agencies, selected by the cochaairs of the task force;

(e) One representative from the department of health;

(f) One representative from the department of fish and wildlife;

(g) One individual representing veterans;

(h) One member of a Washington or federally recognized Indian tribe;

(i) Two veterans;

(j) One representative of the national rifle association;

(k) One representative of the Second Amendment foundation;

(l) One representative of a nonprofit organization working on gun safety issues;

(m) One representative of a national firearms trade association;

(n) One representative of a Washington state pharmacy association; and

(o) No more than five other interested parties, selected by the cochairs of the task force.

(3) The department of veterans affairs shall convene the initial meeting of the task force.

(4) The task force shall:

(a) Develop and prepare to disseminate online trainings on suicide awareness and prevention for firearms dealers and their employees and firearm range owners and their employees;

(b) Partner with medical providers, firearms dealers, firearms ranges, and pharmacies to develop and distribute suicide awareness and prevention messages for posters and brochures;

(c) In consultation with the department of fish and wildlife, develop strategies for creating and disseminating suicide awareness and prevention information for hunting safety classes, including messages to parents that can be shared during online registration, in either follow-up email communications, or in writing, or both;

(d) Create a website that will be a clearinghouse for the newly created suicide awareness and prevention materials developed by the task force;

(e) Continue to support medical providers with suicide prevention and awareness work through the dissemination of collateral education programs;

(f) Allocate funding towards the purchase of lock boxes for dissemination via the forefront suicide prevention center's TeleSAFER program;

(g) Develop and direct advocacy efforts with firearms dealers to pair suicide awareness and prevention training with distribution of safe storage devices;

(h) Partner with a statewide pharmacy association to market and promote medication disposal kits and safe storage devices;

(i) Train health care providers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices; and

(j) Train local law enforcement officers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices.

(5) The forefront suicide prevention center shall provide subject matter expertise, technical and programmatic support, and consultation and evaluation to the task force.

(6) Beginning December 1, 2022, the task force shall annually report to the legislature on the status of its work.

(7) This section expires July 1, 2024.

NEW SECTION. **Sec. 8.** A new section is added to chapter 46.18 RCW to read as follows:

(1) The general public may purchase a prevent veteran suicide emblem for a prescribed fee set by the department. The emblem must be displayed on license plates in the manner described by the department, existing vehicular registration procedures, and current laws.

(2) The department, in creating the prevent veteran suicide emblem, must consult with the department of veterans affairs on the design of the emblem. The emblem must incorporate the 988 suicide prevention hotline or its successor.

(3) Revenues from the prevent veteran suicide emblem must be deposited into the veterans and military members suicide prevention account created in section 3 of this act.

NEW SECTION. **Sec. 9.** A new section is added to chapter 74.04 RCW to read as follows:

During the application process for public assistance benefits, the department shall inquire of each applicant whether he or she has ever served in the United States military services or is a family or household member of someone who has ever served in the United States military services. If the applicant answers in the affirmative, the department shall provide the

applicant with information on how to contact the Washington department of veterans affairs to inquire as to whether the applicant may be eligible for any benefits, services, or programs offered to veterans, military members, or their families.

NEW SECTION. Sec. 10. A new section is added to chapter 9.41 RCW to read as follows:

(1) In order to better prevent suicide by veterans, military members, and their families, an expansion of safe storage of firearms and reduced access to lethal means in the community is encouraged.

(2) A dealer who provides a service of allowing a person to temporarily store a firearm on the dealer's premises in a storage locker, box, or container that is locked and not accessible to the dealer does not thereby create a special relationship, for civil liability purposes, between the dealer and the person who temporarily stores the firearm on the dealer's premises.

NEW SECTION. Sec. 11. A new section is added to chapter 39.04 RCW to read as follows:

(1)(a) For any building, bridge, ferry, or park being constructed or replaced after July 1, 2024, as a public works project, there must be installed in appropriate locations signs displaying the 988 national suicide prevention and mental health crisis hotline.

(b) The public body as defined in RCW 39.10.210 in control of a public works project in this subsection must decide where signs under this section would be physically feasible and appropriate. The following facilities are recommended to have such signs:

(i) Bridges where suicides by jumping have occurred or are likely to occur; and

(ii) Locations that provide services to people that have high incidence of suicide or mental health conditions that would benefit from knowing about the hotline.

(c) The signs must be designed to communicate that dialing 988 on a telephone will connect callers to behavioral health and suicide prevention services as provided in accordance with state and federal laws governing the 988 number.

(d) If a sign is located along a state highway or the interstate system, the department of transportation must approve the location prior to erecting the sign, but no permit is necessary.

(e) Signs created under this section may not conflict with provisions of the manual of uniform traffic control devices or existing state laws related to placement and design of signs.

(2) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on the public body if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of this section, notwithstanding any other provision of law.

(3) The public body may accept gifts or donations to pay for the creation, installation, or maintenance of signs under this section.

NEW SECTION. Sec. 12. A new section is added to chapter 43.34 RCW to read as follows:

Any memorial established on capitol campus to commemorate the global war on terror must recognize service members who died in Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn, which are classified under the umbrella term global war on terror. Any such memorial must include a component designed to reflect on the great number of active duty service members and veterans who have died by suicide after serving in these wars. The design of such a memorial must serve to honor those who are lost and provide a sacred space for healing and reflection for veterans and military families.

NEW SECTION. Sec. 13. (1) The Washington state global war on terror memorial account is created in the custody of the state treasurer. The purpose of the account is to support the establishment and maintenance of the memorial. The secretary of state may solicit and accept moneys from gifts, grants, or endowments for this purpose. All receipts from federal funds, gifts, or grants from the private sector, foundations, or other sources must be deposited into the account. Expenditures from the account may be used only for the design, siting, permitting,

construction, maintenance, dedication, or creation of educational materials related to placement of this memorial on the capital campus. Only the secretary of state, or the secretary of state's designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but appropriation is not required for expenditures.

(2) The secretary of state may adopt rules governing the receipt and use of these funds.

NEW SECTION. **Sec. 14.** Section 11 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 15.** Section 8 of this act takes effect October 1, 2022.

NEW SECTION. **Sec. 16.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "adding new sections to chapter 43.60A RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 46.18 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 9.41 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 43.34 RCW; creating new sections; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that service and overseas voters have the right to vote for their elected officials. To effectuate this right, service and overseas voters must have access to the same ballot materials as voters present in the state with sufficient time to thoughtfully consider candidates and issues before casting a ballot. Accordingly, the legislature intends to ensure that voters' pamphlets are available to service and overseas voters at the same time as the ballot.

Sec. 2. RCW 29A.32.260 and 2011 c 10 s 30 are each amended to read as follows:

As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every

residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. The county auditor shall either mail or send a printable electronic version of the state and local voters' pamphlets to any service or overseas voter registered in the jurisdiction who has requested them.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "voters;" strike the remainder of the title and insert "amending RCW 29A.32.260; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Mosbrucker and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1357, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby,

Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1376 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The following acts or parts of acts are each repealed:

(1)RCW 65.12.005 (Registration authorized—Who may apply) and 2012 c 117 s 211 & 1907 c 250 s 1;

(2)RCW 65.12.010 (Land subject to a lesser estate) and 1907 c 250 s 2;

(3)RCW 65.12.015 (Tax title land—Conditions to registration) and 2012 c 117 s 212 & 1907 c 250 s 3;

(4)RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250 s 4;

(5)RCW 65.12.025 (Various lands in one application) and 1907 c 250 s 5;

(6)RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

(7)RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009 c 521 s 145, & 1907 c 250 s 7;

(8)RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

(9)RCW 65.12.050 (Registrars of titles) and 1907 c 250 s 9;

(10)RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 & 1907 c 250 s 10;

(11)RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c 117 s 215 & 1907 c 250 s 11;

(12)RCW 65.12.065 (Registrar not to practice law—Liability for deputy) and 2012 c 117 s 216 & 1907 c 250 s 12;

(13)RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117 s 217 & 1907 c 250 s 14;

(14)RCW 65.12.080 (Filing application—Docket and record entries) and 1907 c 250 s 15;

(15)RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s 15a;

(16)RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond) and 2012 c 117 s 218 & 1907 c 250 s 13;

(17)RCW 65.12.100 (Copy of application as lis pendens) and 1907 c 250 s 16;

(18)RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 & 1907 c 250 s 17;

(19)RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

(20)RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c 250 s 206;

(21)RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

(22)RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 & 1907 c 250 s 20;

(23)RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense) and 2012 c 117 s 220 & 1907 c 250 s 20a;

(24)RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

(25)RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 & 1907 c 250 s 22;

(26)RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s 23;

(27)RCW 65.12.160 (Cause set for trial—Default—Referral) and 2012 c 117 s 222 & 1907 c 250 s 24;

(28)RCW 65.12.165 (Court may require further proof) and 1907 c 250 s 25;

(29)RCW 65.12.170 (Application dismissed or withdrawn) and 2012 c 117 s 223 & 1907 c 250 s 26;

(30)RCW 65.12.175 (Decree of registration—Effect—Appellate review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, & 1907 c 250 s 27;

(31)RCW 65.12.180 (Rights of persons not served) and 2012 c 117 s 225 & 1907 c 250 s 28;

(32)RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;

(33)RCW 65.12.195 (Title free from incumbrances—Exceptions) and 1907 c 250 s 30;

(34)RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226 & 1907 c 250 s 31;

(35)RCW 65.12.210 (Interest acquired after filing application) and 1907 c 250 s 32;

(36)RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907 c 250 s 33;

(37)RCW 65.12.225 (Withdrawal authorized—Effect) and 1917 c 62 s 2;

(38)RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44 & 1917 c 62 s 3;

(39)RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;

(40)RCW 65.12.240 (Effect of recording) and 1917 c 62 s 5;

(41)RCW 65.12.245 (Title prior to withdrawal unaffected) and 1917 c 62 s 6;

(42)RCW 65.12.250 (Entry of registration—Records) and 2012 c 117 s 228 & 1907 c 250 s 34;

(43)RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46, 2012 c 117 s 229, & 1907 c 250 s 35;

(44)RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s 230 & 1907 c 250 s 36;

(45)RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 & 1907 c 250 s 37;

(46)RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47 & 1907 c 250 s 38;

(47)RCW 65.12.275 (Exchange of certificates—Platting land) and 1907 c 250 s 39;

(48)RCW 65.12.280 (Effective date of certificate) and 1907 c 250 s 40;

(49)RCW 65.12.290 (Certificate of title as evidence) and 2012 c 117 s 232 & 1907 c 250 s 41;

(50)RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233 & 1907 c 250 s 42;

(51)RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c 117 s 234 & 1907 c 250 s 43;

(52)RCW 65.12.320 (Dealings with registered land) and 2012 c 117 s 235 & 1907 c 250 s 44;

(53)RCW 65.12.330 (Registration has effect of recording) and 1907 c 250 s 45;

(54)RCW 65.12.340 (Filing—Numbering—Indexing—Public records) and 1907 c 250 s 46;

(55)RCW 65.12.350 (Duplicate of instruments certified—Fees) and 1907 c 250 s 47;

(56)RCW 65.12.360 (New certificate—Register of less than fee—When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s 48;

(57)RCW 65.12.370 (Owner's certificate to be produced when new certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;

(58)RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250 s 50;

(59)RCW 65.12.380 (Conveyance of registered land) and 2012 c 117 s 238 & 1907 c 250 s 51;

(60)RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s 52;

(61)RCW 65.12.400 (Registered land charged as other land) and 1907 c 250 s 53;

(62)RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c 250 s 54;

(63)RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;

(64)RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s 239 & 1907 c 250 s 56;

(65)RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;

(66)RCW 65.12.440 (Foreclosures on registered land) and 1907 c 250 s 58;

(67)RCW 65.12.445 (Registration of final decree—New certificate) and 2012 c 117 s 240 & 1907 c 250 s 59;

(68)RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c 117 s 241 & 1907 c 250 s 60;

(69)RCW 65.12.460 (Petition for new certificate) and 1907 c 250 s 61;

(70)RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242 & 1907 c 250 s 62;

(71)RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s 243 & 1907 c 250 s 63;

(72)RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s 244 & 1907 c 250 s 64;

(73)RCW 65.12.500 (Trustee may register land) and 2012 c 117 s 245 & 1907 c 250 s 65;

(74)RCW 65.12.510 (Creation of lien on registered land) and 1907 c 250 s 66;

(75)RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;

(76)RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c 117 s 246 & 1907 c 250 s 68;

(77)RCW 65.12.540 (Decree) and 1907 c 250 s 69;

(78)RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s 247 & 1907 c 250 s 70;

(79)RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s 248 & 1907 c 250 s 71;

(80)RCW 65.12.570 (Land registered only after redemption period) and 2012 c 117 s 249 & 1907 c 250 s 72;

(81)RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s 73;

(82)RCW 65.12.590 (Probate court may direct sale of registered land) and 2012 c 117 s 250 & 1907 c 250 s 74;

(83)RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251 & 1907 c 250 s 75;

(84)RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s 252 & 1907 c 250 s 76;

(85)RCW 65.12.620 (Registration when owner's certificate withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;

(86)RCW 65.12.630 (Reference to examiner of title) and 1907 c 250 s 78;

(87)RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 & 1907 c 250 s 79;

(88)RCW 65.12.640 (Registered instruments to contain names and

addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;

(89)RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s 256 & 1907 c 250 s 81;

(90)RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75 & 1907 c 250 s 82;

(91)RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;

(92)RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;

(93)RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;

(94)RCW 65.12.700 (When fund not liable—Maximum liability) and 1907 c 250 s 86;

(95)RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258, 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;

(96)RCW 65.12.720 (Proceeding to change records) and 2012 c 117 s 259 & 1907 c 250 s 88;

(97)RCW 65.12.730 (Certificate subject of theft—Penalty) and 2003 c 53 s 291 & 1907 c 250 s 89;

(98)RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s 90;

(99)RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s 293 & 1907 c 250 s 91;

(100)RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907 c 250 s 92;

(101)RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s 260 & 1907 c 250 s 93;

(102)RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c 250 s 94;

(103)RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261, 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;

(104)RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 & 1907 c 250 s 96; and

(105)RCW 65.12.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

NEW SECTION. **Sec. 2.** The repeal of the statutes listed in section 1 of this act does not affect any right accrued or established, or any liability or penalty incurred, under those statutes before their repeal.

NEW SECTION. **Sec. 3.** Unless real property subject to the provisions of chapter 65.12 RCW on the effective date of this section is previously withdrawn from the registry system by its owner in the manner provided by section 4 of this act, the real property shall cease to be subject to the provisions of chapter 65.12 RCW upon the effective date of this section.

NEW SECTION. **Sec. 4.** (1) By July 1, 2023, the owner of real property registered under the provisions of chapter 65.12 RCW on the effective date of this section shall surrender their duplicate certificate of title for the real property or their certified copy of the original certificate of title for the real property, as the case may be, to the registrar of titles for the county in which the real property is situated. If such duplicate certificate or certified copy has been lost, mislaid, or destroyed the owner of the real property shall make affidavit before the registrar of titles or any other officer authorized to administer oaths wherein the owner shall state, to the best of his or her knowledge, the circumstances of the loss, the description of the real property, the name and address of each registered owner, and each such owner's interest in the real property.

(2) Except as otherwise provided by subsection (3) of this section, the surrender of the duplicate certificate, certified copy, or the making of an affidavit under subsection (1) of this section shall be considered as a withdrawal of the real property therein described from the registry system in accordance with chapter 65.12 RCW.

(3) The registrar of titles for the county in which the real property is situated shall:

(a) Accept, without charging therefor, the surrender of such duplicate certificate of title, certified copy of the original certificate of title, or affidavit; and

(b) Issue, without charging therefor, a certificate of withdrawal for the real property as required by chapter 65.12 RCW; and

(c) Cause to be duly recorded in the office of the county auditor for the county, without charge, the certificate of withdrawal issued under (b) of this subsection and all instruments filed in the office of the registrar of titles that relate to outstanding interests in such real property and to outstanding liens, mortgages, and other charges upon such real property, referred to in or noted upon the original certificate of title to such real property on the date of the issuance of the certificate of withdrawal for such real property pursuant to (b) of this subsection.

NEW SECTION. Sec. 5. On July 1, 2023, the registrar of titles for the county shall cause the volumes of the register of titles for the county and the accompanying alphabetical indices and tract indices and other files and records in the office of the registrar of titles to be closed and placed in the permanent deed records of the county. At this time all properties remaining in registration are automatically withdrawn according to section 4(3) (b) and (c) of this act.

NEW SECTION. Sec. 6. (1) By December 1, 2022, the registrar of titles for each county shall send to each owner of real property situated in the county that is subject to the provisions of this act a written notice containing the following:

(a) A statement that the registry system has been discontinued by this act;

(b) A statement that such owner's real property will cease to be subject to registration under this act on July 1, 2023;

(c) A statement that such owner may withdraw, without charge, his or her real property from registration and the provisions of this act in the manner provided in section 4 of this act prior to such date;

(d) A statement that the validity and priority of lien interest or ownership is not affected by this process; and

(e) A statement that the registrar of titles for the county, upon completion of the required withdrawal procedures, shall cause the instruments described in section 4(3) of this act to be properly restored to the recording system without charge.

(2) The registrar of titles shall send the notice required by subsection (1) of this section to each such owner at the

most recent address indicated on the original certificate of title for the owner's real property contained in the volumes of the register of titles for the county.

NEW SECTION. Sec. 7. Sections 3 and 5 of this act take effect July 1, 2023."

On page 1, line 1 of the title, after "titles;" strike the remainder of the title and insert "creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1376 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Fey spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1376, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Chase, Dent, Dufault, Jacobsen, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Walsh and Young.

HOUSE BILL NO. 1376, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1571 with the following amendment:

On page 3, line 16, after "agencies," insert "federally recognized tribes,"

On page 4, line 8, after "agencies," insert "federally recognized tribes,"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO.

1571 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Mosbrucker and Lekanoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1571, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1571, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630 with the following amendments:

On page 2, line 13, after "guilty of a" strike "gross" and insert "((gross))"

On page 2, line 13, after "misdemeanor." insert "Second and subsequent violations of subsection (1) of this section are a gross misdemeanor."

On page 5, line 33, after "guilty of a" strike "gross" and insert "((gross))"

On page 5, line 34, after "misdemeanor." insert "Second and

subsequent violations of this section are a gross misdemeanor."

On page 6, line 27, after "guilty of a" strike "gross"

On page 6, line 27, after "misdemeanor." insert "Second and subsequent violations of this section are a gross misdemeanor."

On page 8, line 31, after "guilty of a" strike "gross"

On page 8, line 31, after "misdemeanor." insert "Second and subsequent violations of subsection (1) of this section are a gross misdemeanor."

On page 3, beginning on line 39, after "while" strike all material through "student" on line 40 and insert "~~(picking)~~":

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property"

On page 10, beginning on line 17, after "while" strike all material through "student" on line 18 and insert "":

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property"

and the same are herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Senn spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1630, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1630, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1644 with the following amendment:

On page 2, line 22, after "vehicles;" strike "and"

On page 2, line 26, after "installation" insert "; and

(f) Converting or repowering existing gas or diesel pupil transportation vehicles to electric or zero emission pupil transportation vehicles"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1644 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Senn and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1644, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1644, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Klippert, Kraft and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1644, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1703 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The ongoing modernization of the statewide 911 emergency communications system is essential to public safety. Implementing new technologies with the modernization to next generation 911 requires clarifying changes to update requirements and definitions currently in statute.

Sec. 2. RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, location, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Automatic location identification" means information about a caller's location that is part of or associated with an enhanced or next generation 911 emergency communications system as defined in this section and RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data, or both.

(3) "Automatic number identification" means a method for uniquely associating a communication device that has accessed 911 with the incoming 911 voice or data, or both, and intended for the purpose of display at a public safety answering point.

(4) "Baseline level of 911 service" means access to 911 dialing from all communication devices with service from a telecommunications provider within a county's jurisdiction so that incoming 911 voice and data communication is answered, received, and displayed on 911 equipment at a public safety answering point designated by the county.

(5) "Broadcaster" means a person or entity that holds a license issued by the federal communications commission under 47 C.F.R. Part 73, 74, 76, or 78.

~~((2))~~ (6)(a) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the

population, infrastructure, environment, economy, or government functions.

(b) "Catastrophic incident" does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

~~((3))~~ (7) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

~~((4))~~ (8) "Continuity of government planning" means the internal effort of all levels and branches of government to provide that the capability exists to continue essential functions and services following a catastrophic incident. These efforts include, but are not limited to, providing for: (a) Orderly succession and appropriate changes of leadership whether appointed or elected; (b) filling vacancies; (c) interoperability communications; and (d) processes and procedures to reconvene government following periods of disruption that may be caused by a catastrophic incident. Continuity of government planning is intended to preserve the constitutional and statutory authority of elected officials at the state and local level and provide for the continued performance of essential functions and services by each level and branch of government.

~~((5))~~ (9) "Continuity of operations planning" means the internal effort of an organization to provide that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

~~((6))~~ (10) "Department" means the state military department.

~~((7))~~ (11) "Director" means the adjutant general.

~~((8))~~ (12) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological,

or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

~~((9))~~ (13)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 means an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

~~((10))~~ (14) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ~~((9))~~ (13)(b) of this section.

~~((11))~~ (15) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(16) "Emergency services communications system data" includes voice or audio; multimedia, including pictures and video; text messages; telematics or telemetrics; or other information that is received or displayed, or both, at a public safety answering point in association with a 911 access.

(17) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized

emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((12))~~ (18) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((13))~~ (19) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((14))~~ (20) "First informer broadcaster" means an individual who:

(a) Is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(b)(i) Maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility; or (ii) provides technical support services to broadcasters needed during a period of proclaimed emergency.

~~((15))~~ (21) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and

is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((16))~~ (22) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((17))~~ (23) "Interconnected voice over internet protocol service provider" means a provider of interconnected voice over internet protocol service as defined by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(24) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

~~((18))~~ (25) "Local director" means the director of a local organization of emergency management or emergency services.

~~((19))~~ (26) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((20))~~ (27) "Next generation 911" means an internet protocol-based system comprised of managed emergency services internet protocol networks, functional elements (applications), and databases that replicate enhanced 911 features and functions as defined in RCW 82.14B.020(4) that provide additional capabilities designed to provide access to emergency services from all connected communications sources and provide multimedia data capabilities for public safety answering points.

(28) "Next generation 911 demarcation point" means the location and equipment that separates the next generation 911 network from:

(a) A telecommunications provider's network, known as the ingress next generation 911 demarcation point; and

(b) A public safety answering point, known as the egress next generation 911 demarcation point.

(29) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next generation 911 emergency communications system" includes future modernizations to the 911 system.

(30) "Next generation 911 emergency services internet protocol network" means a managed internet protocol network used for 911 emergency services communications that is managed and maintained, including security and credentialing functions, by the state 911 coordination office to provide next generation 911 emergency communications from the ingress next generation 911 demarcation point to the egress next generation 911 demarcation point. It provides the internet protocol transport infrastructure upon which application platforms and core services are necessary for providing next generation 911 services. Next generation 911 emergency services internet protocol networks may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, federal, national, and international levels to form an internet protocol-based inter-network (network of networks).

(31) "Next generation 911 service" means public access to the next generation 911 emergency communications system and its capabilities by accessing 911 from communication devices to report police, fire, medical, or other emergency situations to a public safety answering point.

(32) "Political subdivision" means any county, city or town.

((21)) (33) "Public agency" means the state, and a city, county, municipal

corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

((22)) (34) "Public safety answering point" means the public safety location that receives and answers 911 voice and data originating in a given area as designated by the county. Public safety answering points must be equipped with 911 hardware, software, and technology that is accessed through 911 and is capable of answering incoming 911 calls and receiving and displaying incoming 911 data.

(a) "Primary public safety answering point" means a public safety answering point, as designated by the county, to which 911 calls and data originating in a given area and entering the next generation 911 network are initially routed for answering.

(b) "Secondary public safety answering point" means a public safety answering point, as designated by the county, that only receives 911 voice and data that has been transferred by other public safety answering points.

(35) "Radio communications service company" (~~has the meaning ascribed to it in RCW 82.14B.020~~) means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

((23)) (36) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(37) "Telecommunications provider" means a telecommunications company as defined in RCW 80.04.010, a radio

communications service company as defined in RCW 38.52.010, a commercial mobile radio service provider as defined in 47 C.F.R. Sec. 20.3, providers of interconnected voice over internet protocol service as defined in RCW 38.52.010, and providers of data services.

(38) "Washington state patrol public safety answering points" means those designated as primary or secondary public safety answering points by the counties in which they provide service.

Sec. 3. RCW 38.52.030 and 2019 c 471 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management

plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state (~~enhanced~~) 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide (~~enhanced~~) 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to

individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010(~~(+6)~~) (13). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of

continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

(12) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

(13) Subject to the availability of amounts appropriated for this specific purpose, the director is responsible to the governor to lead the development and management of a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning to assist with statewide development of continuity of government plans by all levels and branches of state and local government that address how essential government functions and services will continue to be provided following a catastrophic incident.

Sec. 4. RCW 38.52.440 and 2017 c 295 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the director, through the state (~~enhanced~~) 911 coordinator, and in collaboration with the department of health, the department of social and health services, the Washington state patrol, the Washington association of sheriffs and police chiefs, the Washington council of police and sheriffs, the state fire marshal's office, a representative of a first responder organization with experience in addressing the needs of a person with a disability, and other individuals and entities at the discretion of the director, must assess, and report back to the appropriate committees of the legislature by December 1, 2018, regarding:

(a) The resources, capabilities, techniques, protocols, and procedures available or required in order to include as part of the enhanced 911 emergency service the ability to allow an immediate display on the screen indicating that a person with a disability may be present at the scene of an emergency, the caller's identification, location, phone number, address, and if made available,

additional information on the person with a disability that would assist the first responder in the emergency response;

(b) How best to acquire, implement, and safeguard a secure website and the information in the system provided by a person with a disability, or a parent, guardian, or caretaker of a person with a disability in order to make such information directly available to first responders at the scene of an emergency or on the way to the scene of an emergency;

(c) What information provided by a person must remain confidential under state or federal law, or otherwise should remain confidential without written permission to release it for purposes of chapter 295, Laws of 2017 or the information is otherwise releasable or available under other provisions of law; and

(d) The need to provide various agencies and employees that are first responders and emergency personnel immunity from civil liability for acts or omissions in the performance of their duties, and what standard should apply, such as if the act or omission is the result of simple negligence, gross negligence, or willful misconduct.

(2) For purposes of this section:

(a) Both "accident" and "emergency" mean an unforeseen combination of circumstances or a resulting situation that results in a need for assistance or relief and calls for immediate action; and

(b) "Person with a disability" means an individual who has been diagnosed medically to have a physical, mental, emotional, intellectual, behavioral, developmental, or sensory disability.

Sec. 5. RCW 38.52.500 and 1991 c 54 s 1 are each amended to read as follows:

The legislature finds that a statewide emergency communications network of ~~((enhanced))~~ 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that statewide implementation of ~~((enhanced))~~ 911

telephone service is feasible and should be accomplished as soon as practicable.

Sec. 6. RCW 38.52.501 and 2002 c 341 s 1 are each amended to read as follows:

The legislature finds that statewide ~~((enhanced))~~ 911 emergency communications service has proven to be a lifesaving service and that routing a 911 call to the appropriate public safety answering point with a display of the caller's identification and location should be available for all users of telecommunications services, regardless of the technology used to make and transmit the 911 call. The legislature also finds that it is in the best public interest to ensure that there is adequate ongoing funding to support ~~((enhanced 911 service))~~ necessary 911 system upgrades as technology evolves to next generation 911 technology and beyond for 911 emergency communications baseline service statewide that supports emerging communications devices.

Sec. 7. RCW 38.52.505 and 1999 c 24 s 2 are each amended to read as follows:

The adjutant general shall establish rules on minimum information requirements of automatic location identification for the purposes of ~~((enhanced))~~ 911 emergency service. Such rules shall permit the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the governing body of a city or county to take into consideration local circumstances when approving the accuracy of location information generated when calls are made to 911 from facilities within his or her service area.

Sec. 8. RCW 38.52.510 and 2010 1st sp.s. c 19 s 14 are each amended to read as follows:

(1) Each county, singly or in combination with one or more ~~((adjacent))~~ counties, must ~~((implement))~~ provide or participate in countywide or multicounty-wide ~~((enhanced))~~ 911 emergency communications systems so that ~~((enhanced))~~ 911 is available throughout the state. The county must provide funding for the ~~((enhanced))~~ 911 communications system in the county in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county less any applicable administrative fee charged by the department of revenue or the amount necessary to provide full funding of the

system in the county. The state ~~((enhanced))~~ 911 coordination office established by RCW 38.52.520 must assist and facilitate ~~((enhanced))~~ 911 implementation throughout the state.

(2) A county may request a Washington state patrol public safety answering point to become a primary public safety answering point and receive 911 calls from a specific geographical area and may cancel that designation at any time.

Sec. 9. RCW 38.52.520 and 2010 1st sp.s. c 19 s 15 are each amended to read as follows:

A state ~~((enhanced))~~ 911 coordination office, headed by the state ~~((enhanced))~~ 911 coordinator, is established in the emergency management division of the department. Duties of the office include:

(1) ~~((Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state))~~ Administering the 911 account established in RCW 38.52.540;

(2) Seeking advice and assistance from, and providing staff support for~~((τ))~~ the enhanced 911 advisory committee;

(3) Providing and supporting 911 emergency communications systems, which may include procurement, funding, ownership, and management;

(4) Assisting the counties and Washington state patrol public safety answering points by distributing state 911 emergency communications system funding within the priorities identified in RCW 38.52.545. When designated as a primary public safety answering point by the county, the state 911 coordination office may provide funding for Washington state patrol public safety answering point 911 emergency communications systems;

(5) Develop forms, submission dates, and methods as necessary for all public safety answering points to submit reports;

(6) Recommending to the utilities and transportation commission by August 31st of each year the level of the state ~~((enhanced))~~ 911 emergency communications system excise tax established in RCW 82.14B.030(5) for the following year;

~~((4) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state enhanced 911 funding may be expended, with the advice and assistance of the enhanced 911 advisory committee; and~~

~~((5) Providing an annual update to the enhanced))~~ (7) Establishing rules that:

(a) Determine eligible components of the 911 emergency communications system, its administration, and operation that the state and county 911 excise taxes, under RCW 82.14B.030, may be used to fund;

(b) Determine how appropriated funds from the state 911 account shall be distributed, considering the baseline level of 911 emergency communications system service needs of individual counties and county-designated Washington state patrol primary public safety answering points for specific assistance; and

(c) Specify statewide 911 emergency communications system and service standards, consistent with applicable state and federal law. The authority given to the state 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies; and

(8) Annually providing a complete report to the 911 advisory committee on ~~((how much money each county has spent on))~~:

(a) Efforts to modernize their existing enhanced 911 emergency communications system; ~~((and~~

~~((b) Enhanced 911 operational costs))~~
(b) All public safety answering points expenditures for administrative and operational costs and expenses of the 911 emergency communications system; and

(c) Any additional data that may be identified by the 911 advisory committee.

Sec. 10. RCW 38.52.525 and 1995 c 243 s 9 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordination office may develop and ~~((implement))~~ provide public education materials ~~((regarding the capability of specific equipment used as part of a private telecommunications system or in~~

~~the provision of private shared telecommunications services to forward automatic location identification and automatic number identification) relating to the 911 emergency communications system.~~

NEW SECTION. Sec. 11. A new section is added to chapter 38.52 RCW to read as follows:

The 911 advisory committee is created to advise and assist the state 911 coordinator in coordinating and facilitating the implementation and operation of 911 throughout the state. The director shall appoint:

(1) County 911 representatives from diverse urban and rural geographical counties;

(2) The statewide 988 coordinator or designee identified by the office of the governor;

(3) Those who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the association of public communications officials Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, and the Washington state association of counties;

(4) The utilities and transportation commission or commission staff;

(5) A representative of a voice over internet protocol company;

(6) An equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state;

(7) A representative of the Washington state department of health; and

(8) Other members identified and appointed by the director.

Sec. 12. RCW 38.52.532 and 2010 1st sp.s. c 19 s 17 are each amended to read as follows:

~~((On an annual basis))~~ (1) Annually, the ((enhanced)) 911 advisory committee must provide an update on the status of ((enhanced)) 911 service in the state to the appropriate committees in the legislature. The update must include progress by the state 911 coordination office and the counties towards ((creating greater efficiencies in enhanced)) continual growth and maintenance of a 911 emergency communications system with greater efficiencies in 911 operations including, but not limited to, regionalization of facilities, centralization of equipment, ((and)) statewide purchasing, strategic plan performance, and fiscal health of the 911 emergency communications system.

(2) To assist with modernization of the 911 emergency communications system, all counties operating public safety answering points in Washington state, with the exception of tribal nations, must assist the 911 advisory committee to update the legislature annually within the requirements of RCW 38.52.520(8) by providing annual public safety answering point expenditure reports and additional information as necessary requested by the state 911 coordinator's office.

(3) To assist with modernization of the 911 emergency communications system, public safety answering points providing service in multiple counties shall report to the county where they are physically located. Public safety answering points providing services outside of Washington state borders shall limit reporting to those areas within the boundaries of Washington state. Counties receiving services from a public safety answering point outside of Washington state must report the cost of services into their county.

Sec. 13. RCW 38.52.535 and 1998 c 245 s 32 are each amended to read as follows:

The state ((enhanced)) 911 coordination office and the ((enhanced)) 911 advisory committee may participate in efforts to set uniform national standards for ~~((automatic number identification and automatic location identification data transmission for private telecommunications systems and private shared telecommunications services))~~ the 911 emergency communications system.

Sec. 14. RCW 38.52.540 and 2015 3rd sp.s. c 4 s 949 are each amended to read as follows:

(1) The ~~((enhanced))~~ 911 account is created in the state treasury. All receipts from the state ~~((enhanced))~~ 911 excise taxes imposed by RCW 82.14B.030 must be deposited into the account. Moneys in the account must be used ~~((only))~~ to support the priorities established in RCW 38.52.545, procure, fund, and manage the statewide 911 emergency communications system network, purchase goods and services that support the counties and Washington state patrol public safety answering points in providing 911 baseline level of service statewide, assist the counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs, acquire 911 hardware, software, and technology appropriate to support a 911 emergency communications system, 911 emergency communications training and public education, support the statewide coordination and management of the ((enhanced)) 911 emergency communications system, ((for the implementation of wireless enhanced 911 statewide,)) and for ((the)) modernization needs as technology evolves of ((enhanced)) the 911 emergency communications systems statewide((, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies. For the 2013 2015 and the 2015 2017 fiscal biennia, the account may be used for a criminal history system upgrade in the Washington state patrol and for activities and programs in the military department. A county must show just cause, including but not limited to a true and accurate accounting of the funds expended, for any inability to provide reimbursement to radio communications service companies of costs incurred in providing enhanced 911 service)).

(2) Funds generated by the ~~((enhanced))~~ 911 excise tax imposed by RCW 82.14B.030(5), (6), and (8) may not be distributed to any county that has not

imposed the maximum county ~~((enhanced))~~ 911 excise tax allowed under RCW 82.14B.030(1) through (3). ~~((Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(6) may not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).))~~

(3) The state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of ~~((enhanced))~~ the 911 ~~((services for all counties))~~ emergency communications system and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

Sec. 15. RCW 38.52.545 and 2010 1st sp.s. c 19 s 19 are each amended to read as follows:

In specifying rules defining the purposes for which available state ~~((enhanced))~~ 911 moneys may be expended, the state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, must consider ~~((base))~~ needs ~~((of individual counties for specific assistance))~~ necessary to provide a baseline level of 911 service by individual counties and their designated Washington state patrol public safety answering points. Priorities for available ((enhanced)) 911 emergency communications system funding are as follows:

(1) To procure, fund, and manage the statewide 911 network and supporting services, and assure that 911 dialing is operational statewide;

(2) To assist counties and Washington state patrol public safety answering points to provide 911 emergency communications systems and associated administrative and operational costs as necessary to assure that they can achieve a ((basic service)) baseline level of service for 911 operations; and

(3) To assist counties ((as practicable to acquire items of a capital nature appropriate to modernize 911 systems and increase 911 effectiveness)) and their designated Washington state patrol public safety answering points to acquire 911 hardware, software, and technology to support a 911 emergency

communications system baseline level of service.

Sec. 16. RCW 38.52.550 and 2010 1st sp.s. c 19 s 20 are each amended to read as follows:

A telecommunications company, radio communications service company, or interconnected voice over internet protocol service company, providing emergency communications systems or services or a business or individual providing database information to ~~((enhanced))~~ 911 emergency communications personnel is not liable for civil damages caused by an act or omission of the company, business, or individual, the state, political subdivisions and any 911 public corporations in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to an ~~((enhanced))~~ 911 emergency communications service; or

(2) Design, development, installation, maintenance, or provision of consolidated ~~((enhanced))~~ 911 emergency communications systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

Sec. 17. RCW 38.52.561 and 2010 1st sp.s. c 19 s 21 are each amended to read as follows:

The state ~~((enhanced))~~ 911 coordinator, with the advice and assistance of the ~~((enhanced))~~ 911 advisory committee, must set nondiscriminatory, uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service companies and interconnected voice over internet protocol service companies to ~~((enhanced))~~ 911 emergency communications systems. These standards must be modernized to align with national standards adopted by the state of Washington in rule making and not exceed the requirements set by the federal communications commission. The authority given to the state ~~((enhanced))~~ 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service

companies or interconnected voice over internet protocol service companies.

Sec. 18. RCW 38.52.575 and 2015 c 224 s 6 are each amended to read as follows:

(1) Information contained in an automatic number identification or automatic location identification database that is part of a county ~~((enhanced))~~ 911 emergency communications system as defined in RCW 82.14B.020 and intended for display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(2) Information voluntarily submitted to be contained in a database that is part of or associated with a county ~~((enhanced))~~ 911 emergency communications system as defined in RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data is exempt from public inspection and copying under chapter 42.56 RCW.

(3) This section shall not be interpreted to prohibit:

(a) Display of information at a public safety answering point;

(b) Dissemination of information by the public safety answering point to police, fire, or emergency medical responders for display on a device used by police, fire, or emergency medical responders for the purpose of handling or responding to emergency calls or for training;

(c) Maintenance of the database by a county;

(d) Dissemination of information by a county to local agency personnel for inclusion in an emergency notification system that makes outgoing calls to telephone numbers to provide notification of a community emergency event;

(e) Inspection or copying by the subject of the information or an authorized representative; or

(f) The public disclosure of information prepared, retained, disseminated, transmitted, or recorded, for the purpose of handling or responding to emergency calls, unless disclosure of any such information is otherwise exempted under chapter 42.56 RCW or other law.

Sec. 19. RCW 82.14B.010 and 2010 1st sp.s. c 19 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund ~~((enhanced))~~ 911 emergency communications systems throughout the state on a multicounty or countywide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to impose an excise tax on the use of switched access lines, radio access lines, and interconnected voice over internet protocol service lines.

Sec. 20. RCW 82.14B.020 and 2013 2nd sp.s. c 8 s 102 are each amended to read as follows:

As used in this chapter:

(1) "911 emergency communications system" means a public 911 communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice and data at the appropriate public safety answering point.

(2) "Consumer" means a person who purchases a prepaid wireless telecommunications service in a retail transaction.

~~((2))~~ (3) "Emergency services communication system" means a multicounty or countywide communications network, including an enhanced or next generation 911 emergency communications system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

~~((3))~~ (4) "Enhanced 911 emergency communications system" means a public communications system consisting of a network, database, and on-premises equipment that is accessed by dialing or accessing 911 and that enables reporting police, fire, medical, or other emergency

situations to a public safety answering point. The system includes the capability to selectively route incoming 911 voice or data to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 voice or data at the appropriate public safety answering point. "Enhanced 911 emergency communications system" includes the modernization to next generation 911 systems.

~~((4))~~ (5) "Interconnected voice over internet protocol service" has the same meaning as provided by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

~~((5))~~ (6) "Interconnected voice over internet protocol service line" means an interconnected voice over internet protocol service that offers an active telephone number or successor dialing protocol assigned by a voice over internet protocol provider to a voice over internet protocol service customer that has inbound and outbound calling capability, which can directly access a public safety answering point when such a voice over internet protocol service customer has a place of primary use in the state.

~~((6))~~ (7) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

~~((7))~~ (8) "Next generation 911 emergency communications system" means a public communications system consisting of networks, databases, and public safety answering point 911 hardware, software, and technology that is accessed by the public in the state through 911. The system includes the capability to: Route incoming 911 voice and data to the appropriate public safety answering point that operates in a defined 911 service area; answer incoming 911 voice and data; and receive and display incoming 911 voice and data, including automatic location identification and automatic number identification, at a public safety answering point. "Next Generation 911 emergency communications system" includes future modernizations to the 911 system.

(9) "Place of primary use" means the street address representative of where

the subscriber's use of the radio access line or interconnected voice over internet protocol service line occurs, which must be:

(a) The residential street address or primary business street address of the subscriber; and

(b) In the case of radio access lines, within the licensed service area of the home service provider.

~~((8))~~ (10) "Prepaid wireless telecommunications service" means a telecommunications service that provides the right to use mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in full in advance and sold in predetermined units or dollars of which the number declines with use in a known amount.

~~((9))~~ (11) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

~~((10))~~ (12) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

~~((11))~~ (13) "Radio communications service company" ~~((has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities based and nonfacilities based resellers))~~ means every corporation, company, association, joint stock, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide

commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), or cellular communications services for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio paging providers.

~~((12))~~ (14) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

~~((13))~~ (15) "Seller" means a person who sells prepaid wireless telecommunications service to another person.

~~((14))~~ (16) "Subscriber" means the retail purchaser of telecommunications service, a competitive telephone service, or interconnected voice over internet protocol service. "Subscriber" does not include a consumer, as defined in this section.

~~((15))~~ (17) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

Sec. 21. RCW 82.14B.030 and 2013 2nd sp.s. c 8 s 105 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) The legislative authority of a county may impose a county ~~((enhanced))~~ 911 excise tax on the use of switched access lines in an amount not exceeding seventy cents per month for each switched access line. The amount of tax must be uniform for each switched access line. Each county must provide notice of the tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. The tax must be deposited in the county ~~((enhanced))~~ 911 excise tax account as provided in RCW 82.14B.063.

(2)(a) The legislative authority of a county may also impose a county ((enhanced)) 911 excise tax on the use of radio access lines:

(i) By subscribers whose place of primary use is located within the county in an amount not exceeding seventy cents per month for each radio access line. The amount of tax must be uniform for each radio access line under this subsection (2)(a)(i); and

(ii) By consumers whose retail transaction occurs within the county in an amount not exceeding seventy cents per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (2)(a)(ii).

(b) The county must provide notice of the tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications services, on a tax return provided by the department. The tax must be deposited in the county ((enhanced)) 911 excise tax account as provided in RCW 82.14B.063.

(3)(a) The legislative authority of a county may impose a county ((enhanced)) 911 excise tax on the use of interconnected voice over internet protocol service lines in an amount not exceeding seventy cents per month for each interconnected voice over internet protocol service line. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network.

(b) The interconnected voice over internet protocol service company must use the place of primary use of the subscriber to determine which county's ((enhanced)) 911 excise tax applies to the service provided to the subscriber.

(c) The tax imposed under this section must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department.

(d) The tax must be deposited in the county ((enhanced)) 911 excise tax account as provided in RCW 82.14B.063.

(e) To the extent that a local exchange carrier and an interconnected voice over internet protocol service company contractually jointly provide a single service line, only one service company is responsible for remitting the ((enhanced)) 911 excise taxes, and nothing in this section precludes service companies who jointly provide service from agreeing by contract which of them must remit the taxes collected.

(4) Counties imposing a county ((enhanced)) 911 excise tax must provide an annual update to the ((enhanced)) 911 coordinator detailing the proportion of their county ((enhanced)) 911 excise tax that is being spent on:

(a) Efforts to modernize their existing ((enhanced)) 911 communications system; and

(b) ((Enhanced)) 911 operational costs.

(5) A state ((enhanced)) 911 excise tax is imposed on all switched access lines in the state. The amount of tax may not exceed twenty-five cents per month for each switched access line. The tax must be uniform for each switched access line. The tax imposed under this subsection must be remitted to the department by local exchange companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540.

(6)(a) A state ((enhanced)) 911 excise tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in an amount of twenty-five cents per month for each radio access line. The tax must be uniform for each radio access line under this subsection (6)(a)(i); and

(ii) By consumers whose retail transaction occurs within the state in an amount of twenty-five cents per retail transaction. The tax must be uniform for each retail transaction under this subsection (6)(a)(ii). Until July 1, 2018, a seller of prepaid wireless telecommunications service may charge an additional five cents per retail transaction as compensation for the cost of collecting and remitting the tax.

(b) The tax imposed under this section must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

(7) For purposes of the state and county ((enhanced)) 911 excise taxes imposed by subsections (2) and (6) of this section, the retail transaction is deemed to occur at the location where the transaction is sourced to under RCW 82.32.520(3)(c).

(8) A state ((enhanced)) 911 excise tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax may not exceed twenty-five cents per month for each interconnected voice over internet protocol service line whose place of primary use is located in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the ((enhanced)) 911 account created in RCW 38.52.540.

(9) For calendar year 2011, the taxes imposed by subsections (5) and (8) of this section must be set at their maximum rate. By August 31, 2011, and by August 31st of each year thereafter, the state ((enhanced)) 911 coordinator must recommend the level for the next year of the state ((enhanced)) 911 excise tax imposed by subsections (5) and (8) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission must by the following October 31st determine the level of the state ((enhanced)) 911 excise taxes imposed by subsections (5) and (8) of this section for the following year.

Sec. 22. RCW 82.14B.040 and 2013 2nd sp.s. c 8 s 103 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Except as provided otherwise in subsection (2) of this section:

(a) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on switched access lines must be collected from the subscriber by the local exchange company providing the switched access line.

(b) The state ((enhanced)) 911 excise tax and the county ((enhanced)) 911 excise tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications service.

(c) The state and county ((enhanced)) 911 excise taxes on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) as provided in RCW 82.14B.030 (2) and (6).

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

Sec. 23. RCW 82.14B.042 and 2013 2nd sp.s. c 8 s 104 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1)(a) The state and county ((enhanced)) 911 excise taxes imposed by this chapter must be paid by:

(i) The subscriber to the local exchange company providing the switched access line, the radio communications service company providing the radio access line, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line; or

(ii) The consumer to the seller of prepaid wireless telecommunications service.

(b) Each local exchange company, each radio communications service company, and each interconnected voice over internet protocol service company must collect from the subscriber, and each seller of prepaid wireless telecommunications service must collect from the consumer, the full amount of the taxes payable. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company, radio communications service company, seller of prepaid wireless telecommunications service, or interconnected voice over internet protocol service company fails to collect the state or county ((enhanced)) 911 excise tax or, after collecting the tax,

fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((enhanced)) 911 excise tax.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, the interconnected voice over internet protocol service company, or to the department, or until paid by the consumer to the seller of prepaid wireless telecommunications service, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state and county ((enhanced)) 911 excise taxes required by this chapter to be collected by the local exchange company, radio communications service company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company, radio communications service company, or interconnected voice over internet protocol service company, or a consumer has failed to pay to the seller of prepaid wireless telecommunications service, the state or county ((enhanced)) 911 excise taxes imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected

by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

Sec. 24. RCW 82.14B.050 and 1981 c 160 s 5 are each amended to read as follows:

The proceeds of any tax collected under this chapter shall be used by the state or county only for the ((~~emergency services communication system~~)) 911 emergency communications system and its administrative and operational costs.

Sec. 25. RCW 82.14B.060 and 2010 1st sp.s. c 19 s 8 are each amended to read as follows:

A county legislative authority imposing a tax under this chapter must establish by ordinance all necessary and appropriate procedures for the administration of the county ((~~enhanced~~)) 911 excise taxes by the department. A county legislative authority imposing a tax under this chapter must provide the department notification of the imposition of the tax or a change in the tax no less than seventy-five days before the effective date of the imposition of the tax or the change in the tax.

Sec. 26. RCW 82.14B.061 and 2010 1st sp.s. c 19 s 9 are each amended to read as follows:

(1) The department must administer and adopt rules as may be necessary to enforce and administer the state and county ((~~enhanced~~)) 911 excise taxes imposed or authorized by this chapter. Chapter 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380, applies to the administration, collection, and enforcement of the state and county ((~~enhanced~~)) 911 excise taxes.

(2) The state and county ((~~enhanced~~)) 911 excise taxes imposed or authorized by this chapter, along with reports and returns on forms prescribed by the department, are due at the same time the taxpayer reports other taxes under RCW 82.32.045. If no other taxes are reported under RCW 82.32.045, the taxpayer must remit tax on an annual basis in accordance with RCW 82.32.045.

(3) The department may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year.

(4) The state and county ((~~enhanced~~)) 911 excise taxes imposed or authorized by this chapter are in addition to any taxes imposed upon the same persons under chapters 82.08, 82.12, and 82.14 RCW.

(5) Returns must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize as provided in RCW 82.32.080.

Sec. 27. RCW 82.14B.063 and 2010 1st sp.s. c 19 s 4 are each amended to read as follows:

(1) Counties imposing the ((~~enhanced~~)) 911 excise tax under RCW 82.14B.030 must contract with the department for the administration and collection of the tax. The department may deduct a percentage amount, as provided by contract, of no more than two percent of the ((~~enhanced~~)) 911 excise taxes collected to cover administration and collection expenses incurred by the department. If a county imposes ((~~an enhanced~~)) a 911 excise tax with an effective date of January 1, 2011, the county must contract with the department for the administration and collection of the tax by October 15, 2010.

(2) The remainder of any portion of the county ((~~enhanced~~)) 911 excise tax under RCW 82.14B.030 that is collected by the department must be deposited in the county ((~~enhanced~~)) 911 excise tax account hereby created in the custody of the state treasurer. Expenditures from the account may be used only for distribution to counties imposing the ((~~enhanced~~)) 911 excise tax. Only the director of the department or his or her designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and an appropriation is not required for expenditures.

Sec. 28. RCW 82.14B.065 and 2010 1st sp.s. c 19 s 5 are each amended to read as follows:

(1) All moneys that accrue in the county ((~~enhanced~~)) 911 excise tax account created in RCW 82.14B.063 must be distributed monthly to the counties in the amount of the taxes collected on behalf of each county, minus the administration and collection fee retained by the department as provided in RCW 82.14B.063.

(2) If a county imposes by resolution or ordinance ((~~an enhanced~~)) a 911 excise tax that is in excess of the maximum allowable county ((~~enhanced~~)) 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution may not be considered void in its entirety, but only with respect to that portion of the ((~~enhanced~~)) 911 excise tax that is in excess of the maximum allowable tax.

Sec. 29. RCW 82.14B.150 and 2010 1st sp.s. c 19 s 10 are each amended to read as follows:

(1) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company must file tax returns on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the company. A company filing returns on a cash receipts basis is not required to pay tax on debt subject to credit or refund under subsection (2) of this section.

(2) A local exchange company, radio communications service company, or interconnected voice over internet protocol service company is entitled to a credit or refund for state and county ((~~enhanced~~)) 911 excise taxes previously paid on bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

Sec. 30. RCW 82.14B.200 and 2013 2nd sp.s. c 8 s 106 are each amended to read as follows:

Subject to the enactment into law of the 2013 amendments to RCW 82.08.0289 in section 107, chapter 8, Laws of 2013 2nd sp. sess., the 2013 amendments to RCW 80.36.430 in section 108, chapter 8, Laws of 2013 2nd sp. sess., and the 2013 amendments to RCW 43.20A.725 in section 109, chapter 8, Laws of 2013 2nd sp. sess.:

(1) Unless a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company has taken from the buyer documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax, the burden of proving that a sale of the use of a switched access line, radio access line, or interconnected voice over internet protocol service line was not a sale to a subscriber, consumer, or was not

otherwise subject to the tax is upon the person who made the sale.

(2) If a seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company does not receive documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber, consumer, or is otherwise not liable for the tax at the time of the sale, have such documentation on file at the time of the sale, or obtain such documentation from the buyer within a reasonable time after the sale, the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company remains liable for the tax as provided in RCW 82.14B.042, unless the seller, local exchange company, radio communications service company, or interconnected voice over internet protocol service company can demonstrate facts and circumstances according to rules adopted by the department that show the sale was properly made without payment of the state or county ((~~enhanced~~)) 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state or county ((~~enhanced~~)) 911 excise taxes due but not paid as a result of the improper use of documentation stating that the buyer is not a subscriber or consumer or is otherwise not liable for the state or county ((~~enhanced~~)) 911 excise tax. This subsection does not prohibit or restrict the application of other penalties authorized by law.

Sec. 31. RCW 82.14B.210 and 1998 c 304 s 11 are each amended to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of state ((~~enhanced~~)) 911 excise tax funds collected and held in trust under RCW 82.14B.042, or who is charged with the responsibility for the filing of returns or the payment of state ((~~enhanced~~)) 911 excise tax funds collected and held in trust under RCW 82.14B.042, is personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person willfully fails to pay or to cause to be paid any state ((~~enhanced~~)) 911 excise taxes due from

the corporation under this chapter. For the purposes of this section, any state ((enhanced)) 911 excise taxes that have been paid but not collected are deductible from the state ((enhanced)) 911 excise taxes collected but not paid. For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

(2) The officer, member, manager, or other person is liable only for taxes collected that became due during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.

(3) Persons liable under subsection (1) of this section are exempt from liability if nonpayment of the state ((enhanced)) 911 excise tax funds held in trust is due to reasons beyond their control as determined by the department by rule.

(4) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160 through 82.32.200.

(5) This section applies only if the department has determined that there is no reasonable means of collecting the state ((enhanced)) 911 excise tax funds held in trust directly from the corporation.

(6) This section does not relieve the corporation or limited liability company of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

(7) Collection authority and procedures prescribed in chapter 82.32 RCW apply to collections under this section.

NEW SECTION. Sec. 32. RCW 38.52.530 (Enhanced 911 advisory committee) and 2010 1st sp.s. c 19 § 16, 2010 1st sp.s. c 7 s 51, 2006 c 210 s 1, 2002 c 341 s 3, 2000 c 34 s 1, 1997 c 49 s 7, & 1991 c 54 s 5 are each repealed."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 38.52.030, 38.52.440, 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550,

38.52.561, 38.52.575, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.063, 82.14B.065, 82.14B.150, 82.14B.200, and 82.14B.210; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating a new section; and repealing RCW 38.52.530."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1703 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1703, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1703, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1703, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1728 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.14.160 and 2020 c 346 s 2 are each amended to read as follows:

(1) The total cost of insulin work group is established. The work group membership must consist of the insurance commissioner or designee and the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing independent pharmacies;

~~(d) ((A representative from an association representing chain pharmacies;~~

~~(e) A representative from each health carrier offering at least one health plan in a commercial market in the state;~~

~~(f) A representative from each health carrier offering at least one health plan to state or public school employees in the state;~~

~~(g))~~ A representative from an association representing health carriers;

~~((h))~~ (e) A representative from the public employees' benefits board or the school employees' benefits board;

~~((i))~~ (f) A representative from the health care authority;

~~((j))~~ (g) A representative from ~~((a))~~ an association representing pharmacy benefit ~~((manager that contracts with state purchasers))~~ managers;

~~((k))~~ (h) A representative from a drug distributor or wholesaler that distributes or sells insulin in the state;

~~((l))~~ (i) A representative from a state agency that purchases health care

services and drugs for a selected population;

~~((m))~~ (j) A representative from the attorney general's office with expertise in prescription drug purchasing; ~~((and))~~

~~((n))~~ (k) A representative from an organization representing diabetes patients who is living with diabetes; and

(1) Four members of the public living with diabetes.

(2) The work group must review and design strategies to ~~((reduce))~~:

(a) Reduce the cost of and total expenditures on insulin in this state. Strategies the work group must consider include, but are not limited to, a state agency becoming a licensed drug wholesaler, a state agency becoming a registered pharmacy benefit manager, and a state agency purchasing prescription drugs on behalf of the state directly from other states or in coordination with other states; and

(b) Provide a once yearly 30-day supply of insulin to individuals on an emergency basis. The strategies identified by the work group shall include recommendations on eligibility criteria, patient access, program monitoring, and pharmacy reimbursement, if applicable.

(3) Staff support for the work group shall be provided by the health care authority.

(4) By December 1, ~~((2020))~~ 2022, the work group must submit a preliminary report detailing strategies to reduce the cost of and total expenditures on insulin for patients, health carriers, payers, and the state. The work group must submit a final report by July 1, ~~((2021))~~ 2023, to the governor and the legislature. The final report must include any statutory changes necessary to implement the strategies.

(5) This section expires December 1, ~~((2022))~~ 2024.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 70.14.160;

creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1728 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Maycumber and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1728, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1728, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1728, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

January 10, 2022

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1851 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature affirms that:

(1) It is the longstanding public policy of this state to promote access to affordable, high quality sexual and reproductive health care, including abortion care, without unnecessary burdens or restrictions on patients or providers. In 1970 Washington was one of the first states to decriminalize abortion before Roe v. Wade; and in 1991 the people of Washington passed Initiative Measure 120, the reproductive privacy act, further protecting access to abortion services;

(2) It has been 30 years since the passage of the reproductive privacy act. It is time that we modernize and update the language to reflect current medical practice;

(3) In 2004 and 2019, respectively, Washington attorneys general Christine Gregoire and Robert W. Ferguson issued opinions clarifying that Washington state law allows certain qualified advanced practice clinicians to provide early in-clinic and medication abortion care and recommended that Washington statutes be updated to provide further clarity;

(4) Although the abortion rights movement has historically centered on women in our advocacy, that must no longer be the case and it is critical that we recognize that transgender, nonbinary, and gender expansive people also get pregnant and require abortion care. Washington's law should reflect the most inclusive understanding of who needs abortions and be updated with gender neutral language. All people deserve access to qualified providers in their community who can provide whatever method of abortion care works for them and no individual who chooses to manage their own abortion should fear arrest or prosecution because of their pregnancy decision or outcome; and

(5) All people deserve to make their own decisions about their pregnancies, including deciding to end a pregnancy. It is the public policy of the state of Washington to continue to protect and advance equal rights to access abortion care that meets each individual's needs, regardless of gender or gender identity, race, ethnicity, income level, or place of residence.

Sec. 2. RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as follows:

The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every ~~((woman))~~ pregnant individual has the fundamental right to choose or refuse to have an abortion, except as specifically limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902;

(3) Except as specifically permitted by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902, the state shall not deny or interfere with a ~~((woman's))~~ pregnant individual's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.

Sec. 3. RCW 9.02.110 and 1992 c 1 s 2 are each amended to read as follows:

The state may not deny or interfere with a ~~((woman's))~~ pregnant individual's right to choose to have an abortion prior to viability of the fetus, or to protect ~~((her))~~ the pregnant individual's life or health.

A physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice may terminate and a health care provider may assist a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice in terminating a pregnancy as permitted by this section.

Sec. 4. RCW 9.02.130 and 1992 c 1 s 4 are each amended to read as follows:

The good faith judgment of a physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice as to viability of the fetus or as to the risk to life or health of a ~~((woman))~~ pregnant individual and the good faith judgment of

a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

Sec. 5. RCW 9.02.140 and 1992 c 1 s 5 are each amended to read as follows:

Any regulation promulgated by the state relating to abortion shall be valid only if:

(1) The regulation is medically necessary to protect the life or health of the ~~((woman))~~ pregnant individual who is terminating ~~((her))~~ the pregnancy,

(2) The regulation is consistent with established medical practice, and

(3) Of the available alternatives, the regulation imposes the least restrictions on the ~~((woman's))~~ pregnant individual's right to have an abortion as defined by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902.

Sec. 6. RCW 9.02.160 and 1992 c 1 s 7 are each amended to read as follows:

If the state provides, directly or by contract, maternity care benefits, services, or information ~~((to women))~~ through any program administered or funded in whole or in part by the state, the state shall also provide ~~((women))~~ pregnant individuals otherwise eligible for any such program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

Sec. 7. RCW 9.02.170 and 1992 c 1 s 8 are each amended to read as follows:

For purposes of this chapter:

(1) "Viability" means the point in the pregnancy when, in the judgment of the physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice on the particular facts of the case before such physician, physician assistant, advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(2) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(3) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Physician assistant" means a physician assistant licensed to practice under chapter 18.71A RCW in the state of Washington.

(6) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(7) "Health care provider" means a ~~((physician or a))~~ person ~~((acting under the general direction of a physician))~~ regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

~~((+6))~~ (8) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

~~((+7))~~ (9) "Private medical facility" means any medical facility that is not owned or operated by the state.

Sec. 8. RCW 9.02.120 and 1992 c 1 s 3 are each amended to read as follows:

Unless authorized by RCW 9.02.110, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW. The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 9.02.100, 9.02.110, 9.02.130, 9.02.140, 9.02.160, 9.02.170, and 9.02.120; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1851 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Thai spoke in favor of the passage of the bill.

Representatives Caldier, Kraft and Klippert spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1851, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1851, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

ENGROSSED HOUSE BILL NO. 1851, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.700 and 2021 c 157 s 1 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~within the past year~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person (~~within the past year~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only

telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

Sec. 2. RCW 48.43.735 and 2021 c 157 s 2 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Licensed or certified behavioral health agency;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for

an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

- (A) The use of facsimile or email; or
- (B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed

provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least

one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)]))~~ (10) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 71.24.335 and 2021 c 157 s 4 and 2021 c 100 s 1 are each reenacted and amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides

coverage of the behavioral health service when provided in person by the provider;

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the

behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8)(a) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review,

including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(ii) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person

~~((within the past year))~~ and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(f) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

(g) "Provider" has the same meaning as in RCW 48.43.005;

(h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(i) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)])~~ (10) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 4. RCW 74.09.325 and 2021 c 157 s 5 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the

federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service,

the provider must obtain patient consent for the billing in advance of the service being delivered and comply with all rules created by the authority related to restrictions on billing medicaid recipients. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020(~~(f)~~), or take contractual actions against the provider's agreement for participation in the medicaid program, or both.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~(within the past year)~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or (~~the~~)

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person (~~(within the past year)~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only

telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(h) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(i) "Provider" has the same meaning as in RCW 48.43.005;

(j) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(k) "Telemedicine" means the delivery of health care services through the use of interactive audio and video

technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "telemedicine;" strike the remainder of the title and insert "amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Liias, King and Saldana,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5689. The Speaker appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5974 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators King, Lias and Saldana,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5974. The Speaker appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5975 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Lias, King and Saldana,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SUBSTITUTE SENATE BILL NO. 5975. The Speaker appointed the following members as Conferees: Representatives Fey, Wylie and Barkis.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1241

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497

SUBSTITUTE HOUSE BILL NO. 1593

SUBSTITUTE HOUSE BILL NO. 1617

HOUSE BILL NO. 1622

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1629

HOUSE BILL NO. 1647

HOUSE BILL NO. 1648

HOUSE BILL NO. 1651

HOUSE BILL NO. 1700

SUBSTITUTE HOUSE BILL NO. 1701

HOUSE BILL NO. 1704

SUBSTITUTE HOUSE BILL NO. 1708

HOUSE BILL NO. 1738

HOUSE BILL NO. 1739

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753

HOUSE BILL NO. 1765

SUBSTITUTE HOUSE BILL NO. 1768

SUBSTITUTE HOUSE BILL NO. 1790

SECOND SUBSTITUTE HOUSE BILL NO. 1905

HOUSE BILL NO. 1907

HOUSE BILL NO. 1927

ENGROSSED HOUSE BILL NO. 1931

SUBSTITUTE HOUSE BILL NO. 1955

SUBSTITUTE HOUSE BILL NO. 1961

ENGROSSED HOUSE BILL NO. 1982

SUBSTITUTE HOUSE BILL NO. 2001

HOUSE BILL NO. 2007

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037

SUBSTITUTE HOUSE BILL NO. 2050

SUBSTITUTE HOUSE BILL NO. 2051

The Speaker called upon Representative Orwall to preside.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5910, by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña and Stanford)

Accelerating the availability and use of renewable hydrogen in Washington state.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was not adopted. (For Committee amendment, see Journal, Day 46, February 24, 2022).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 28, 2022).

Representative Abbarno moved the adoption of amendment (1371) to the committee striking amendment:

On page 16, after line 16 of the striking amendment, insert the following:

"Part 6

GAS COMPANY NOTICE

NEW SECTION. Sec. 601. A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas company must file a notice with the utilities and transportation commission prior to replacing natural gas with renewable hydrogen or green electrolytic hydrogen to serve customers. The notice must establish that the company has received all necessary siting and permitting approvals. The notice must also include a description of the following:

(a) Whether the use of clean electricity to produce hydrogen is consistent with the company's most recent integrated resource plan;

(b) Potential impacts to electrical grid reliability, including resource adequacy, resulting from renewable hydrogen and green electrolytic hydrogen production and deployment; and

(c) Standards, including safety standards, for blending of green electrolytic hydrogen and renewable hydrogen into natural gas distribution infrastructure.

(2) The commission shall consider the recommendations made by the department of commerce through its work outlined in section 103(1)(d), the information contained in the notice, and additional relevant data and analyses when making a determination on a company's request for approval of any tariff related to the use of green electrolytic hydrogen or renewable hydrogen as a replacement for natural gas."

Representatives Abbarno and Ramel spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1371) to the committee striking amendment was adopted.

With the consent of the House, amendment (1370) was withdrawn.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ramel, Dye and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5910, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5910, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and McCaslin.

SUBSTITUTE SENATE BILL NO. 5910, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1173 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) State lands development authorities are hereby

authorized to oversee and manage the development or redevelopment of state-owned property that is within or adjacent to manufacturing industrial centers. Any property owned or managed by the department of natural resources is exempt from the provisions of this chapter.

(2) The legislative delegation from a district containing state-owned land that is included within, or is adjacent to, a manufacturing industrial center may propose the formation of a state lands development authority. The proposal must be presented in writing to the relevant legislative committees in both the house of representatives and the senate. The proposal must contain:

(a) The proposed general geographic boundaries of the state lands development authority; and

(b) Legislative findings relating to formation of the state lands development authority which find that:

(i) The state owns property within the boundaries of the proposed state lands development authority;

(ii) The state-owned land is located within or adjacent to a manufacturing industrial center;

(iii) The state agency with custodial responsibility for the property has completed an assessment regarding the current use, future use, and a projected date or conditions when the land is vacant, excess, or surplus to the mission of the state agency;

(iv) The legislature intends that the state lands development authority be appropriately funded and staffed; and

(v) The formation of a state lands development authority to oversee and manage the development or redevelopment of the state-owned land will be useful and beneficial to the community within and adjacent to the boundaries of the state lands development authority.

(3) Formation of a state lands development authority is subject to legislative authorization by statute.

(4) A state lands development authority may only be formed in a county with a population of 2,000,000 or greater.

(5) For the purposes of this chapter, all state lands development authorities are a public body corporate and politic

and instrumentality of the state of Washington.

NEW SECTION. **Sec. 2.** (1) The affairs of a state lands development authority shall be managed by a board of directors.

(2) The initial board of directors of a state lands development authority must be appointed by the governor upon recommendation from the state legislative delegation from the district in which the boundaries of the state lands development authority are contained.

(3) The number of persons on the board of directors must be included in the proposal to establish a state lands development authority under section 1 of this act.

(4) Members of the board of directors must include:

(a) At least one member representing each of the following:

(i) The governing body of each city included in the boundaries of the state lands development authority;

(ii) The mayor's office of each city included in the boundaries of the state lands development authority;

(iii) The governing body of each county included in the boundaries of the state lands development authority; and

(iv) The governing body of each port district included in the boundaries of the state lands development authority;

(b) Additional members if required by the proposal to establish a state lands development authority under section 1 of this act; and

(c) Ex officio, nonvoting members if required by the proposal to establish a state lands development authority under section 1 of this act.

(5) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no state lands development authority board member, appointed or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any gain or benefit resulting from transactions with the state lands development authority. In any instance where the participation occurs, the board

shall void the transaction, and the involved member shall be subject to whatever sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

NEW SECTION. Sec. 3. (1) State lands development authorities have the power to:

(a) Accept gifts, grants, loans, or other aid from public and private entities;

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement its purposes and duties;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, and lease real and personal property;

(e) Sell real and personal property, subject to any rules and restrictions contained in the proposal to establish a state lands development authority under section 1 of this act;

(f) Hold in trust, improve, and develop land;

(g) Invest, deposit, and reinvest its funds;

(h) Incur debt in furtherance of its mission: Provided, however, that state lands development authorities are expressly prohibited from incurring debt on behalf of the state of Washington as defined in Article VIII, section 1 of the state Constitution. A state lands development authority obligation to repay borrowed money does not constitute an obligation, either general, special, or moral, of the state of Washington. State lands development authorities are expressly prohibited from using, either directly or indirectly, "general state revenues" as defined in Article VIII, section 1 of the state Constitution to satisfy any state lands development authority obligation to repay borrowed money;

(i) Lend or grant its funds for any lawful purposes. For purposes of this section, "lawful purposes" includes without limitation, any use of funds, including loans thereof to public or

private parties, authorized by agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under federal laws and regulations pertinent to such agreements; and

(j) Exercise such additional powers as may be authorized by law.

(2) A state lands development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and RCW 42.17A.550; and

(b) May not use such funds to support or oppose a candidate, ballot proposition, political party, or political committee.

(3) State lands development authorities do not have any authority to levy taxes or assessments.

NEW SECTION. Sec. 4. A state lands development authority has the duty to:

(1) Adopt bylaws for the authority that will govern how the authority will generally conduct its affairs;

(2) Establish specific geographic boundaries for the authority with its bylaws based on the general geographic boundaries established in the proposal approved by the legislature;

(3) Assume responsibility for the development or redevelopment of the state-owned property within the boundaries of the authority;

(4) Create a strategic plan for the development or redevelopment of the state-owned property that includes, but is not limited to, the following elements:

(a) An examination of the existing uses of the property and an assessment of whether such should change in the future in order for the use of the property to achieve maximum public benefit;

(b) An examination of options for development or redevelopment that include industrial uses only, mixed-use commercial and residential development, and mixed-use light industrial and residential development, as well as the incorporation of community-oriented facilities, and an evaluation of which

options would achieve maximum public benefit;

(c) A plan for extensive public engagement throughout the development or redevelopment process, which must include a regular schedule of public meetings and opportunities for public comment; and

(d) A financial plan for the authority that identifies funding sources necessary to carry out the authority's strategic plan;

(5) Use gifts, grants, loans, and other aid from public or private entities to further the development and redevelopment projects identified in the authority's strategic plan; and

(6) Submit a written report to the relevant committees of the legislature by December 1st of each even-numbered year that summarizes the authority's strategic plan and details the progress of the authority in meeting its strategic goals related to development and redevelopment, public engagement, and financial planning.

NEW SECTION. Sec. 5. The state lands development authority operating account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for operating expenses under this chapter.

NEW SECTION. Sec. 6. The state lands development authority capital account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital projects under this chapter.

NEW SECTION. Sec. 7. (1) The legislature finds:

(a) The state of Washington owns a property of approximately 25 acres in size located at 1601 West Armory Way within Seattle's Ballard-Interbay northend manufacturing industrial center and Interbay neighborhood, known as the Interbay property. The Interbay property was transferred to the state of Washington in 1971 with deed limitations which limit use of the property for national guard purposes only. The national guard currently uses the Interbay property for the Seattle readiness center, built in 1974. The national guard has determined that it must relocate from the Interbay property

to another site, and an assessment has been completed pursuant to section 1(2)(b) of this act. Once the national guard facilities are funded and constructed and the national guard is relocated in a new, fully operational readiness center, and the department of defense has released its use restrictions on the property, the Interbay property will be available for redevelopment.

(b) The formation of a state lands development authority to oversee and manage the redevelopment of the Interbay property will be useful and beneficial to the community within and adjacent to the Interbay neighborhood in the city of Seattle. The legislature intends that the authority be appropriately funded and staffed.

(2)(a) The legislature authorizes the establishment of the Ballard-Interbay state lands development authority, which boundaries are coextensive with the boundaries of the Interbay property.

(b) The Ballard-Interbay state lands development authority is a public body corporate and politic and instrumentality of the state of Washington.

(3) The Ballard-Interbay state lands development authority may exercise its authority in furtherance of projects that are located only within the boundaries of the Interbay property.

(4) The Ballard-Interbay state lands development authority does not have site control or access until after the national guard relocation and may not sell the Interbay property or portions of the Interbay property to another entity.

(5) The affairs of the Ballard-Interbay state lands development authority shall be managed by a board of directors, consisting of the following members:

(a) One member with experience developing workforce or affordable housing;

(b) One member with knowledge of project financing options for public-private partnerships related to housing;

(c) Two members with architectural design and development experience related to industrial and mixed-use zoning;

(d) One member representing the port of Seattle;

(e) One member representing the governor's office;

(f) One member representing the King county council;

(g) One member representing the city of Seattle mayor's office;

(h) One member representing the Seattle city council; and

(i) The director of the department of commerce or the director's designee as an ex officio, nonvoting member.

(6) No member of the board of directors may hold office for more than four years. Board positions must be numbered one through 11 and the terms staggered as follows:

(a) Board members appointed to positions one through five shall serve two-year terms, and if reappointed, may serve no more than one additional two-year term.

(b) Board members initially appointed to positions six through 11 shall serve a three-year term only.

(c) Board members appointed to positions six through 11 after the initial three-year term shall serve two-year terms, and if reappointed, may serve no more than one additional two-year term.

(7) The initial board of directors of the Ballard-Interbay state lands development authority must be appointed by the governor upon recommendation from the legislative delegation from the district in which the boundaries of the authority are contained, as required by section 2(2) of this act. With respect to the appointment of subsequent boards of directors, the existing board members must develop a list of candidates for each position and deliver the recommendations to the members of the legislative delegation for the district in which the authority is located. The legislative delegation must present the list of candidates for recommendation to the governor for appointment to the board of directors. In developing the list of candidates, the board of directors must consider racial, gender, and geographic diversity so that the board may reflect the diversity of the community.

(8) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no Ballard-Interbay state lands development

authority board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any gain or benefit resulting from transactions with the state lands development authority. In any instance where the participation occurs, the board shall void the transaction, and the involved member must be subject to whatever sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

(9) For purposes of this section, "Interbay property" means a state-owned property with deed limitations indicating it may be used for national guard purposes only located at 1601 West Armory Way, consisting of approximately 25 acres of land within Seattle's Ballard-Interbay northend manufacturing industrial center and Interbay neighborhood.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1173 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Berry and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1173, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1173, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Graham, Klippert, Kraft, McCaslin, McEntire, Orcutt, Sutherland, Vick, Volz, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1173, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1616 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.170.020 and 2018 c 263 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Department" means department of health.

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(~~(7)~~) (8); or as a psychiatric hospital under chapter 71.12 RCW.

(3) "Secretary" means secretary of health.

(4) "Charity care" means medically necessary hospital health care rendered to indigent persons when third-party coverage, if any, has been exhausted, to the extent that the persons are unable to pay for the care or to pay deductibles or coinsurance amounts required by a third-

party payer, as determined by the department.

(5) "Indigent persons" are those patients or their guarantors who qualify for charity care pursuant to section 2(5) of this act based on the federal poverty level, adjusted for family size, and who have exhausted any third-party coverage.

(6) "Third-party coverage" means an obligation on the part of an insurance company, health care service contractor, health maintenance organization, group health plan, government program, tribal health benefits, or health care sharing ministry as defined in 26 U.S.C. Sec. 5000A to pay for the care of covered patients and services, and may include settlements, judgments, or awards actually received related to the negligent acts of others which have resulted in the medical condition for which the patient has received hospital health care service. The pendency of such settlements, judgments, or awards must not stay hospital obligations to consider an eligible patient for charity care.

~~((6) "Sliding fee schedule" means a hospital determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.))~~

(7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

Sec. 2. RCW 70.170.060 and 2018 c 263 s 2 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care; and

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a (~~charity care~~) policy which (~~is consistent with subsection (1) of this section~~) shall enable (~~people below the federal poverty level~~) indigent persons access to (~~appropriate hospital based medical services, and a sliding fee schedule for determination of discounts from charges for persons who qualify for such discounts by January 1, 1990. The department shall develop specific guidelines to assist hospitals in setting sliding fee schedules required by this section. All persons with family income below one hundred percent of the federal poverty standard shall be deemed charity care patients for the full amount~~

~~of hospital charges, except to the extent the patient has third party coverage for those charges.~~) charity care. The policy shall include procedures for identifying patients who may be eligible for health care coverage through medical assistance programs under chapter 74.09 RCW or the Washington health benefit exchange and actively assisting patients to apply for any available coverage. If a hospital determines that a patient or their guarantor is qualified for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital shall assist the patient or guarantor with applying for such coverage. If a hospital determines that a patient or their guarantor qualifies for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital is not obligated to provide charity care under this section to any patient or their guarantor if the patient or their guarantor fails to make reasonable efforts to cooperate with the hospital's efforts to assist them in applying for such coverage. Hospitals may not impose application procedures for charity care or for assistance with retroactive coverage applications which place an unreasonable burden upon the patient or guarantor, taking into account any physical, mental, intellectual, or sensory deficiencies, or language barriers which may hinder the responsible party's capability of complying with application procedures. It is an unreasonable burden to require a patient to apply for any state or federal program where the patient is obviously or categorically ineligible or has been deemed ineligible in the prior 12 months.

(a) At a minimum, a hospital owned or operated by a health system that owns or operates three or more acute hospitals licensed under chapter 70.41 RCW, an acute care hospital with over 300 licensed beds located in the most populous county in Washington, or an acute care hospital with over 200 licensed beds located in a county with at least 450,000 residents and located on Washington's southern border shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 300 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the

patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 301 and 350 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection;

(iii) All patients and their guarantors whose income is between 351 and 400 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(b) At a minimum, a hospital not subject to (a) of this subsection shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 200 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 201 and 250 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection; and

(iii) All patients and their guarantors whose income is between 251 and 300 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(c)(i) If a hospital considers the existence, availability, and value of assets in order to reduce the discount extended, it must establish and make publicly available a policy on asset

considerations and corresponding discount reductions.

(ii) If a hospital considers assets, the following types of assets shall be excluded from consideration:

(A) The first \$5,000 of monetary assets for an individual or \$8,000 of monetary assets for a family of two, and \$1,500 of monetary assets for each additional family member. The value of any asset that has a penalty for early withdrawal shall be the value of the asset after the penalty has been paid;

(B) Any equity in a primary residence;

(C) Retirement plans other than 401(k) plans;

(D) One motor vehicle and a second motor vehicle if it is necessary for employment or medical purposes;

(E) Any prepaid burial contract or burial plot; and

(F) Any life insurance policy with a face value of \$10,000 or less.

(iii) In considering assets, a hospital may not impose procedures which place an unreasonable burden on the responsible party. Information requests from the hospital to the responsible party for the verification of assets shall be limited to that which is reasonably necessary and readily available to substantiate the responsible party's qualification for charity sponsorship and may not be used to discourage application for such sponsorship. Only those facts relevant to eligibility may be verified and duplicate forms of verification may not be demanded.

(A) In considering monetary assets, one current account statement shall be considered sufficient for a hospital to verify a patient's assets.

(B) In the event that no documentation for an asset is available, a hospital shall rely upon a written and signed statement from the responsible party.

(iv) Asset information obtained by the hospital in evaluating a patient for charity care eligibility shall not be used for collection activities.

(v) Nothing in this section prevents a hospital from considering assets as required by the centers for medicare and medicaid services related to medicare cost reporting.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's website. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(8)(a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [website] and [phone number].

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might

cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

(11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

(13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

NEW SECTION. Sec. 3. (1) The office of the insurance commissioner, in consultation with the Washington health benefit exchange, shall study and analyze how increasing eligibility for charity care impacts enrollment in health plans with high deductibles over a four-year time period.

(2) By November 1, 2026, the office of the insurance commissioner shall report to the health care committees of the legislature enrollment trends in health plans with high deductibles from January

1, 2023, through June 30, 2026. The one-time report shall include the number of individuals enrolled in high deductible plans for each year and by each county.

(3) This section expires January 1, 2027.

NEW SECTION. Sec. 4. This act applies prospectively only to care provided on or after July 1, 2022. This act does not affect the ability of a patient who received care prior to July 1, 2022, to receive charity care under RCW 70.170.020 and 70.170.060 as the sections existed before that date."

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.170.020 and 70.170.060; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1616 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simmons and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1616, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1616, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner,

Harris, Hoff, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1616, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688 with the following amendment:

On page 14, line 30, after "stabilization," insert "or by the end of the business day following the day the stabilization occurs, whichever is later,"

On page 30, beginning on line 4, after "(13)" strike all material through "act)" on line 5 and insert "For dispute resolution proceedings initiated under RCW 48.49.150(2)(b) (as recodified by this act), the arbitration provisions of this section apply except that:

(a) The issue before the arbitrator will be the commercially reasonable payment for applicable services addressed in the alternate access delivery request rather than the commercially reasonable payment for single or multiple claims under subsection (4) of this section. The arbitrator shall issue a decision related to whether payment for the applicable services should be made at the final offer amount of the carrier or the final offer amount of the provider or facility. The arbitrator's decision is final and binding on the parties for services rendered to enrollees from the effective date of the amended alternate access delivery request approved under RCW 48.49.150(2)(b) (as recodified by this act) to either the expiration date of the amended alternate access delivery request, or at the time that a provider contract and provider compensation agreement are executed between the parties, whichever occurs first;

(b) During the period from the effective date of the amended alternate access delivery request to issuance of the arbitrator's decision, the allowed amount paid to providers or facilities

for the applicable services addressed in the amended alternate access delivery request shall be a commercially reasonable amount, based on payments for the same or similar services provided in a similar geographic area; and

(c) The proceedings"

On page 35, line 20, after "facilities" strike "; and" and insert ". If a carrier is submitting an alternate access delivery request for the same service and geographic area as a previously approved request, the carrier shall provide new or additional evidence of good faith efforts to contract associated with the current request;"

On page 35, line 23, after "standards" insert "; and

(iv) For services for which balance billing is prohibited under RCW 48.49.020, notify out-of-network providers or facilities that deliver the services referenced in the alternate access delivery request within five days of submitting the request to the commissioner. Any notification provided under this subsection shall include contact information for carrier staff who can provide detailed information to the affected provider or facility regarding the submitted alternate access delivery request"

On page 35, beginning on line 28, after "unless" strike all material through "services." on line 37 and insert "all requirements of this subsection are met.

(i) If a carrier is unable to obtain a contract with a provider or facility delivering services addressed in an alternate access delivery request to meet network access requirements, the carrier may ask the commissioner to amend the alternate access delivery request if the carrier's communication to the commissioner occurs at least three months after the effective date of the alternate access delivery request and demonstrates substantial evidence of good faith efforts on its part to contract for delivery of services during that three-month time period. If the carrier has demonstrated substantial evidence of good faith efforts on its part to contract, the commissioner shall allow a carrier to use the dispute resolution process provided in RCW 48.49.040 to determine the amount that will be paid to providers or facilities for services referenced in the alternate access delivery request. The commissioner may

determine by rule the associated processes for use of the dispute resolution process under this subsection.

(ii) Once notification is provided by the carrier to a provider or facility under (a) of this subsection, a carrier is not responsible for reimbursing a provider's or facility's charges in excess of the amount charged by the provider or facility for the same or similar service at the time the notification was provided. The provider or facility shall accept this reimbursement as payment in full."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1688, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1688, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chase, Goehner, Kraft, McCaslin, McEntire, Steele, Walsh and Ybarra.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1706 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Drayage truck operator" means the driver of any in-use on-road vehicle with a gross vehicle weight rating greater than 33,000 pounds operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading, or transporting cargo, including containerized, bulk, or break-bulk goods.

(b)(i) "Terminal operator" means the business entity operating a marine terminal for loading and unloading cargo to and from marine vessels.

(ii) "Terminal operator" includes the port if the port is directly operating the marine terminal in loading and unloading cargo to and from marine vessels.

(2) A terminal operator must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically have access to, such as inside the gate and truck queuing lots. Restrooms may include fixed bathrooms with flush toilets or portable chemical toilets. At least one restroom provided by the terminal operator must be a private space suitable for and dedicated to expressing breast milk.

(3) A terminal operator is deemed in compliance with this section if the terminal operator:

(a) Allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property in areas of the terminal that drayage truck operators typically have access to and when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area and does not violate federal terminal security requirements;

(b) When necessary, provides additional restrooms at locations where there is the most need. To determine need, the terminal operator must assess the use and accessibility of existing restrooms and conduct a survey of drayage truck operators; and

(c) Has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

(4) Restrooms for drayage truck operators must be located in areas where access would not pose an obvious health or safety risk to the drayage truck operators or other workers in the area.

(5)(a) The departments of health and labor and industries have jurisdiction to enforce this section.

(b) The department of health may issue a warning letter to the port terminal operator for a first violation of this section, informing the port terminal operator of the requirements of this section. A port terminal operator that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(c) Failure of a terminal operator to comply with this section is a violation of chapter 49.17 RCW.

(d) The departments may not take duplicate enforcement actions against an individual or business for violations arising from the same conduct."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1706 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Sells and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1706, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1706, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slater, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative McCaslin.

SUBSTITUTE HOUSE BILL NO. 1706, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART 1

INTRODUCTION

NEW SECTION. **Sec. 101.** This act may be known and cited as the digital equity act.

NEW SECTION. **Sec. 102.** (1) The legislature finds that:

(a) Access to the internet is essential to participating in modern day society including, but not limited to, attending school and work, accessing health care, paying for basic services, connecting with family and friends, civic participation, and economic survival.

(b) For too many people in both rural and urban areas, the cost of being online is unaffordable. The legislature recognizes that building the last mile of broadband to the home is prohibitively expensive and that urban areas that are home to people earning low incomes continue to face digital redlining. Across the state there is a lack of affordable plans, barriers to enrolling in appropriate broadband plans, and barriers to fully utilize the opportunities that broadband offers.

(c) The COVID-19 pandemic has further highlighted the need for affordable access, devices, and skills to use the internet.

(d) The need for more accessible and affordable internet is felt more acutely among specific sectors of the population, especially Washington residents in rural areas, people who are currently earning low incomes, seniors and others who lack the skills necessary to get online, people with first languages other than English, immigrant communities, and people with disabilities.

(e) The federal government is allocating considerable sums for investment in digital equity that the state broadband office will help to leverage for residents across Washington. Continued comprehensive efforts, including coordination with tribal partners, are needed to ensure truly equitable access. The legislature recognizes that there will be a need for ongoing development and maintenance of broadband infrastructure. The legislature also recognizes that there is a need for ongoing outreach by community-based partnerships to provide enrollment assistance to lower the cost of internet subscriptions and devices.

(2) Therefore, the legislature intends to broaden access to the internet, the appropriate devices, and the skills to operate online safely and effectively so that all people in Washington can fully participate in our society, democracy, and economy by expanding assistance and

support programs offered in the state and establishing the governor's statewide broadband office as a central access point to such programs.

PART 2

STATE DIGITAL EQUITY PLAN

NEW SECTION. Sec. 201. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office, in consultation with the digital equity forum, the utilities and transportation commission, and the department of social and health services, must develop a state digital equity plan.

(a) The office must seek any available federal funding for purposes of developing and implementing the state digital equity plan.

(b) The state digital equity plan must include such elements as the office determines are necessary to leverage federal funding.

(2) In developing the plan, the office must identify measurable objectives for documenting and promoting digital equity among underserved communities located in the state.

(3) By December 1, 2023, the office must submit a report to the governor and the appropriate committees of the legislature, including the following:

(a) The digital equity plan described in subsection (1) of this section and measurable objectives described in subsection (2) of this section;

(b) A description of how the office collaborated with the membership of the digital equity forum, state agencies, and key stakeholders to develop the plan including, but not limited to, the following:

- (i) Community anchor institutions;
- (ii) Local governments;
- (iii) Local educational agencies;
- (iv) Entities that carry out workforce development programs; and
- (v) Broadband service providers;

(c) A description of federal funding available to advance digital equity in the state, including any available information on the extent to which state residents have enrolled in the affordable connectivity program through an approved provider; and

(d) Recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents. This may include recommendations of ongoing subsidies that the state can provide to low-income individuals and anchor institutions, as well as identification of revenue sources that other states or jurisdictions have developed to fund such subsidies or discounted rates.

(4) For the purpose of this section, "office" means the statewide broadband office established in RCW 43.330.532.

PART 3

DIGITAL EQUITY OPPORTUNITY PROGRAM

Sec. 301. RCW 43.330.530 and 2019 c 365 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 43.330.532 through 43.330.538, 43.330.412, and sections 305 and 306 of this act unless the context clearly requires otherwise.

(1) "Board" means the public works board established in RCW 43.155.030.

(2) "Broadband" or "broadband service" means any service providing advanced telecommunications capability and internet access with transmission speeds that, at a minimum, provide twenty-five megabits per second download and three megabits per second upload.

(3) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services to end users.

(4) "Department" means the department of commerce.

(5) "Last mile infrastructure" means broadband infrastructure that serves as the final connection from a broadband service provider's network to the end-use customer's on-premises telecommunications equipment.

(6) "Local government" includes cities, towns, counties, municipal corporations, public port districts, public utility districts, quasi-municipal corporations, special purpose districts, and multiparty entities comprised of public entity members.

(7) "Middle mile infrastructure" means broadband infrastructure that links a broadband service provider's core network infrastructure to last mile infrastructure.

(8) "Office" means the governor's statewide broadband office established in RCW 43.330.532.

(9) "Tribe" means any federally recognized Indian tribe whose traditional lands and territories included parts of Washington.

(10) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service, as defined by the office, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload.

(11)(a) "Advanced telecommunications capability" means, without regard to any transmission media or technology, high-speed, switched, broadband telecommunications capability that enables users to originate and receive high quality voice, data, graphics, and video telecommunications using any technology.

(b) "Advanced telecommunications capability" does not include access to a technology that delivers transmission speeds below the minimum download and upload speeds provided in the definition of broadband in this section.

(12) "Aging individual" means an individual 55 years of age or older.

(13) "Broadband adoption" means the process by which an individual obtains daily access to the internet:

(a) At a speed, quality, price, and capacity necessary for the individual to accomplish common tasks, such that the access qualifies as an advanced telecommunications capability;

(b) Providing individuals with the digital skills necessary to participate online;

(c) On a device connected to the internet and other advanced telecommunications services via a secure and convenient network, with associated end-user broadband infrastructure equipment such as wifi mesh router or repeaters to enable the device to adequately use the internet network; and

(d) With technical support and digital navigation assistance to enable continuity of service and equipment use and utilization.

(14) "Digital equity" means the condition in which individuals and communities in Washington have the information technology capacity that is needed for full participation in society and the economy.

(15)(a) "Digital inclusion" means the activities that are necessary to ensure that all individuals in Washington have access to, and the use of, affordable information and communication technologies including, but not limited to:

(i) Reliable broadband internet service;

(ii) Internet-enabled devices that meet the needs of the user; and

(iii) Applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration.

(b) "Digital inclusion" also includes obtaining access to digital literacy training, the provision of quality technical support, and obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(16) "Digital literacy" means the skills associated with using technology to enable users to use information and communications technologies to find, evaluate, organize, create, and communicate information.

(17) "Low-income" means households as defined by the department of social and health services, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator.

(18) "Underserved population" means any of the following:

(a) Individuals who live in low-income households;

(b) Aging individuals;

(c) Incarcerated individuals;

(d) Veterans;

(e) Individuals with disabilities;

(f) Individuals with a language barrier, including individuals who are English learners or who have low levels of literacy;

(g) Individuals who are members of a racial or ethnic minority group;

(h) Individuals who primarily reside in a rural area;

(i) Children and youth in foster care;
or

(j) Individuals experiencing housing instability.

Sec. 302. RCW 43.330.532 and 2021 c 258 s 2 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility and adoption for unserved and underserved communities and populations.

Sec. 303. RCW 43.330.534 and 2021 c 258 s 3 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, public housing agencies, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting

deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160, the digital equity opportunity program created in RCW 43.330.412, and the digital equity planning grant program created in section 305 of this act with seeking federal funding or matching grants and other grant opportunities for deploying or

increasing adoption of broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) The office shall coordinate an outreach effort to hard-to-reach communities and low-income communities across the state to provide information about broadband programs available to consumers of these communities. The outreach effort must include, but is not limited to, providing information to applicable communities about the federal lifeline program and other low-income broadband benefit programs. The outreach effort must be reviewed by the office of equity annually. The office may contract with other public or private entities to conduct outreach to communities as provided under this subsection.

(6) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

Sec. 304. RCW 43.330.412 and 2011 1st sp.s. c 43 s 607 are each amended to read as follows:

The ~~((community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology))~~ digital equity opportunity program is created to advance broadband adoption and digital equity and inclusion throughout the state. The digital equity opportunity program must be administered by the department. The department may contract for services in order to carry out the department's obligations under this section.

(1) In implementing the ~~((community technology))~~ digital equity opportunity program the director must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to ~~((community technology))~~ digital equity programs throughout the state~~(, and identify and facilitate the availability of other~~

~~public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen)) and additional support for the purpose of:~~

(i) Evaluating the impact and efficacy of activities supported by grants awarded under the covered programs; and

(ii) Developing, cataloging, disseminating, and promoting the exchange of best practices, with respect to and independent of the covered programs, in order to achieve digital equity. After July 1, 2024, no more than 15 percent of funds received by the director for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to ~~((provide training and skill building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through))~~ advance digital equity and digital inclusion by providing:

(i) Training and skill-building opportunities;

(ii) Access to hardware and software, including online service costs such as application and software;

(iii) Internet connectivity;

(iv) Digital media literacy and cybersecurity training;

(v) Assistance in the adoption of information and communication technologies for low-income and underserved populations of the state;

(vi) Development of locally relevant content and delivery of vital services through technology; and

(vii) Technical support;

(c) Collaborate with broadband stakeholders, including broadband action teams across the state, in implementing the program as provided under this subsection; and

(d) For the purposes of this section, include wireless meshed network technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

~~(e) ((Provide evidence of matching funds and resources, which are equivalent to at least one quarter of the grant amount committed to the applicant's strategy;~~

~~(f))~~ Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

~~(g))~~ (f) Comply with such other requirements as the director establishes.

(3) The digital equity forum shall review grant applications and provide input to the director regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(4) In awarding grants under the digital equity opportunity program created in this section, the director must:

(a) Consider the input provided by the digital equity forum, as provided in subsection (3) of this section, in awarding grants; and

(b) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants.

~~((ten))~~ (5) The director may use no more than 10 percent of funds received for the ((community technology)) digital equity opportunity program to cover administrative expenses.

~~((4))~~ (6) The director must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

NEW SECTION. Sec. 305. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department shall establish a digital equity planning grant program.

(2)(a) This program must provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state. Only the director or the director's designee may authorize expenditures.

(b) Priority must be given for grant applications:

(i) Accompanied by express support from community or neighborhood-based nonprofit organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners and partners from the categories of institutions identified in RCW 43.330.421; and

(ii) That intend to use community-based participatory action research methods as a part of the proposed plan.

(3) An applicant must submit an application to the department in order to be eligible for funding under this section.

(4) The digital equity forum shall review grant applications and provide input to the department regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(5) The department must:

(a) Pursuant to subsection (2)(b) of this section, evaluate and rank applications using objective criteria such as the number of underserved populations served and subjective criteria such as the degree of support

and engagement evidenced by the community who will be served;

(b) Consider the input provided by the forum, as provided in subsection (4) of this section, in awarding grants under the digital equity planning grant program; and

(c) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants under the digital equity planning grant program.

(6) The department shall develop criteria for what the digital equity plans must include.

(7) The department may adopt rules to implement this section.

NEW SECTION. Sec. 306. A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington digital equity forum is established for the purpose of developing recommendations to advance digital connectivity in Washington state and advising the statewide broadband office on the digital equity opportunity program as provided under RCW 43.330.412 and the digital equity planning grant program as provided under section 305 of this act.

(2) In developing its recommendations to advance digital connectivity, the forum must:

(a) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(b) Strengthen public-private partnerships;

(c) Solicit public input through public hearings or informational sessions;

(d) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(e) Recommend reforms to current universal service mechanisms.

(3) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the digital equity forum and no appointment may be made unless each

director concurs in the appointment. In making appointments, the directors must prioritize appointees representing:

(a) Federally recognized tribes;

(b) State agencies involved in digital equity; and

(c) Underserved and unserved communities, including historically disadvantaged communities.

(4) A majority of the participating members appointed by the directors must appoint an administrative chair for the forum.

(5) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:

(a) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(b) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(6)(a) Funds appropriated to the forum may be used to compensate, for any work done in connection with the forum, additional persons who have lived experience navigating barriers to digital connectivity and digital equity.

(b) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(7) Staff for the digital equity forum must be provided by the governor's statewide broadband office and the Washington state office of equity. The governor's statewide broadband office and the Washington state office of equity are jointly responsible for transmitting the recommendations of the digital equity forum to the legislature, consistent with RCW 43.01.036, by October 28, 2025, and every odd-numbered year thereafter.

PART 4

DIGITAL EQUITY ACCOUNT

NEW SECTION. Sec. 401. A new section is added to chapter 80.36 RCW to read as follows:

(1) The digital equity account is created in the state treasury. Moneys in

the account may be spent only after appropriation.

(2) Any amounts appropriated by the legislature to the account, private contributions, or any other source directed to the account, must be deposited into the account. Funds from sources outside the state, from private contributions, federal or other sources may be directed to the specific purposes of the digital equity opportunity program or digital equity planning grant program.

(3) The legislature may appropriate moneys in the account only for the purposes of:

(a) RCW 43.330.412, the digital equity opportunity program; and

(b) Section 305 of this act, the digital equity planning grant program.

PART 5

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 501. The director of the department of commerce or the director's designee, and the director of the statewide broadband office or the director's designee, may take any actions necessary to ensure that the provisions of this act are implemented on the date identified in section 502 of this act.

NEW SECTION. Sec. 502. Sections 101, 102, 301 through 305, and 401 of this act take effect July 1, 2023.

NEW SECTION. Sec. 503. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 504. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "training;" strike the remainder of the title and insert "amending RCW 43.330.530, 43.330.532, 43.330.534, and 43.330.412; adding new sections to chapter 43.330 RCW; adding a new section to chapter 80.36 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1723, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1723, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Chambers, Chase, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Jacobsen, Klicker, Klippert, Kraft, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Schmick, Steele, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1723, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1975 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the important role housing

authorities play in providing much needed affordable housing to more than 35,000 households through their inventory of rental housing, including through workforce housing programs where housing authorities keep rents as low as possible and operate on very thin margins.

The legislature finds that for nearly 30 years without issue, objection, or complaint, housing authorities have been contracting with property management services companies for site operations at unsubsidized workforce housing properties. The legislature further finds that it is critical to continue efforts to preserve and expand naturally occurring workforce housing units statewide. Therefore, the legislature recognizes that, at unsubsidized housing authority properties, tenant rents and deposits paid to property management companies and used to pay for regular maintenance and operations are private funds and such maintenance work is not a public work.

Sec. 2. RCW 35.82.070 and 2002 c 218 s 22 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to

agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter. However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least (~~fifty~~) 50 percent of the interior space in the total development owned by the authority or at least (~~fifty~~) 50 percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made

available to persons of low income shall be at least (~~(fifty)~~) 50 percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least (~~(twenty)~~) 20 years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To contract with a property management services company for purposes of operating a housing project. Rental and other project revenues collected by a property management services company from the housing project's tenants and used to pay administrative operating and ordinary maintenance costs incurred by the company under the terms of the contract with the authority shall be treated as private funds, and any resulting services as executed at the cost of the property management services company and the housing project's tenants, until the net operating revenues are distributed to the authority for its exclusive use and control. For the purposes of this subsection, "ordinary maintenance" only includes: Routine

repairs related to unit turnover work; grounds and parking lot upkeep; and repairs and cleaning work needed to keep a property in a clean, safe, sanitary, and rentable condition that are customarily undertaken or administered by residential property management services companies. "Ordinary maintenance" does not include repairs that would be considered replacement capital repairs or scheduled regular maintenance work on plumbing, electrical, or HVAC/R systems or their components.

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

~~((47))~~ (8) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

~~((48))~~ (9) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of

nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

~~((9))~~ (10) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

~~((10))~~ (11) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

~~((11))~~ (12) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

~~((12))~~ (13) Upon the request of a county or city, to exercise any powers of a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW.

~~((13))~~ (14) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((14))~~ (15) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((15))~~ (16) To sell at public or private sale, with or without public

bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((16))~~ (17) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind to which the authority is a party.

~~((17))~~ (18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

~~((18))~~ (19) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least ~~((twenty))~~ 20 years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least ~~((fifty))~~ 50 percent of the interior space in the total development or at least ~~((fifty))~~ 50 percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least ~~((fifty))~~ 50 percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The ~~((twenty-year))~~ 20-year requirement under this subsection ~~((18))~~ (19)(a) shall not

apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed ~~((fifty))~~ 50 percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed ~~((fifteen))~~ 15 percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection ~~((18))~~ (19)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed ~~((sixty))~~ 60 percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than ~~((twenty))~~ 20 percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the

authority to carry out its powers and purposes under this chapter.

~~((19))~~ (20) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects."

On page 1, line 2 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 35.82.070; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1975 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wylie and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1975, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1975, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

HOUSE BILL NO. 1975, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2008 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that requiring intelligence quotient testing to determine if a person has an intellectual or developmental disability is expensive, inaccessible to marginalized communities, complicated to receive, and time consuming for families already struggling to care for their child with an intellectual or developmental disability. Further, the legislature finds that intelligence quotient testing does not accurately indicate whether a person needs support to be personally and socially productive, which is the goal of the developmental disabilities administration outlined in RCW 71A.10.015. Therefore, the legislature finds that requiring intelligence quotient testing in assessing whether a person has an intellectual or developmental disability is not an appropriate diagnostic tool and eliminating the use of intelligence quotient scores has been a goal of the legislature for more than 40 years.

Sec. 2. RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted and amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Administration" means the department of social and health services developmental disabilities administration.

(2) "Assessment" means an evaluation is provided by the department to determine:

(a) If the individual meets functional and financial criteria for medicaid services; and

(b) The individual's support needs for service determination.

~~((2))~~ (3) "Community residential support services," or "community support services," and "in-home services" means one or more of the services listed in RCW 71A.12.040.

~~((3))~~ (4) "Crisis stabilization services" means services provided to persons with developmental disabilities who are experiencing behaviors that jeopardize the safety and stability of their current living situation. Crisis stabilization services include:

(a) Temporary intensive services and supports, typically not to exceed sixty days, to prevent psychiatric hospitalization, institutional placement, or other out-of-home placement; and

(b) Services designed to stabilize the person and strengthen their current living situation so the person may continue to safely reside in the community during and beyond the crisis period.

~~((4))~~ (5) "Department" means the department of social and health services.

~~((5))~~ (6) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual. By ~~((January 1, 1989))~~ June 30, 2025, the ~~((department))~~ administration shall promulgate rules ~~((which))~~ to further define ~~((neurological or other conditions in a way that is not limited to))~~ developmental disability without the use of intelligence quotient scores ~~((as the sole determinant of these conditions, and notify the legislature of this action)).~~

~~((6))~~ (7) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

~~((7))~~ (8) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise

their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

~~((8))~~ (9) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney-at-law, a person's attorney-in-fact, or any other person who is authorized by law to act for another person.

~~((9))~~ (10) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

~~((10))~~ (11) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

~~((11))~~ (12) "Respite services" means relief for families and other caregivers of people with disabilities, typically not to exceed ninety days, to include both in-home and out-of-home respite care on an hourly and daily basis, including twenty-four hour care for several consecutive days. Respite care workers provide supervision, companionship, and personal care services temporarily replacing those provided by the primary caregiver of the person with disabilities. Respite care may include other services needed by the client, including medical care which must be provided by a licensed health care practitioner.

~~((12))~~ (13) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((13))~~ (14) "Service" or "services" means services provided by state or local government to carry out this title.

~~((14))~~ (15) "Service request list" means a list of eligible persons who have received an assessment for service determination and their assessment shows that they meet the eligibility requirements for the requested service but were denied access due to funding limits.

~~((15))~~ (16) "State-operated living alternative" means programs for community residential services which may include assistance with activities of

daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports to individuals who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. State-operated living alternatives are operated and staffed with state employees.

~~((16))~~ (17) "Supported living" means community residential services and housing which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports provided to individuals with disabilities who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. Supported living services are provided under contracts with private agencies or with individuals who are not state employees.

~~((17))~~ (18) "Vacancy" means an opening at a residential habilitation center, which when filled, would not require the center to exceed its biennially budgeted capacity.

Sec. 3. RCW 71A.16.020 and 1988 c 176 s 402 are each amended to read as follows:

(1) A person is eligible for services under this title if the secretary finds that the person has a developmental disability as defined in RCW 71A.10.020~~((2))~~.

(2) The secretary may adopt rules further defining and implementing the criteria in the definition of "developmental disability" under RCW 71A.10.020~~((2))~~. Beginning July 1, 2025, the administration may not use intelligence quotient scores as a determinant of developmental disability. The administration shall maintain eligibility for the administration's services for any persons determined eligible after the age of 18 who were determined eligible using an intelligence quotient score under criteria in place prior to July 1, 2025. The administration shall not disenroll any client upon review at 18 years old who is determined to be eligible based on standards in place prior to or after July 1, 2025."

On page 1, line 3 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 71A.16.020; reenacting and amending RCW 71A.10.020; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2008 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Taylor spoke in favor of the passage of the bill.

Representative Gilday spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2008, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2008, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

SECOND SUBSTITUTE HOUSE BILL NO. 2008, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2057 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) In 2021, the total Washington state patrol workforce was 84 percent white and 67 percent male, the field force workforce was 86 percent white and 86 percent male, and the managerial staff was as high as 93 percent white;

(b) A strong diversity, equity, and inclusion strategic recruitment and retention plan is necessary to:

(i) Provide the state patrol with the benefits of a diverse workforce, improving service to the public, increasing employee productivity, and providing new perspectives and innovative approaches to achieving the agency's mission of enhancing the safety and security of all people and communities; and

(ii) Fill vacancies with those who are from historically and currently marginalized communities;

(c) Public employment opportunities at the Washington state patrol should provide all commissioned and noncommissioned staff full access to the opportunities, power, and resources each needs in the staff person's career; and

(d) The transition to a culture that fosters workforce diversity, equity, and inclusion requires steadfast commitment over the long term.

(2) Therefore, the legislature intends to:

(a) Challenge the state patrol to change and adapt its culture to attract and retain a diverse workforce representative of those who have been historically and currently marginalized and is representative of the labor force as a whole;

(b) Establish effective legislative and executive oversight mechanisms to increase workforce parity by eliminating disparities in the state patrol's workforce;

(c) Increase accountability and transparency relating to the state

patrol's progress in achieving equity in its workforce; and

(d) Provide technical assistance and support for the state patrol's diversity, equity, and inclusion efforts over the long term.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06D RCW to read as follows:

(1) Consistent with its purpose of promoting access to equitable opportunities and resources to reduce disparities, the Washington state office of equity shall provide oversight for the development and ongoing implementation of the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan.

(2) To accomplish this purpose, the office of equity shall work with the department of enterprise services, which will run and oversee a competitive procurement process to select and hire an independent, expert consultant to:

(a) Collect benchmark demographic data on the composition of the current Washington state patrol workforce, including applicants in the recruitment process, people in trooper academy classes, and new hires across positions in the agency including, and not limited to, applicants referred for interview; applicants referred for hire; applicant to hire ratios; applicants referred for psychological testing; applicant pass to fail ratios; and turnover rate. In addition, this task must include comparative demographic data for other law enforcement training classes within the state;

(b) Conduct a study of the labor force available for the commissioned and noncommissioned staff of the state patrol, with a focus on the availability of black, indigenous, Latino, Asian, and other groups currently underrepresented in the state patrol workforce;

(c) Using the results of the labor force availability study and Washington state patrol recruitment and retention demographic benchmark data, establish goals for the demographic composition of the state patrol workforce and a plan for reaching the goals;

(d) Develop agency-specific process and outcome measures of performance, taking into consideration community

feedback on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(e) Recommend effective agency programs and services to reduce disparities across the agency;

(f) Evaluate and report on progress in the implementation of the diversity, equity, and inclusion strategic recruitment and retention plan developed for the Washington state patrol in 2021;

(g) In coordination with the Washington state patrol, annually update the diversity, equity, and inclusion strategic recruitment and retention plan to reflect activities completed, new strategies, and next steps;

(h) Report biannually to the governor and appropriate committees of the legislature on the composition of the current Washington state patrol workforce compared to established benchmarks and goals; and

(i) Otherwise assist the office of equity in monitoring and reporting the Washington state patrol's implementation of the diversity, equity, and inclusion strategic recruitment and retention plan.

(3) The office is directed to complete the following work in accordance with RCW 43.06D.040:

(a) Provide technical assistance to the Washington state patrol regarding best practices to effectively foster an equitable, just, diverse workforce;

(b) Publish the Washington state patrol's diversity, equity, and inclusion strategic recruitment and retention plan on its performance dashboard;

(c) Report the Washington state patrol's performance on the office's performance dashboard, providing for a process for the Washington state patrol to respond to the report;

(d) Establish accountability procedures for the Washington state patrol, which may include conducting performance reviews related to state patrol compliance with office performance measures consistent with RCW 43.06D.040;

(e) Report annually to the governor and appropriate committees of the legislature on the Washington state

patrol's compliance with developing its diversity, equity, and inclusion strategic recruitment and retention plan in accordance with the office of equity standards and the state patrol's progress made toward performance measures in its diversity, equity, and inclusion strategic recruitment and retention plan.

(4) This section expires June 30, 2032."

On page 1, line 2 of the title, after "workforce;" strike the remainder of the title and insert "adding a new section to chapter 43.06D RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2057 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Valdez and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2057, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2057, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chase, Dufault, Eslick, Graham, Klicker, Klippert, Kraft, McCaslin, McEntire, Orcutt, Rude, Sutherland and Walsh.

SUBSTITUTE HOUSE BILL NO. 2057, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1664 with the following amendment:

On page 1, after line 7, insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that school nurses, social workers, psychologists, and school counselors are uniquely qualified to provide essential supports that address the physical, social, and emotional needs of students. As the COVID-19 pandemic continues to impact the health and well-being of students, the need for comprehensive student supports has grown beyond what is currently funded in the prototypical school model. Therefore, the legislature intends to provide increased allocations to school districts that demonstrate they have hired staff for these roles. The legislature hopes that this enhanced state funding will allow school districts to redirect local levy dollars previously spent on these positions to address learning loss resulting from the COVID-19 pandemic or to hire additional physical, social, and emotional support staff."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "new sections"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1664 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1664, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1664, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, Hoff, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chase, Dufault, Dye, Griffey, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Schmick, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1664, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Health plans issued or renewed on or after January 1, 2023, shall exempt an enrollee from prior authorization requirements for coverage of biomarker testing for either of the following:

(a) Stage 3 or 4 cancer; or

(b) Recurrent, relapsed, refractory, or metastatic cancer.

(2) For purposes of this section, "biomarker test" means a single or multigene diagnostic test of the cancer patient's biospecimen, such as tissue, blood, or other bodily fluids, for DNA, RNA, or protein alterations, including phenotypic characteristics of a malignancy, to identify an individual with a subtype of cancer, in order to guide patient treatment.

(3) For purposes of this section, biomarker testing must be:

(a) Recommended in the latest version of nationally recognized guidelines or biomarker compendia, such as those published by the national comprehensive cancer network;

(b) Approved by the United States food and drug administration or a validated clinical laboratory test performed in a clinical laboratory certified under the clinical laboratory improvement amendments or in an alternative laboratory program approved by the centers for medicare and medicaid services;

(c) A covered service; and

(d) Prescribed by an in-network provider.

(4) This section does not limit, prohibit, or modify an enrollee's rights to biomarker testing as part of an approved clinical trial under chapter 69.77 RCW.

(5) Nothing in this section may be construed to mandate coverage of a health care service.

(6) Nothing in this section prohibits a health plan from requiring a biomarker test prior to approving a drug or treatment.

(7) This section does not limit an enrollee's rights to access individual gene tests."

On page 1, line 2 of the title, after "cancer;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Walen and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1689, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1689, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1773 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.020 and 2021 c 264 s 21 and 2021 c 263 s 12 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified

behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an

Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall

be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient ~~((behavioral health))~~ treatment" ~~((means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or~~

~~deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time))~~ refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient ~~((behavioral health))~~ treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department

or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be

structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 2. RCW 71.05.020 and 2021 c 264 s 23 and 2021 c 263 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(12) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(13) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(14) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(15) "Department" means the department of health;

(16) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(17) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(18) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(19) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(20) "Director" means the director of the authority;

(21) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(22) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or

psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(23) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(24) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(25) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(26) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(27) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time

spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(28) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(29) "In need of assisted outpatient ~~((behavioral health))~~ treatment" ~~((means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time))~~ refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive

settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(31) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(32) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(33) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(34) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient ~~((behavioral health))~~ treatment order under RCW 71.05.148;

(35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(36) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(37) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(38) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(39) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(40) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(41) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(42) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(43) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(44) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse

practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(45) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(46) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(47) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(48) "Release" means legal termination of the commitment under the provisions of this chapter;

(49) "Resource management services" has the meaning given in chapter 71.24 RCW;

(50) "Secretary" means the secretary of the department of health, or his or her designee;

(51) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(52) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services

for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 3. RCW 71.05.148 and 2019 c 446 s 21 are each amended to read as follows:

~~((This section establishes a process for initial evaluation and filing of a~~

~~petition for assisted outpatient behavioral health treatment, but however does not preclude the filing of a petition for assisted outpatient behavioral health treatment following a period of inpatient detention in appropriate circumstances.))~~

~~(1) ((The designated crisis responder)) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:~~

~~(a) The person has a behavioral health disorder;~~

~~(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:~~

~~(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or~~

~~(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;~~

~~(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:~~

~~(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;~~

~~(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state or local correctional facility; or~~

~~(iii) Resulted in one or more violent acts, threats, or attempts to cause~~

serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the person, unless the person refuses an interview, ((and)) to determine whether the person will voluntarily receive appropriate ((evaluation and)) treatment ((at a mental health facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program)).

((+2)) (4) The ((designated crisis responder)) petitioner must ((investigate and evaluate the)) allege specific facts ((alleged and)) based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information((. The designated

~~crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153)) material to the petition.~~

~~((3) If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to ninety days of less restrictive alternative treatment.)) (5) The petition must include:~~

~~(a) A statement of the circumstances under which the person's condition was made known and ((stating that there is evidence, as a result of the designated crisis responder's)) the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient ((behavioral health)) treatment(, and stating the)). The petitioner must state which specific facts ((known as a result of)) come from personal observation ((or investigation, upon which the designated crisis responder bases)) and specify what other sources of information the petitioner has relied upon to form this belief;~~

~~(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, or the person's treating mental health professional or substance use disorder professional, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment. If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;~~

~~(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient ((behavioral health)) treatment;~~

~~((c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;))~~

~~(d) The name of an agency, provider, or facility ((which agreed)) that agrees to ((assume the responsibility of providing)) provide less restrictive alternative treatment if the petition is granted by the court; and~~

~~(e) ((A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section)) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.~~

~~((4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:~~

~~(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or~~

~~(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.~~

~~(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.))~~

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention

training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

~~((6))~~ (8) A petition for assisted outpatient ~~((behavioral health))~~ treatment filed under this section ~~((must))~~ shall be adjudicated under RCW 71.05.240.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

NEW SECTION. Sec. 4. A new section is added to chapter 71.34 RCW to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, or the adolescent's treating mental health professional or substance use disorder professional, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be

cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the

adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

Sec. 5. RCW 71.05.150 and 2021 c 264 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a

person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, (~~or that a person is in need of assisted outpatient behavioral health treatment~~) the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention (~~or involuntary outpatient treatment~~), if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section (~~or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148~~). Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person(~~(7)~~) and his or her guardian(~~(7) and conservator~~), if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall

be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under (~~RCW 71.05.150~~) this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 6. RCW 71.05.150 and 2021 c 264 s 2 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, (~~or that a person is in need of assisted outpatient behavioral health~~

~~treatment~~)) the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention (~~(or involuntary outpatient treatment)~~), if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section (~~(or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148)~~). Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in

determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person((~~τ~~)) and his or her guardian(~~((τ and conservator))~~), if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there

shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(6) In any investigation and evaluation of an individual under (~~RCW 71.05.150~~) this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230(2)(ee) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 7. RCW 71.05.156 and 2018 c 291 s 12 are each amended to read as follows:

A designated crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention(~~((τ and to determine whether the person is in need of assisted outpatient behavioral health treatment))~~).

Sec. 8. RCW 71.05.201 and 2020 c 302 s 24 and 2020 c 256 s 304 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family

member or guardian (~~(or conservator)~~) of the person, or a federally recognized Indian tribe if the person is a member of such tribe, may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention (~~(or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment)~~) if the court finds that: (a) There is probable cause to support a petition for detention (~~(or assisted outpatient behavioral health treatment)~~); and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a (~~(written order for apprehension)~~) warrant. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a (~~(written order)~~) warrant issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 9. RCW 71.05.212 and 2020 c 256 s 305 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient ((behavioral health)) treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

~~((5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.))~~

Sec. 10. RCW 71.05.212 and 2020 c 302 s 28 and 2020 c 256 s 305 are each reenacted and amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the

person is in need of assisted outpatient ~~((behavioral health))~~ treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

~~((5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.))~~

Sec. 11. RCW 71.05.230 and 2020 c 302 s 34 are each amended to read as follows:

A person detained for one hundred twenty ~~((hour))~~ hours of evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by a behavioral health disorder and results in: (a) A likelihood of serious harm; or (b) the person being gravely disabled; ~~((or (c) the person being in need of assisted outpatient behavioral health treatment.))~~ and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has

evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm ~~((or))~~ or is gravely disabled ~~((or is in need of assisted outpatient behavioral health treatment.))~~ and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney, and his or her guardian ~~((or conservator))~~, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ~~((ninety))~~ 90 days of less restrictive alternative treatment or ~~((ninety))~~ 90 days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 12. RCW 71.05.240 and 2021 c 264 s 8 are each amended to read as follows:

(1) If a petition is filed for ~~((fourteen day))~~ up to 14 days of involuntary treatment ~~((or ninety))~~, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within ~~((one hundred twenty))~~ 120 hours of the initial detention ~~((of such person as determined in))~~ under RCW 71.05.180, or at a time ~~((determined))~~ scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for

treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed ~~((fourteen))~~ 14 days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) A court may only order commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(d) If the court finds by a preponderance of the evidence that ~~((such))~~ a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient ~~((behavioral health))~~ treatment ~~((, and that the person does not present a likelihood of serious harm and is not gravely disabled))~~, the court shall order an appropriate less restrictive alternative course of

treatment for up to ~~((ninety days))~~ 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the ~~((fourteen day))~~ 14-day inpatient or ~~((ninety day))~~ 90-day less restrictive treatment period, the person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall ~~((also))~~ notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 13. RCW 71.05.240 and 2021 c 264 s 9 are each amended to read as follows:

(1) If a petition is filed for ~~((fourteen day))~~ up to 14 days of involuntary treatment ~~((or ninety))~~, 90 days of less restrictive alternative treatment, or 18 months of less restrictive alternative treatment under RCW 71.05.148, the court shall hold a probable cause hearing within ~~((one hundred twenty))~~ 120 hours of the initial detention ~~((of such person as determined in))~~ under RCW 71.05.180, or at a time ~~((determined))~~ scheduled under RCW 71.05.148.

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss

of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that ~~((such))~~ a person detained for behavioral health treatment, as the result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for up to ninety days.

(c) If the court finds by a preponderance of the evidence that ~~((such))~~ a person subject to a petition under RCW 71.05.148, as the result of a behavioral health disorder, is in need of assisted outpatient ~~((behavioral health))~~ treatment ~~((, and that the person does not present a likelihood of serious harm and is not gravely disabled))~~, the court shall order an appropriate less restrictive alternative course of

treatment for up to (~~ninety days~~) 18 months.

(5) An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the treatment recommendations of the behavioral health service provider.

(6) The court shall notify the person orally and in writing that if involuntary treatment is sought beyond the (~~fourteen day~~) 14-day inpatient or (~~ninety day~~) 90-day less restrictive treatment period, such person has the right to a full hearing or jury trial under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also notify the person orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain or commit a person under this section, the court shall issue an order to dismiss the petition.

(8) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 14. RCW 71.05.245 and 2018 c 291 s 14 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient (~~behavioral health~~) treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~behavioral health~~) treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe

deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

Sec. 15. RCW 71.05.280 and 2020 c 302 s 41 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a behavioral health disorder, presents a

substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled(~~+~~ ~~or~~

~~(5) Such person is in need of assisted outpatient behavioral health treatment)).~~

Sec. 16. RCW 71.05.290 and 2020 c 302 s 42 are each amended to read as follows:

(1) At any time during a person's (~~fourteen~~) 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are

alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for (~~one hundred eighty day~~) 180-day treatment under RCW 71.05.280(3), or for (~~ninety day~~) 90-day treatment under RCW 71.05.280 (1), (2), or (4)(~~or~~ ~~(5)~~). No petition for initial detention or (~~fourteen~~) 14-day detention is required before such a petition may be filed.

Sec. 17. RCW 71.05.320 and 2021 c 264 s 10 and 2021 c 263 s 2 are each reenacted and amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for (~~one hundred eighty day~~) 180-day

treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ~~((ninety))~~ 90 days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed ~~((one hundred eighty))~~ 180 days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. ~~((If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.))~~

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a

behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled(~~(+or~~

~~(e) Is in need of assisted outpatient behavioral health treatment)).~~

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less

restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed ~~((one hundred eighty))~~ 180 days from the date of judgment, except as provided in subsection (7) of this section. ~~((If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment.))~~ An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the ~~((one hundred eighty day))~~ 180-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional ~~((one hundred eighty day))~~ 180-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive ~~((one hundred eighty day))~~ 180-day commitments are permissible on the same grounds and pursuant to the same procedures as the original ~~((one hundred eighty day))~~ 180-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed ~~((as provided in))~~ under this section may be detained unless a valid order of commitment is in effect. No order of commitment ~~((can))~~ under this section may exceed ~~((one hundred eighty))~~ 180 days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 18. RCW 71.05.320 and 2021 c 264 s 11 and 2021 c 263 s 3 are each reenacted and amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for ~~((one hundred eighty day))~~ 180-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ~~((ninety))~~ 90 days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed ~~((one hundred eighty))~~ 180 days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. ~~((If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.))~~

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal

behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled(~~(+ or~~

~~(e) Is in need of assisted outpatient behavioral health treatment)).~~

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed ~~((one hundred eighty))~~ 180 days from the date of judgment, except as provided in subsection (7) of this section. ~~((If the court's order is based solely on the grounds identified in subsection (4)(c) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment.))~~ An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585,

and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the ~~((one hundred eighty day))~~ 180-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional ~~((one hundred eighty day))~~ 180-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive

~~((one hundred eighty day))~~ 180-day commitments are permissible on the same grounds and pursuant to the same procedures as the original ~~((one hundred eighty day))~~ 180-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed ~~((as provided in))~~ under this section may be detained unless a valid order of commitment is in effect. No order of commitment ~~((can))~~ under this section may exceed ~~((one hundred eighty))~~ 180 days in length except as provided in subsection (7) of this section.

(9) Nothing in this section precludes the court from subsequently modifying the terms of an order for less restrictive alternative treatment under RCW 71.05.590(3).

Sec. 19. RCW 71.05.365 and 2019 c 325 s 3008 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ~~((ninety))~~ 90 or ~~((one hundred eighty))~~ 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan, including whether a petition should be filed for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment, and arrange for a transition to the community in accordance with the person's individualized discharge plan within ~~((fourteen))~~ 14 days of the determination.

Sec. 20. RCW 71.05.585 and 2021 c 264 s 13 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation, a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Partial hospitalization;
- (g) Intensive outpatient treatment;
- (h) Support for housing, benefits, education, and employment; and
- ~~((g))~~ (i) Periodic court review.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist,

psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 21. RCW 71.34.755 and 2021 c 287 s 21 and 2021 c 264 s 16 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation, a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment; and

(~~(g)~~) (i) Periodic court review.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less

restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 22. RCW 10.77.175 and 2021 c 263 s 4 are each amended to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the conditional treatment;

(c) A psychiatric evaluation or a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; (~~and~~)

(h) Appointment of a transition team under RCW 10.77.150; (~~and~~) and

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment; and

(~~(g)~~) (i) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment

provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 23. RCW 71.05.590 and 2021 c 264 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the ~~((court))~~ order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer ~~((appropriate))~~ incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be ~~((made to or by))~~ directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the ~~((agency or facility in))~~ entity requesting ~~((this))~~ the hearing and ~~((issuing))~~ issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is

intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To ~~((cause))~~ detain the person ~~((to be transported by a peace officer, designated crisis responder, or other means to the))~~ for up to 12 hours for evaluation at an agency ~~((or))~~, facility ~~((monitoring or))~~ providing services under the court order, ~~((or to a))~~ triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The ~~((person may be detained at the facility for up to twelve hours for the))~~ purpose of ~~((an))~~ the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when ~~((in the))~~, based on clinical judgment ~~((of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services))~~, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section ~~((or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (7) of this section))~~.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While

the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) ~~((Except as provided in subsection (7) of this section, a))~~ A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or ~~((notification by))~~ upon request of the facility or agency designated to provide outpatient care ~~((order))~~, cause a person ~~((subject to a court order under this chapter))~~ to be ~~((apprehended and taken into custody and temporary detention))~~ detained in an evaluation and treatment facility, ~~((an))~~ available secure withdrawal management and stabilization facility with adequate space, or ~~((an))~~ available approved substance use disorder treatment program with adequate space ~~((or))~~ in or near the county in which he or she is receiving outpatient treatment ~~((Proceedings under this subsection (5) may be initiated without ordering the apprehension and))~~ for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) ~~((Except as provided in subsection (7) of this section, a))~~ A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the ~~((person should be returned to the hospital or facility from which he or she had been released))~~ order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may ~~((modify or rescind the order at any time prior to commencement of))~~ withdraw its petition for revocation at any time before the court hearing.

(c) ~~((The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The))~~ A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) ~~((Except as provided in subsection (7) of this section, the))~~ The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the ~~((court))~~ order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court ~~((should))~~ to reinstate or modify the person's less restrictive alternative treatment order

or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for ~~((fourteen))~~ 14 days from the revocation hearing if the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the ~~((outpatient))~~ order must be converted to days of inpatient treatment ~~((authorized in the original court order))~~. A court may not ~~((issue an order to))~~ detain a person for inpatient treatment ~~((in))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a ~~((secure withdrawal management and stabilization))~~ facility or ~~((approved substance use disorder treatment))~~ program available ~~((and))~~ with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

~~((7)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary~~

~~detention for inpatient evaluation in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.~~

~~(b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.~~

~~(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.~~

~~(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.)~~

Sec. 24. RCW 71.05.590 and 2021 c 264 s 15 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The

agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the ~~((court))~~ order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer ~~((appropriate))~~ incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be ~~((made to or by))~~ directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist ~~((the agency or facility in))~~ entity requesting ~~((this))~~ the hearing and ~~((issuing))~~ issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To ~~((cause))~~ detain the person ~~((to be transported by a peace officer, designated crisis responder, or other means to the))~~ for up to 12 hours for

evaluation at an agency ~~((or))~~, facility ~~((monitoring or))~~ providing services under the court order, ~~((or to a))~~ triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. ~~The ((person may be detained at the facility for up to twelve hours for the))~~ purpose of ~~((an))~~ the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when ((in the)), based on clinical judgment ((of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services)), temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) ~~To initiate revocation procedures under subsection (5) of this section ((or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (7) of this section)).~~

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under

subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) ~~((Except as provided in subsection (7) of this section, a))~~ A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or ((notification by)) upon request of the facility or agency designated to provide outpatient care ((order)), cause a person ((subject to a court order under this chapter)) to be ((apprehended and taken into custody and temporary detention)) detained in an evaluation and treatment facility, ((in a)) secure withdrawal management and stabilization facility, or ((in an)) approved substance use disorder treatment program((7)) in or near the county in which he or she is receiving outpatient treatment((Proceedings under this subsection (5) may be initiated without ordering the apprehension and)) for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) ~~((Except as provided in subsection (7) of this section, a))~~ A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the ((person should be returned to the hospital or facility from which he or she had been released)) order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The

designated crisis responder or the secretary of the department of social and health services may ~~((modify or rescind the order at any time prior to commencement of))~~ withdraw its petition for revocation at any time before the court hearing.

(c) ~~((The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The))~~ A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) ~~((Except as provided in subsection (7) of this section, the))~~ The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the ~~((court))~~ order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court ~~((should))~~ to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for ~~((fourteen))~~ 14 days from the revocation hearing if the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders

detention for inpatient treatment and the ~~((outpatient))~~ less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the ~~((outpatient))~~ order must be converted to days of inpatient treatment ~~((authorized in the original court order))~~.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

~~((7)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.~~

~~((b) A person detained under this subsection may be held for evaluation for up to one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.~~

~~((c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should~~

~~reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the one hundred twenty hour period, the court must find that the person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.))~~

Sec. 25. RCW 71.05.595 and 2018 c 291 s 16 are each amended to read as follows:

A court order for less restrictive alternative treatment for a person found to be in need of assisted outpatient ((behavioral health)) treatment must be terminated prior to the expiration of the order when, in the opinion of the professional person in charge of the less restrictive alternative treatment provider, (1) the person is prepared to accept voluntary treatment, or (2) the outpatient treatment ordered is no longer necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

Sec. 26. RCW 71.24.045 and 2021 c 263 s 17 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the

person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board, the behavioral health ombuds, and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and section 4 of this act.

Sec. 27. RCW 71.24.045 and 2021 c 263 s 17 and 2021 c 202 s 15 are each reenacted and amended to read as follows:

(1) The behavioral health administrative services organization

contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction

coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not

result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and section 4 of this act.

NEW SECTION. Sec. 28. By December 31, 2022, the administrative office of the courts, in collaboration with stakeholders, shall: (1) Develop a court form or forms for the filing of a petition under RCW 71.05.148 and section 4 of this act; and (2) develop and publish on its website a user's guide to assist litigants in the preparation and filing of a petition under RCW 71.05.148 or section 4 of this act.

Sec. 29. RCW 71.05.740 and 2021 c 263 s 15 are each amended to read as follows:

(1) All behavioral health administrative services organizations in the state of Washington must forward historical behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

(2) The clerk of the court must share commitment hearing outcomes in all hearings under this chapter with the local behavioral health administrative services organization that serves the region where the superior court is located, including in cases in which the designated crisis responder investigation occurred outside the region. The hearing outcome data must

include the name of the facility to which a person has been committed.

NEW SECTION. Sec. 30. Sections 1, 2, and 31 of this act take effect July 1, 2022.

Sec. 31. 2021 c 264 s 24 (uncodified) and 2021 c 263 s 21 (uncodified) are each reenacted and amended to read as follows:

(1) Sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, ~~((and, until July 1, 2022, section 22, chapter 264, Laws of 2021 and, beginning July 1, 2022,))~~ section 23, chapter 264, Laws of 2021, and sections 2 and 10, chapter ... (this act), Laws of 2022 take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28, chapter 302, Laws of 2020, sections 13 and 14, chapter 263, Laws of 2021, ~~((and sections 22 and))~~ section 23, chapter 264, Laws of 2021, and sections 2 and 10, chapter ... (this act), Laws of 2022 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. Sec. 32. Sections 5, 12, 17, and 23 of this act expire July 1, 2026.

NEW SECTION. Sec. 33. Sections 6, 13, 18, and 24 of this act take effect July 1, 2026.

NEW SECTION. Sec. 34. Section 26 of this act expires October 1, 2022.

NEW SECTION. Sec. 35. Section 27 of this act takes effect October 1, 2022.

NEW SECTION. Sec. 36. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "disorders;" strike the remainder of the title and insert "amending RCW 71.05.148, 71.05.150, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.240, 71.05.245, 71.05.280, 71.05.290, 71.05.365, 71.05.585, 10.77.175, 71.05.590, 71.05.590, 71.05.595, 71.24.045, and 71.05.740;

reenacting and amending RCW 71.05.020, 71.05.020, 71.05.201, 71.05.212, 71.05.320, 71.05.320, 71.34.755, and 71.24.045; reenacting and amending 2021 c 264 s 24 and 2021 c 263 s 21 (uncodified); adding a new section to chapter 71.34 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1773 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Taylor spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1773, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1773, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Chandler, Kraft, McCaslin, McEntire, Orcutt, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1773, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.010 and 2001 c 214 s 1 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington requires ~~((the development of))~~ a procedure for the selection and ~~((utilization))~~ use of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

The legislature finds that the in-state manufacture of industrial products that enable a clean energy economy is critical to advancing the state's objectives in providing affordable electricity, promoting renewable energy, strengthening the state's economy, and reducing greenhouse gas emissions. Therefore, the legislature intends to provide the council with additional authority regarding the siting of clean energy product manufacturing facilities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods~~((τ))~~ that the location and operation of ~~((such))~~ all energy facilities and certain clean energy

product manufacturing facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. In addition, it is the intent of the legislature to streamline application review for energy facilities to meet the state's energy goals and to authorize applications for review of certain clean energy product manufacturing facilities to be considered under the provisions of this chapter.

Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; ~~((and))~~ to pursue beneficial changes in the environment; and to promote environmental justice for overburdened communities.

(3) To encourage the development and integration of clean energy sources.

(4) To provide abundant clean energy at reasonable cost.

~~((+4))~~ (5) To avoid costs of complete site restoration and demolition of improvements and infrastructure at unfinished nuclear energy sites, and to use unfinished nuclear energy facilities for public uses, including economic development, under the regulatory and management control of local governments and port districts.

~~((+5))~~ (6) To avoid costly duplication in the siting process and ensure that decisions are made timely and without unnecessary delay while also encouraging meaningful public comment and participation in energy facility decisions.

Sec. 2. RCW 80.50.020 and 2021 c 317 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal action; ~~((or))~~ (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; or (g) renewable or green electrolytic hydrogen.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" means a liquid or gaseous fuel derived from organic matter ~~((intended for use as a transportation fuel))~~ including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the

state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas

in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities(~~(+ and~~

~~(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty five thousand barrels of refined biofuel)).~~

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any (~~transmission~~) facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with federally recognized tribes, cities, towns, and counties prior to accepting applications for (~~all transmission facilities~~) any facility.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, clean energy product manufacturing facility, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal (~~power~~) energy regulatory commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(23) "Clean energy product manufacturing facility" means a facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources; and

(e) Equipment and products used at storage facilities.

(24) "Director" means the director of the energy facility site evaluation council appointed by the chair of the council in accordance with section 4 of this act.

(25)(a) "Green electrolytic hydrogen" means hydrogen produced through electrolysis.

(b) "Green electrolytic hydrogen" does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(26) "Green hydrogen carrier" means a chemical compound, created using electricity or renewable resources as energy input and without use of fossil fuel as a feedstock, from renewable hydrogen or green electrolytic hydrogen for the purposes of transportation, storage, and dispensing of hydrogen.

(27) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

(28) "Renewable natural gas" means a gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters.

(29) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) renewable natural gas; (f) renewable hydrogen; (g) wave, ocean, or tidal power; (h) biodiesel fuel

that is not derived from crops raised on land cleared from old growth or first growth forests; or (i) biomass energy.

(30) "Storage facility" means a plant that: (a) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity; or (b) stores renewable hydrogen, green electrolytic hydrogen, or a green hydrogen carrier for subsequent delivery or consumption.

Sec. 3. RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

~~(1) ((There is created and established the))~~ The energy facility site evaluation council is created and established.

~~(2)((+a))~~ The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

~~((b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington utilities and transportation commission shall provide all administrative and staff support for the council. The commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.)~~

(3)(a) The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors;~~

~~(i) Department of ecology;~~

~~(ii) Department of fish and wildlife;~~

~~(iii) Department of commerce;~~

~~(iv) Utilities and transportation commission; and~~

~~(v) Department of natural resources))~~
chair of the council and:

(i) The director of the department of ecology or the director's designee;

(ii) The director of the department of fish and wildlife or the director's designee;

(iii) The director of the department of commerce or the director's designee;

(iv) The chair of the utilities and transportation commission or the chair's designee; and

(v) The commissioner of public lands or the commissioner's designee.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

(i) Department of agriculture;

(ii) Department of health;

(iii) Military department; and

(iv) Department of transportation.

~~((c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.))~~

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the

council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

(7) A quorum of the council consists of a majority of members appointed for business to be conducted.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The chair of the council or the chair's designee shall execute all official documents, contracts, and other materials on behalf of the council.

(2) The chair of the council shall appoint a director to oversee the operations of the council and carry out the duties of this chapter as delegated by the chair. The chair of the council may delegate to the director its status as appointing authority for the council.

(3) The director shall employ such administrative and professional personnel as may be necessary to perform the administrative work of the council and implement this chapter. The director has supervisory authority over all staff

of the council. Not more than four employees may be exempt from chapter 41.06 RCW.

Sec. 5. RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight under the regulatory authority established in this chapter of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities under the regulatory authority established in this chapter;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of

energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

Sec. 6. RCW 80.50.060 and 2021 c 317 s 18 are each amended to read as follows:

(1) ~~((Except for biofuel refineries specified in RCW 80.50.020(12)(g), the))~~ (a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or

enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (12) and (21). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, ((after July 15, 1977,)) without first obtaining certification in the manner provided in this chapter.

~~((2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.~~

~~((3)) (b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:~~

~~(i) Facilities that produce refined biofuel, but which are not capable of producing 25,000 barrels or more per day;~~

~~(ii) Alternative energy resource facilities;~~

~~(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 115,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;~~

~~(iv) Clean energy product manufacturing facilities; and~~

~~(v) Storage facilities.~~

~~(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.~~

~~(2)(a) The provisions of this chapter must apply to the construction, reconstruction, or modification of electrical transmission facilities when((+~~

~~(i) The)) the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045((+~~

~~(ii) An applicant chooses to receive certification under this chapter, and the~~

~~facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or~~

~~((iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3)).~~

~~(b) For the purposes of this subsection, ((("modify")) "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.~~

~~((4)) (3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (12) and (21).~~

~~((5)) (4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW ((80.50.190 and)) 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.~~

~~((6)) (5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.~~

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

NEW SECTION. Sec. 7. A new section is added to chapter 80.50 RCW to read as follows:

(1) A person proposing to construct, reconstruct, or enlarge a clean energy product manufacturing facility may choose to receive certification under this chapter.

(2) All of the council's powers with regard to energy facilities apply to clean energy product manufacturing facilities, and such a facility is subject to all provisions of this chapter that apply to an energy facility.

Sec. 8. RCW 80.50.071 and 2016 sp.s. c 10 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay actual costs incurred by the council (~~and the utilities and transportation commission~~) in processing an application.

(a) Each applicant shall, at the time of application submission, (~~deposit with the utilities and transportation commission~~) pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the applicant. The council (~~and the utilities and transportation commission~~) shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed (~~the commission, on behalf of~~) the council((~~7~~)) for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council((~~7~~ after consultation with the utilities and transportation commission,)) shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse (~~the utilities and transportation commission, on behalf of~~) the council((~~7~~)) for actual expenditures that arise in considering the application, including the cost of any independent consultant study. The (~~utilities and transportation commission, on behalf of~~

~~the~~) council(~~(~~~~τ~~~~)~~) shall submit to each applicant an invoice of actual expenditures made during the preceding calendar quarter in sufficient detail to explain the expenditures. The applicant shall pay the ~~((utilities and transportation commission))~~ council the amount of the invoice by the due date.

(2) Each certificate holder shall pay ~~((to the utilities and transportation commission))~~ the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, ~~((deposit with the utilities and transportation commission))~~ pay to the council for deposit into the energy facility site evaluation council account created in section 15 of this act an amount up to fifty thousand dollars, or such greater amount as specified by the council after consultation with the certificate holder. The council ~~((and the utilities and transportation commission))~~ shall charge costs against the deposit if the certificate holder ceases operations and has not reimbursed ~~((the commission, on behalf of))~~ the council(~~(~~~~τ~~~~)~~) for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse ~~((the utilities and transportation commission, on behalf of))~~ the council(~~(~~~~τ~~~~)~~) for actual expenditures that arise in administering this chapter and determining compliance. The council(~~(~~~~τ~~~~)~~ ~~after consultation with the utilities and transportation commission,~~) shall submit to each certificate holder an invoice of the expenditures actually made during the preceding calendar quarter in sufficient detail to explain the expenditures. The certificate holder shall pay ~~((the utilities and transportation commission))~~ the amount of the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the invoice

from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ~~((utilities and transportation commission who shall make payments as instructed by the council from the funds submitted))~~ council for deposit into the energy facility site evaluation council account created in section 15 of this act. All such funds shall be subject to state auditing procedures. Any unexpended portions of the deposit shall be returned to the applicant within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5)(a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application,

and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its website the appropriate information for contacting the United States department of defense.

Sec. 9. RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances (~~(. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site))~~ on the date of the application.

(3)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a facility is likely to cause a significant adverse environmental impact under chapter 43.21C RCW, the director must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the director must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist to clarify or make changes to features of the proposal that are designed to mitigate the impacts that

were the basis of the director's anticipated determination of significance. The director shall make the threshold determination based upon the changed or clarified proposal following the applicant's submittal. The director must provide an opportunity for public comment on a project for which a project applicant has withdrawn and revised the application and environmental checklist and subsequently received a threshold determination of nonsignificance or mitigated determination of nonsignificance.

(b) The notification required under (a) of this subsection is not an official determination by the director and is not subject to appeal under chapter 43.21C RCW.

~~((4))~~ (4) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held.

(a) At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification by raising one or more specific issues, provided that the person has raised the issue or issues in writing with specificity during the application review process or during the public comment period that will be held prior to the start of the adjudicative hearing.

(b) If the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent under subsection (2) of this section should be preempted.

(5) After expedited processing is granted under RCW 80.50.075, the council must hold a public meeting to take comments on the proposed application prior to issuing a council recommendation to the governor.

~~((4))~~ (6) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 10. RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1)(a) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(b) The council shall review and consider comments received during the application process in making its recommendation.

(c) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating [generation]))~~ generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter~~((τ))~~ including, but not limited to, conditions to protect state ~~((er))~~, local governmental, or community interests, or overburdened communities as defined in RCW 70A.02.010 affected by the construction or operation of the ~~((energy))~~ facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3)(a) Within ~~((sixty))~~ 60 days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within ~~((sixty))~~ 60 days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

Sec. 11. RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

~~((The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.~~

~~((3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the~~

~~preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant. PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.~~

~~(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.~~

~~(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.)) (a) The council, upon agreement with any potential applicant, is authorized as provided in this section to conduct a preliminary study of any potential project prior to receipt of an application for site certification. This preliminary study must be completed before any environmental review or process under RCW 43.21C.031 is initiated. A fee of \$10,000 for each potential project, to be applied toward the cost of any study agreed upon~~

pursuant to (b) of this subsection, must accompany the agreement and is a condition precedent to any action on the agreement by the council.

(b) Upon agreement with the potential applicant, the council may commission its own independent consultant to study matters relative to the potential project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential project is located, any federal, state, local, or tribal governmental agency that might be requested to comment on the potential project, and any municipal or public corporation having an interest in the matter. The full cost of the study must be paid by the potential applicant. However, costs exceeding a total of \$10,000 are payable subject to the potential applicant giving prior approval to such an excess amount.

(3) All payments required of the potential applicant under this section must be deposited into the energy facility site evaluation council account created in section 15 of this act. All of these funds are subject to state auditing procedures. Any unexpended portions of the funds must be returned to the potential applicant.

(4) If a potential applicant subsequently submits a formal application for site certification to the council for a site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071.

NEW SECTION. Sec. 12. A new section is added to chapter 80.50 RCW to read as follows:

(1) Except for the siting of electrical transmission facilities, any potential applicant may request a preapplication review of a proposed project. Council staff must review the preapplicant's draft application materials and provide comments on either additional studies or stakeholder and tribal input, or both, that should be included in the formal application for site certification. Council staff must inform affected federally recognized tribes under RCW 80.50.060 of the preapplication review. The department of archaeology and historic preservation shall coordinate with the affected

federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

(2) After initial review, the director and the applicant may agree on fees to be paid by the applicant so that council staff may conduct further review and consultation, including contracting for review by other parties.

Sec. 13. RCW 80.50.340 and 2007 c 325 s 4 are each amended to read as follows:

(1) A preapplicant applying under RCW 80.50.330 shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within (~~sixty~~) 60 days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to RCW 80.50.330.

(4) Fees paid under this section must be deposited in the energy facility site evaluation council account created in section 15 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter do not apply to the following positions at the energy facility site evaluation council: The director; the personal secretary to the

director and the council chair; and up to two professional staff members.

NEW SECTION. Sec. 15. A new section is added to chapter 80.50 RCW to read as follows:

The energy facility site evaluation council account is created in the custody of the state treasurer. All receipts from funds received by the council for all payments, including fees, deposits, and reimbursements received under this chapter must be deposited into the account. Expenditures from the account may be used for purposes set forth in this chapter. Only the chair of the council or the chair's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 16. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~((account))~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington

sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive (~~((eighty))~~) 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or

fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 17. A new section is added to chapter 80.50 RCW to read as follows:

(1) Those administrative powers, duties, and functions of the utilities and transportation commission that were performed under the provisions of this chapter for the council prior to the effective date of this section are transferred to the council as set forth in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be delivered to the custody of the council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property under the inventory of the utilities and transportation commission for the council must be transferred to the council. All funds, credits, or other assets held by the utilities and transportation commission for the benefit of the council, of which were paid to the utilities and transportation commission pursuant to this chapter must be assigned to the council and transferred to the energy facility site evaluation council account created in section 15 of this act.

(b) Any appropriations made to the utilities and transportation commission for the council to carrying out its powers, functions, and duties transferred must, on the effective date of this section, be transferred and credited to the council. Any funds received pursuant to payment made under this chapter must be credited to the council and deposited in the energy facility site evaluation council account created in section 15 of this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall decide as

to the proper allocation and certify the same to the state agencies concerned.

(3) All pending business before the utilities and transportation commission pertaining to the powers, duties, and functions transferred must be continued and acted upon by the council. All existing contracts and obligations remain in full force and must be performed by the council.

(4) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted or nonbudgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the utilities and transportation commission that are engaged in performing the powers, functions, and duties of the council, are transferred to the council. All employees classified under chapter 41.06 RCW, the state civil service law, assigned to the council shall continue to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

Sec. 18. RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of (~~(an energy facility or an alternative energy resource)~~) any facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed (~~(energy)~~) facility is not significant or will be mitigated to a nonsignificant level under RCW

43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the proposed ~~((energy facility or alternative energy resource))~~ facility on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

NEW SECTION. Sec. 19. (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on

their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW;

(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2022, the department must submit an interim report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(e) By December 1, 2023, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010, the energy facility site evaluation council, and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

Sec. 20. RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply (~~and~~), energy conservation, and energy resilience.

Sec. 21. RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the joint committee on energy supply (~~and~~), energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

NEW SECTION. **Sec. 22.** (1)(a) The committee shall review the following issues:

(i) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, have been sited in Washington;

(ii) Inequities in where large alternative energy projects, including projects under the jurisdiction of the energy facility site evaluation council, are forecast to be sited in Washington; and

(iii) Forms of economic development assistance, mitigation payments, and viewshed impairment payments that counties not hosting their per capita share of alternative energy resources should provide to counties that host more than their per capita share.

(b) In support of its obligations under (a) of this subsection, the committee must review the report produced by the department of commerce under section 19 of this act.

(2) The committee must hold at least four meetings, at least two of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2022.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the

committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2023. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2024.

NEW SECTION. Sec. 23. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 24. This act takes effect June 30, 2022.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) RCW 80.50.190 (Disposition of receipts from applicants) and 1977 ex.s. c 371 s 15; and

(2) RCW 80.50.904 (Effective date—1996 c 4) and 1996 c 4 s 6."

On page 1, line 2 of the title, after "goals;" strike the remainder of the title and insert "amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.175, 80.50.340, 80.50.075, 44.39.010, and 44.39.012; reenacting and amending RCW 80.50.030, 80.50.090, and 43.79A.040; adding new sections to chapter 80.50 RCW; adding a new section to chapter 41.06 RCW; creating new sections; repealing RCW 80.50.190 and 80.50.904; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1812, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1812, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, McEntire, Vick and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1812, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1825 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 2.56 RCW to read as follows:

For purposes of this title and Title 3 RCW, unless the context clearly requires otherwise, "single judge court" means a court or judicial district that has only one judge.

Sec. 2. RCW 2.56.040 and 2005 c 182 s 1 are each amended to read as follows:

(1) The chief justice shall consider all recommendations of the administrator for the assignment of judges, and, in the discretion of the chief justice, direct any judge whose calendar, in the judgment of the chief justice, will permit, to hold court (~~(in any county or district)~~) where need therefor exists, to the end that the courts (~~(of)~~) in this state shall function with maximum efficiency, and that the work of other courts shall be equitably distributed. It shall be the duty of every judge to obey such direction of the chief justice unless excused by the chief justice for sufficient cause.

(2)(a) If due to illness, incapacity, resignation, death, or other unavailability the presiding judge in a single judge court is unable to fulfill the duties of the office, and either (i) no person has been designated by the presiding judge to serve as presiding judge pro tempore or (ii) the previously designated presiding judge pro tempore resigns, is removed from office, or is no longer able to serve, the chief justice may appoint another judicial officer or other person as the presiding judge pro tempore who meets the qualifications of a judge pro tempore, subject to (c) of this subsection, during the remaining period of unavailability or until a vacancy is filled as provided by law.

(b) The chief justice may appoint someone other than the previously designated or appointed individual to serve as presiding judge pro tempore whenever the chief justice determines that the administration of justice would be better served by appointment of someone else to fulfill the presiding judge duties, subject to (c) of this subsection, during the remaining period of unavailability or until the vacancy is filled as provided by law.

(c) The chief justice, or designee, shall consult with the local legislative and executive authorities before removing or appointing a presiding judge

pro tempore under (a) or (b) of this subsection.

(d) Nothing in this section is intended to modify the role of the commission on judicial conduct as provided in Article IV, section 31 of the Washington state Constitution and chapter 2.64 RCW.

Sec. 3. RCW 2.08.120 and 1955 c 38 s 5 are each amended to read as follows:

(1) If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 4. RCW 2.24.010 and 2021 c 311 s 17 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein or a presiding judge pro tempore who is fulfilling presiding judge duties for a single judge court pursuant to RCW 2.08.120(2), one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed in counties with a population of more than four hundred thousand, by the presiding judge of the superior court having jurisdiction therein, one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction,

concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters.

(b) Criminal commissioners shall also have the authority to conduct resentencing hearings and to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners may be appointed for this purpose regardless of the population of the county served by the appointing court.

(c) The county legislative authority must approve the creation of criminal commissioner positions.

Sec. 5. RCW 3.34.150 and 1989 c 227 s 7 are each amended to read as follows:

(1) If a district has more than one judge, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties. If a county has multiple districts or has one district with multiple electoral districts, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties.

(2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge of a single judge court. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill

the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 6. RCW 3.34.100 and 2003 c 97 s 3 are each amended to read as follows:

(1) If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation.

(2) During any vacancy that occurs pursuant to subsection (1) of this section in a single judge court, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 7. RCW 3.34.130 and 1996 c 16 s 1 are each amended to read as follows:

(1) ~~(Each)~~ In addition to the designation of a presiding judge pro tempore for a single judge court as

provided in RCW 3.34.150(2), each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under RCW 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person who has taken and passed the qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority.

(2) For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the district judge in whose place the judge pro tempore serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves:

(a) While a district judge is using sick leave granted in accordance with RCW 3.34.100;

(b) While a district court judge is disqualified from serving following the filing of an affidavit of prejudice;

(c) As an additional judge for excess case load or special set cases; or

(d) While a district judge is otherwise involved in administrative, educational, or judicial functions related to the performance of the judge's duties: PROVIDED, That the appointment of judge pro tempore authorized under subsection (2)(c) and (d) of this section is subject to an appropriation for this purpose by the county legislative authority.

(3) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 8. RCW 3.42.010 and 1984 c 258 s 30 are each amended to read as follows:

When so authorized by the districting plan, one or more district court commissioners may be appointed in any district by the judges of the district. Each commissioner shall be a registered voter of the county in which the district or a portion thereof is located, and shall hold office at the pleasure of the appointing judges. For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay judges as provided under RCW 3.34.060.

NEW SECTION. Sec. 9. A new section is added to chapter 3.50 RCW to read as follows:

During any vacancy that occurs in a single judge court pursuant to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has been predesignated pursuant to court rule or appointed pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a vacancy in the position is filled as provided by law, whichever occurs first.

Sec. 10. RCW 3.50.075 and 2019 c 52 s 1 are each amended to read as follows:

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) Except as provided in subsection (4) of this section, a commissioner has such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess, and must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

(6) For purposes of this section, "appointing judge" includes a presiding judge pro tempore fulfilling presiding judge duties for a single judge court pursuant to RCW 3.50.090(2).

Sec. 11. RCW 3.50.090 and 2000 c 55 s 1 are each amended to read as follows:

~~((The))~~ (1) In addition to the designation of a presiding judge pro tempore for a single judge court as provided in RCW 3.50.090(2), the presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence or disability of the elected or duly appointed judges of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the elected or duly appointed judges when the administration of justice and the accomplishment of the work of the court make it necessary. The qualifications of a judge pro tempore shall be the same as for judges as provided under RCW 3.50.040 except that a judge pro tempore need not

be a resident of the city or county in which the municipal court is located. Judges pro tempore shall have all of the powers of the duly appointed or elected judges when serving as judges pro tempore of the court. Before entering on his or her duties, each judge pro tempore shall take, subscribe, and file an oath as is taken by a duly appointed or elected judge. Such pro tempore judges shall receive such compensation as shall be fixed by ordinance by the municipality in which the court is located and such compensation shall be paid by the municipality.

(2) If a presiding municipal court judge is the single judge of the court, then pursuant to court rule or RCW 2.56.040(2), a presiding judge pro tempore may be predesignated or appointed to fulfill presiding judge duties in case of the illness, incapacity, resignation, death, or unavailability of the presiding judge. In such circumstances, the authority of the predesignated or appointed presiding judge pro tempore endures until the chief justice appoints someone else to fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or the period of such illness, incapacity, or unavailability ends, or until a vacancy in the position is filled as provided by law, whichever occurs first."

On page 1, line 2 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.50 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1825 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dye and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1825, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1825, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

HOUSE BILL NO. 1825, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1890 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.4951 and 2020 c 130 s 1 are each amended to read as follows:

(1) The children and youth behavioral health work group is established to identify barriers to and opportunities for accessing behavioral health services for children and their families, and to advise the legislature on statewide behavioral health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state.

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint the following members:

(i) One representative of behavioral health administrative services organizations;

(ii) One representative of community mental health agencies;

(iii) ~~((One representative))~~ Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(iv) One regional provider of co-occurring disorder services;

(v) One pediatrician or primary care provider;

(vi) One provider specializing in infant or early childhood mental health;

(vii) One representative who advocates for behavioral health issues on behalf of children and youth;

(viii) One representative of early learning and child care providers;

(ix) One representative of the evidence-based practice institute;

(x) Two parents or caregivers of children who have received behavioral health services, one of which must have a child under the age of six;

(xi) One representative of an education or teaching institution that provides training for mental health professionals;

(xii) One foster parent;

(xiii) One representative of providers of culturally and linguistically

appropriate health services to traditionally underserved communities;

(xiv) One pediatrician located east of the crest of the Cascade mountains;

(xv) One child psychiatrist;

(xvi) One representative of an organization representing the interests of individuals with developmental disabilities;

(xvii) Two youth representatives who have received behavioral health services;

(xviii) One representative of a private insurance organization;

(xix) One representative from the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement; and

(xx) One substance use disorder professional.

(e) The governor shall request participation by a representative of tribal governments.

(f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.

(h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than (~~four~~) six, meetings of the work group each year.

(i) The cochairs may invite additional members of the house of representatives and the senate to participate in work group activities, including as leaders of advisory groups to the work group. These legislators are not required to be formally appointed members of the work group in order to participate in or lead advisory groups.

(3) The work group shall:

(a) Monitor the implementation of enacted legislation, programs, and policies related to children and youth behavioral health, including provider payment for mood, anxiety, and substance

use disorder prevention, screening, diagnosis, and treatment for children and young mothers; consultation services for child care providers caring for children with symptoms of trauma; home visiting services; and streamlining agency rules for providers of behavioral health services;

(b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems;

(c) Identify opportunities to remove barriers to treatment and strengthen behavioral health service delivery for children and youth;

(d) Determine the strategies and resources needed to:

(i) Improve inpatient and outpatient access to behavioral health services;

(ii) Support the unique needs of young children prenatally through age five, including promoting health and social and emotional development in the context of children's family, community, and culture; and

(iii) Develop and sustain system improvements to support the behavioral health needs of children and youth; and

(e) Consider issues and recommendations put forward by the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement.

(4) At the direction of the cochairs, the work group may convene advisory groups to evaluate specific issues and report related findings and recommendations to the full work group.

(5) The work group shall convene an advisory group focused on school-based behavioral health and suicide prevention. The advisory group shall advise the full work group on creating and maintaining an integrated system of care through a tiered support framework for kindergarten through twelfth grade school systems defined by the office of the superintendent of public instruction and behavioral health care systems that can rapidly identify students in need of care and effectively link these students to appropriate services, provide age-appropriate education on behavioral health and other universal supports for social-emotional wellness for all

students, and improve both education and behavioral health outcomes for students. The work group cochairs may invite nonwork group members to participate as advisory group members.

(6)(a) Subject to the availability of amounts appropriated for this specific purpose, the work group shall convene an advisory group for the purpose of developing a draft strategic plan that describes:

(i) The current landscape of behavioral health services available to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth in Washington state, including a description of:

(A) The gaps and barriers in receiving or accessing behavioral health services, including services for co-occurring behavioral health disorders or other conditions;

(B) Access to high quality, equitable care and supports in behavioral health education and promotion, prevention, intervention, treatment, recovery, and ongoing well-being supports;

(C) The current supports and services that address emerging behavioral health issues before a diagnosis and more intensive services or clinical treatment is needed; and

(D) The current behavioral health care oversight and management of services and systems;

(ii) The vision for the behavioral health service delivery system for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth, including:

(A) A complete continuum of services from education, promotion, prevention, early intervention through crisis response, intensive treatment, postintervention, and recovery, as well as supports that sustain wellness in the behavioral health spectrum;

(B) How access can be provided to high quality, equitable care and supports in behavioral health education, promotion, prevention, intervention, recovery, and ongoing well-being when and where needed;

(C) How the children and youth behavioral health system must successfully pair with the 988 behavioral

health crisis response described under chapter 82.86 RCW;

(D) The incremental steps needed to achieve the vision for the behavioral health service delivery system based on the current gaps and barriers for accessing behavioral health services, with estimated dates for these steps; and

(E) The oversight and management needed to ensure effective behavioral health care; and

(iii) A comparison of the current behavioral health system for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth that is primarily based on crisis response and inadequate capacity with the behavioral health system vision created by the strategic planning process through a cost-benefit analysis.

(b) The work group cochairs may invite nonwork group members to participate as advisory group members, but the strategic plan advisory group shall include, at a minimum:

(i) Community members with lived experience including those with cultural, linguistic, and ethnic diversity, as well as those having diverse experience with behavioral health care invited by the work group cochairs;

(ii) A representative from the department of children, youth, and families;

(iii) A representative from the department;

(iv) A representative from the authority;

(v) A representative from the department of health;

(vi) A representative from the office of homeless youth prevention and protection programs;

(vii) A representative from the office of the governor;

(viii) A representative from the developmental disability administration of the department of social and health services;

(ix) A representative from the office of the superintendent of public instruction;

(x) A representative from the office of the insurance commissioner;

(xi) A tribal representative;

(xii) Two legislative members or alternates from the work group; and

(xiii) Individuals invited by the work group cochairs with relevant subject matter expertise.

(c) The health care authority shall conduct competitive procurements as necessary in accordance with chapter 39.26 RCW to select a third-party facilitator to facilitate the strategic plan advisory group.

(d) To assist the strategic plan advisory group in its work, the authority, in consultation with the cochairs of the work group, shall select an entity to conduct the activities set forth in this subsection. The health care authority may contract directly with a public agency as defined under RCW 39.34.020 through an interagency agreement. If the health care authority determines, in consultation with the cochairs of the work group, that a public agency is not appropriate for conducting these analyses, the health care authority may select another entity through competitive procurements as necessary in accordance with chapter 39.26 RCW. The activities that entities selected under this subsection must complete include:

(i) Following a statewide stakeholder engagement process, a behavioral health landscape analysis for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth outlining:

(A) The current service continuum including the cost of care, delivery service models, and state oversight for behavioral health services covered by medicaid and private insurance;

(B) Current gaps in the service continuum, areas without access to services, workforce demand, and capacity shortages;

(C) Barriers to accessing preventative services and necessary care including inequities in service access, affordability, cultural responsiveness, linguistic responsiveness, gender responsiveness, and developmentally appropriate service availability; and

(D) Incorporated information provided by the 988 crisis hotline crisis response improvement strategy committee as required under RCW 71.24.893;

(ii) A gap analysis estimating the prevalence of needs for Washington state behavioral health services for families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth served by medicaid or private insurance, including:

(A) The estimated number of families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth who need clinical behavioral health services or could benefit from preventive or early intervention services on an annual basis;

(B) The estimated number of expectant parents and caregivers in need of behavioral health services;

(C) A collection and analysis of disaggregated data to better understand regional, economic, linguistic, gender, and racial gaps in access to behavioral health services;

(D) The estimated costs of providing services that include a range of behavioral health supports that will meet the projected needs of the population; and

(E) Recommendations on the distribution of resources to deliver needed services to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth across multiple settings; and

(iii) An analysis of peer-reviewed publications, evidence-based practices, and other existing practices and guidelines with preferred outcomes regarding the delivery of behavioral health services to families in the perinatal phase, children, youth transitioning into adulthood, and the caregivers of those children and youth across multiple settings including:

(A) Approaches to increasing access and quality of care for underserved populations;

(B) Approaches to providing developmentally appropriate care;

(C) The integration of culturally responsive care with effective clinical care practices and guidelines;

(D) Strategies to maximize federal reinvestment and resources from any alternative funding sources; and

(E) Workforce development strategies that ensure a sustained, representative, and diverse workforce.

(e) The strategic plan advisory group shall prioritize its work as follows:

(i) Hold its first meeting by September 1, 2022;

(ii) Select third-party entities described under (d) of this subsection by December 31, 2022;

(iii) Provide a progress report on the development of the strategic plan, including a timeline of future strategic plan development steps, to be included in the work group's 2022 annual report required under subsection (10) of this section;

(iv) Provide a progress report on the development of the strategic plan, including discussion of the work group recommendations that align with the strategic plan development thus far, to be included in the work group's 2023 annual report required under subsection (10) of this section;

(v) Provide a draft strategic plan, along with any materials produced by entities selected under (d) of this subsection, to the work group by October 1, 2024. The draft strategic plan must include an incremental action plan outlining the action steps needed to achieve the vision provided by the draft strategic plan, clear prioritization criteria, and a transparent evaluation plan. The action plan may include further research questions, a proposed budget to continue the strategic planning work or implementation process, and a process for reviewing and updating the strategic plan.

(f) The work group shall discuss the draft strategic plan and action plan after they are submitted and adopt a final strategic plan that must be submitted to the governor and the appropriate committees of the legislature at the same time as the work group's 2024 annual report required under subsection (10) of this section.

(7)(a) Staff support for the work group, including administration of work group meetings and preparation of full work group recommendations and reports required under this section, must be provided by the health care authority.

(b) Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(c) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must provide staff support to the school-based behavioral health and suicide prevention advisory group, including administration of advisory group meetings and the preparation and delivery of advisory group recommendations to the full work group.

~~((47)) (8)(a) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. ((Any)) Except as provided under (b) of this subsection, any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. ((Advisory group members who are not members of the work group are not entitled to reimbursement.~~

~~(8) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020.)~~

(b) Members of the children and youth behavioral health work group or an advisory group established under this section with lived experience may receive a stipend of up to \$200 per day if:

(i) The member participates in the meeting virtually or in person, even if only participating for one meeting and not on an ongoing basis; and

(ii) The member does not receive compensation, including paid leave, from the member's employer or contractor for participation in the meeting.

(9) The following definitions apply to this section:

(a) "A member with lived experience" means an individual who has received behavioral health services or whose family member has received behavioral health services; and

(b) "Families in the perinatal phase" means families during the time from pregnancy through one year after birth.

(10) Beginning November 1, 2020, and annually thereafter, the work group shall provide recommendations in alignment with subsection (3) of this section to the governor and the legislature. Beginning November 1, 2025, the work group shall include in its annual report a discussion of how the work group's recommendations align with the final strategic plan described under subsection (6) of this section.

((+9)) (11) This section expires December 30, 2026.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 74.09.4951; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1890 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Callan and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1890, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1890, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1890, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1902 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended to read as follows:

(1)(a) If change of circumstances warrants an increase or rearrangement of compensation, like application shall be made therefor. Where the application has been granted, compensation and other benefits if in order shall be allowed for periods of time up to ((sixty)) 60 days prior to the receipt of such application, except as provided in (b) of this subsection.

(b) Compensation and other benefits under (a) of this subsection shall be allowed for periods of time beyond 60 days, up to and including the time period covering the change of circumstances warranting an increase or rearrangement of compensation or other benefits, subject to a maximum of 120 days prior to the receipt of the application, where:

(i) The application was not received by the department or self-insurer within

60 days of the provision of medical services made necessary by the change in circumstances, due to a failure of the treating provider to timely complete or submit the provider information section of the application; and

(ii) The worker demonstrates that the worker information section of the application was completed and submitted via certified mail or electronic verification of receipt to the department, self-insurer, or the treating provider within 30 days of the provision of medical services made necessary by the change in circumstances.

(2) Any forms provided by the department or self-insurer as the application to reopen a claim under subsection (1)(a) of this section, must:

(a) Encourage the worker to submit the form to the treating provider within 30 days of the provision of any medical services made necessary by the change in circumstances; and

(b) Provide notice to both the worker and the medical provider that the application must be received by the department or self-insurer within 60 days of the provision of any medical services made necessary by the change in circumstances."

On page 1, line 3 of the title, after "manner;" strike the remainder of the title and insert "and amending RCW 51.28.040."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1902 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Schmick and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1902, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1902, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1902, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I

COMPENSATION, DEACTIVATION, AND DRIVER RESOURCE CENTER

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section and sections 2 through 5 and 7 of this act unless the context clearly requires otherwise.

(a) "Account deactivation" means one or more of the following actions with respect to an individual driver or group of drivers that is implemented by a transportation network company and lasts for more than three consecutive days:

(i) Blocking access to the transportation network company driver platform;

(ii) Changing a driver's status from eligible to provide transportation

network company services to ineligible; or

(iii) Any other material restriction in access to the transportation network company's driver platform.

(b) "Compensation" means payment owed to a driver by reason of providing network services including, but not limited to, the minimum payment for passenger platform time and mileage, incentives, and tips.

(c) "Department" means the department of labor and industries.

(d) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(e) "Director" means the director of the department of labor and industries.

(f) "Dispatch location" means the location of the driver at the time the driver accepts a trip request through the driver platform.

(g) "Dispatch platform time" means the time a driver spends traveling from a dispatch location to a passenger pick-up location. Dispatch platform time ends when a passenger cancels a trip or the driver begins the trip through the driver platform. A driver cannot simultaneously be engaged in dispatch platform time and passenger platform time for the same transportation network company. For shared rides, dispatch platform time means the time a driver spends traveling from the first dispatch location to the first passenger pick-up location.

(h) "Dispatched trip" means the provision of transportation by a driver for a passenger through the use of a transportation network company's application dispatch system.

(i) "Driver" has the same meaning as "commercial transportation services provider driver" in RCW 48.177.005. Except as otherwise specified in this act, for purposes of this title and Titles 48, 50A, 50B, and 51 RCW, and any orders, regulations, administrative policies, or opinions of any state or local agency, board, division, or commission, pursuant to those titles, a driver is not an employee or agent of a transportation network company if the following factors are met:

(i) The transportation network company does not unilaterally prescribe specific dates, times of day, or a minimum number of hours during which the driver must be logged into the transportation network company's online-enabled application or platform;

(ii) The transportation network company may not terminate the contract of the driver for not accepting a specific transportation service request;

(iii) The transportation network company does not contractually prohibit the driver from performing services through other transportation network companies except while performing services through the transportation network company's online-enabled application or platform during dispatch platform time and passenger platform time; and

(iv) The transportation network company does not contractually prohibit the driver from working in any other lawful occupation or business.

Notwithstanding any state or local law to the contrary, any party seeking to establish that the factors in this subsection (1)(i) are not met bears the burden of proof. A driver for purposes of this section shall not include any person ultimately and finally determined to be an "employee" within the meaning of section 2(3) of the national labor relations act, 29 U.S.C. Sec. 152(3).

(j) "Driver platform" means the driver-facing application dispatch system software or any online-enabled application service, website, or system, used by a driver, or which enables services to be delivered to a driver that enables the prearrangement of passenger trips for compensation.

(k) "Driver resource center" or "center" means a nonprofit organization that provides services to drivers. The nonprofit organization must be registered with the Washington secretary of state, have organizational bylaws giving drivers right to membership in the organization, and have demonstrated experience: (i) Providing services to gig economy drivers in Washington state, including representing drivers in deactivation appeals proceedings; and (ii) providing culturally competent driver representation services, outreach, and education. The administration and formation of the driver resource center may not be funded,

excessively influenced, or controlled by a transportation network company.

(l) "Driver resource center fund" or "fund" means the dedicated fund created in section 2 of this act, the sole purpose of which is to administer funds collected from transportation network companies to provide services, support, and benefits to drivers.

(m) "Network services" means services related to the transportation of passengers through the driver platform that are provided by a driver while logged in to the driver platform, including services provided during available platform time, dispatch platform time, and passenger platform time.

(n) "Passenger" has the same meaning as "commercial transportation services provider passenger" in RCW 48.177.005.

(o) "Passenger drop-off location" means the location of a driver's vehicle when the passenger leaves the vehicle.

(p) "Passenger pick-up location" means the location of the driver's vehicle at the time the driver starts the trip in the driver platform.

(q) "Passenger platform miles" means all miles driven during passenger platform time as recorded in a transportation network company's driver platform.

(r) "Passenger platform time" means the period of time when the driver is transporting one or more passengers on a trip. For shared rides, passenger platform time means the period of time commencing when the first passenger enters the driver's vehicle until the time when the last passenger exits the driver's vehicle.

(s) "Personal vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

(t) "Shared ride" means a dispatched trip which, prior to its commencement, a passenger requests through the transportation network company's digital network to share the dispatched trip with one or more passengers and each passenger is charged a fare that is calculated, in whole or in part, based on the passenger's request to share all or a part of the dispatched trip with one or more passengers, regardless of whether the passenger actually shares all or a part of the dispatched trip.

(u) "Tips" means a verifiable sum to be presented by a passenger as a gift or gratuity in recognition of service performed for the passenger by the driver receiving the tip.

(v) "Transportation network company" has the same meaning as defined in RCW 46.04.652. A transportation network company does not provide for hire transportation service.

(2) A driver is only covered by this section to the extent that the driver provides network services within the state of Washington.

(3)(a) A transportation network company is covered by this section if it provides a driver platform within the state of Washington.

(b) Separate entities that form an integrated enterprise are considered a single transportation network company under this section. Separate entities will be considered an integrated enterprise and a single transportation network company where a separate entity controls the operation of another entity. Factors to consider include, but are not limited to, the degree of interrelation between the operations of multiple entities; the degree to which the entities share common management; the centralized control of labor relations; the degree of common ownership or financial control over the entities; and the use of a common brand, trade, business, or operating name.

(4)(a) Beginning December 31, 2022, a transportation network company shall ensure that a driver's total compensation is not less than the standard set forth in (a)(i), (ii), or (iii) of this subsection (4).

(i) For all dispatched trips originating in cities with a population of more than 600,000, on a per trip basis the greater of:

(A) \$0.59 per passenger platform minute for all passenger platform time for that trip, and \$1.38 per passenger platform mile for all passenger platform miles driven on that trip; or

(B) A minimum of \$5.17 per dispatched trip.

(ii) For all other dispatched trips, the greater of:

(A) \$0.34 per passenger platform minute and \$1.17 per passenger platform mile; or

(B) A minimum of \$3.00 per dispatched trip.

(iii) For all trips originating elsewhere and terminating in cities with a population of more than 600,000:

(A) For all passenger platform time spent within the city on that trip and for all passenger platform miles driven in the city on that trip the compensation standard under (a)(i) of this subsection applies.

(B) For all passenger platform time spent outside the city on that trip and for all passenger platform miles driven outside the city on that trip the compensation standard under (a)(ii) of this subsection applies.

(b) Beginning September 30, 2022, and on each following September 30th, the department shall calculate adjusted per mile and per minute amounts and per trip minimums by increasing the current year's per mile and per minute amounts and per trip minimums by the rate of increase of the state minimum wage, calculated to the nearest cent. The adjusted amount calculated under this section takes effect on the following January 1st.

(c) For shared rides, the per trip minimums in (a)(i) and (ii) of this subsection shall apply only to the entirety of the shared ride, and not on the basis of the individual passenger's trip within the shared ride.

(5)(a) For the purposes of this section, a dispatched trip includes:

(i) A dispatched trip in which the driver transports the passenger to the passenger drop-off location;

(ii) A dispatched trip canceled after two minutes by a passenger or the transportation network company unless cancellation is due to driver conduct, or no cancellation fee is charged to the passenger;

(iii) A dispatched trip that is canceled by the driver for good cause consistent with company policy; and

(iv) A dispatched trip where the passenger does not appear at the passenger pick-up location within five minutes.

(b) A transportation network company may exclude time and miles if doing so is reasonably necessary to remedy or prevent fraudulent use of the transportation network company's online-enabled application or platform.

(6)(a) A transportation network company shall remit to drivers all tips. Tips paid to a driver are in addition to, and may not count towards, the driver's minimum compensation under this section.

(b) Amounts charged to a passenger and remitted to the driver for tolls, fees, or surcharges incurred by a driver during a trip must not be included in calculating compensation for purposes of subsection (4) of this section.

(c)(i) Beginning January 1, 2023, except as required by law, a transportation network company may only deduct compensation when the driver expressly authorizes the deduction in writing and does so in advance for a lawful purpose. Any authorization by a driver must be voluntary and knowing.

(ii) Nothing in this section shall prohibit a transportation network company from deducting compensation as required by state or federal law or as directed by a court order.

(iii) Neither the transportation network company nor any person acting in the interest of the transportation network company may derive any financial profit or benefit from any of the deductions under this section. For the purposes of this section:

(A) Reasonable interest charged by the transportation network company or any person acting in the interest of a transportation network company, for a loan or credit extended to the driver, is not considered to be of financial benefit to the transportation network company or person acting in the interest of a transportation network company; and

(B) A deduction will be considered for financial profit or benefit only if it results in a gain over and above the fair market value of the goods or services for which the deduction was made.

(7)(a) Beginning January 1, 2023, a transportation network company shall provide each driver with a written notice of rights established by this section in a form and manner sufficient to inform drivers of their rights under this

section. The notice of rights shall provide information on:

(i) The right to the applicable per minute rate and per mile rate or per trip rate guaranteed by this section;

(ii) The right to be protected from retaliation for exercising in good faith the rights protected by this section; and

(iii) The right to seek legal action or file a complaint with the department for violation of the requirements of this section, including a transportation network company's failure to pay the minimum per minute rate or per mile rate or per trip rate, or a transportation network company's retaliation against a driver or other person for engaging in an activity protected by this section.

(b) A transportation network company shall provide the notice of rights required by this section in an electronic format that is readily accessible to the driver. The notice of rights shall be made available to the driver via smartphone application or online web portal, in English and the five most common foreign languages spoken in this state.

(8) Beginning December 31, 2022, within 24 hours of completion of each dispatched trip, a transportation network company must transmit an electronic receipt to the driver that contains the following information for each unique trip, or portion of a unique trip, covered by this section:

(a) The total amount of passenger platform time;

(b) The total mileage driven during passenger platform time;

(c) Rate or rates of pay, including but not limited to the rate per minute, rate per mile, percentage of passenger fare, and any applicable price multiplier or variable pricing policy in effect for the trip;

(d) Tip compensation;

(e) Gross payment;

(f) Net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(g) Itemized deductions or fees, including any toll, surcharge, commission, lease fees, and other charges.

(9) Beginning January 1, 2023, a transportation network company shall make driver per trip receipts available in a downloadable format, such as a comma-separated values file or PDF file, via smartphone application or online web portal for a period of two years from the date the transportation network company provided the receipt to the driver.

(10) Beginning January 1, 2023, on a weekly basis, the transportation network company shall provide written notice to the driver that contains the following information for trips, or a portion of a trip, that is covered by this section and which occurred in the prior week:

(a) The driver's total passenger platform time;

(b) Total mileage driven by the driver during passenger platform time;

(c) The driver's total tip compensation;

(d) The driver's gross payment, itemized by: (i) Rate per minute; (ii) rate per mile; and (iii) any other method used to calculate pay including, but not limited to, base pay, percentage of passenger fare, or any applicable price multiplier or variable pricing policy in effect for the trip;

(e) The driver's net payment after deductions, fees, tolls, surcharges, lease fees, or other charges; and

(f) Itemized deductions or fees, including all tolls, surcharges, commissions, lease fees, and other charges, from the driver's payment.

(11) Beginning January 1, 2023, within 24 hours of a trip's completion, a transportation network company must transmit an electronic receipt to the passenger, for on trip time, on behalf of the driver that lists:

(a) The date and time of the trip;

(b) The passenger pick-up and passenger drop-off locations for the trip. In describing the passenger pick-up location and passenger drop-off location, the transportation network company shall describe the location by indicating the specific block (e.g. "the 300 block of Pine Street") in which the passenger pick-up and passenger drop-off occurred. A transportation network company is authorized to indicate the location with greater specificity, such

as with a street address or intersection, at its discretion;

(c) The total duration and distance of the trip;

(d) The driver's first name;

(e) The total fare paid, itemizing all charges and fees; and

(f) The total passenger-paid tips.

(12)(a) Beginning July 1, 2024, transportation network companies shall collect and remit a \$0.15 per trip fee to the driver resource center fund, created in section 2 of this act, for the driver resource center to support the driver community. The remittance under this subsection is a pass-through of passenger fares and shall not be considered a transportation network company's funding of the driver resource center. Passenger fares paid include each individual trip portion on shared trips. The remittances to the fund must be made on a quarterly basis.

(b) Beginning September 30, 2024, and on each following September 30th, the department shall calculate an adjusted per trip fee by adjusting the current amount by the rate of inflation. The adjusted amounts must be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States department of labor. Each adjusted amount calculated under this subsection takes effect on the following January 1st.

(13) No later than one year after the effective date of this section, transportation network companies shall provide an opportunity for drivers to make voluntary per trip earnings deduction contributions to the driver resource center, provided that 100 or more drivers working for transportation network companies covered under this section have authorized such a deduction to the driver resource center, and subject to the following:

(a) A driver must expressly authorize the deduction in writing. Written authorization must include, at a minimum, sufficient information to identify the driver and the driver's desired per trip deduction amount. These deductions may reduce the driver's per trip earnings below the minimums set forth in this section.

(b) The transportation network company may require written authorization to be submitted in electronic format from the driver resource center.

(c) The transportation network company shall make the first deductions within 30 days of receiving a written authorization of the driver, and shall remit deductions to the driver resource center each month, with remittance due not later than 28 days following the end of the month.

(d) A driver's authorization remains in effect until the driver resource center provides an express revocation to the transportation network company.

(e) A transportation network company shall rely on information provided by the driver resource center regarding the authorization and revocation of deductions.

(f) Upon request by a transportation network company, the driver resource center shall reimburse the transportation network company for the costs associated with deduction and remittance. The department shall adopt rules to calculate the reimbursable costs.

(14) Each transportation network company shall submit to the fund, with its remittance under subsection (12) of this section, a report detailing the number of trips in the previous quarter and the total amount of the surcharge charged to customers. The first payment and accounting is due on the 30th day of the quarter following the imposition of the surcharge. Failure to remit payments by the deadlines is deemed a delinquency and the transportation network company is subject to penalties and interest provided in section 4 of this act.

(15)(a) The state expressly intends to displace competition with regulation allowing a transportation network company, at its own volition, to enter into an agreement with the driver resource center regarding a driver account deactivation appeals process for eligible account deactivations. It is the policy of the state to promote a fair appeals process related to eligible account deactivations that supports the rights of drivers and transportation network companies and provides fair processes related to eligible account deactivations. The state intends that any agreement under this section is immune from all federal and state antitrust laws.

(i) "Eligible account deactivation" means one or more of the following actions with respect to an individual driver that is implemented by a transportation network company:

(A) Blocking or restricting access to the transportation network company driver platform for three or more consecutive days; or

(B) Changing a driver's account status from eligible to provide transportation network company services to ineligible for three or more consecutive days.

(ii) An eligible account deactivation does not include any change in a driver's access or account status that is:

(A) Related to an allegation of discrimination, harassment, including sexual harassment or harassment due to someone's membership in a protected class, or physical or sexual assault, or willful or knowing commitment of fraud;

(B) Related to an allegation that the driver was under the influence of drugs or alcohol while a related active investigation that takes no longer than 10 business days is under way; or

(C) Any other categories the transportation network company and the driver resource center may agree to as part of the agreement under this subsection.

(iii) A transportation network company shall enter into an agreement with the driver resource center regarding the driver account deactivation appeals process for eligible account deactivations. Any agreement must be approved by the department. The department may approve an agreement only if the agreement contains the provisions in (a)(iv) of this subsection.

(iv) The agreement must provide an appeals process for drivers whose account has been subject to an eligible account deactivation. The appeals process must include the following protections:

(A) Opportunity for a driver representative to support a driver, upon the driver's request, throughout the account deactivation appeals process for eligible account deactivations;

(B) Notification, as required by (d) of this subsection, to drivers of their right to representation by the driver resource center at the time of the eligible account deactivation;

(C) Within 30 calendar days of a request, furnishing to the driver resource center an explanation and information the transportation network company may have relied upon in making the deactivation decision, excluding confidential, proprietary, or otherwise privileged communications, provided that personal identifying information and confidential information is redacted to address reasonable privacy and confidentiality concerns;

(D) A good faith, informal resolution process that is committed to efficient resolution of conflicts regarding eligible account deactivations within 30 days of the transportation network company being notified that the driver contests the explanation offered by the company;

(E) A formal process that includes a just cause standard, with deadlines for adjudication of an appeal of an eligible account deactivation by a panel that includes a mutually agreed-upon neutral third party with experience in dispute resolution. The panel has the authority to make binding decisions within the confines of the law and make-whole monetary awards, including back pay, based on an agreed-upon formula for cases not resolved during the informal process;

(F) Agreement by the transportation network company to use the process set forth in this subsection to resolve disputes over eligible account deactivation appeals as an alternative to private arbitration with regard to such a dispute, should the driver and transportation network company so choose; and

(G) Agreement by the transportation network company that, for eligible account deactivations in which the driver or transportation network company elect private arbitration in lieu of the formal process outlined in (a)(iv)(E) of this subsection (15), the transportation network company shall offer the driver the opportunity to have the eligible deactivation adjudicated under the just cause standard outlined in (a)(iv)(E) of this subsection.

(b) A transportation network company that enters into an agreement with the driver resource center shall reach agreement through the following steps:

(i)(A) For a transportation network company operating a digital network in

the state of Washington as of the effective date of this section, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of an organization being selected as the driver resource center under section 2 of this act.

(B) For a transportation network company who begins operating a digital network in the state of Washington after an organization has been selected as the driver resource center under section 2 of this act, the driver resource center and transportation network company must make good faith efforts to reach an agreement within 120 days of the transportation network company beginning operation of a digital network in the state of Washington.

(ii) If the driver resource center and transportation network company cannot reach an agreement, then they are required to submit issues of dispute before a jointly agreed-upon mediator.

(iii) After mediation lasting no more than two months has been exhausted and no resolution has been reached, then the parties will proceed to binding arbitration before a panel of arbitrators consisting of one arbitrator selected by the driver resource center, one arbitrator selected by the transportation network company, and a third arbitrator selected by the other two. If the two selected arbitrators cannot agree to the third arbitrator within 10 days, then the third arbitrator shall be determined from a list of seven arbitrators with experience in labor disputes or interest arbitration designated by the American arbitration association. A coin toss shall determine which side strikes the first name. Thereafter the other side shall strike a name. The process will continue until only one name remains, who shall be the third arbitrator. Alternatively, the driver resource center and the transportation network company may agree to a single arbitrator.

(iv) The arbitrators must submit their decision, based on majority rule, within 60 days of the panel or arbitrator being chosen.

(v) The decision of the majority of arbitrators is final and binding and will then be submitted to the director of the department for final approval.

(c) In reviewing any agreement between a transportation network company and the driver resource center, under (a) of this subsection, the department shall review the agreement to ensure that its content is consistent with this subsection and the public policy goals set forth in this subsection. The department shall consider in its review both qualitative and quantitative effects of the agreement and how the agreement comports with the state policies set forth in this section. In conducting a review, the record shall not be limited to the submissions of the parties nor to the terms of the proposed agreement and the department shall have the right to conduct public hearings and request additional information from the parties, provided that such information: (i) Is relevant for determining whether the agreement complies with this subsection; and (ii) does not contain either parties' confidential, proprietary, or privileged information, or any individual's personal identifying information from the parties. The department may approve or reject a proposed agreement, and may require the parties to submit a revised proposal on all or particular parts of the proposed agreement. If the department rejects an agreement, it shall set forth its reasoning in writing and shall suggest ways the parties may remedy the failures. Absent good cause, the department shall issue a written determination regarding its approval or rejection within 60 days of submission of the agreement.

(d)(i) For any account deactivation, the transportation network company shall provide notification to the driver, at the time of deactivation, that the driver may have the right to representation by the driver resource center to appeal the account deactivation.

(ii) A transportation network company must provide any driver whose account is subject to an account deactivation between the effective date of this section and the effective date of the agreement the contact information of the driver resource center and notification that the driver may have the right to appeal the account deactivation with representation by the driver resource center.

(16) The department may adopt rules to implement this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The legislature recognizes that providing education and outreach to drivers regarding their rights and obligations furthers the state's interest in having a vibrant knowledgeable work force and safe and satisfied consumers. The legislature therefore intends to create a way of providing education, outreach, and support to workers who, because of the nature of their work, do not have access to such support through traditional avenues.

(2) The driver resource center fund is created in the custody of the state treasurer. All moneys received from the remittance in section 1(12) of this act must be deposited into the fund.

(3) Only the director of the department of labor and industries or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The department may make expenditures from the fund for the following purposes:

(a) Services provided by the driver resource center, as defined in section 1 of this act, to drivers and administrative costs of providing such support. The department must distribute funding received by the account, exclusive of the department's administrative costs deducted under (b) of this subsection, to the center on a quarterly basis; and

(b) The department's costs of administering the fund and its duties under section 1 of this act, not to exceed 10 percent of revenues to the fund.

(5) Within four months of the effective date of this section, the director of the department or the director's designee shall, through a competitive process, select and contract with a qualified nonprofit organization to be the driver resource center.

NEW SECTION. Sec. 3. A new section is added to chapter 49.46 RCW to read as follows:

(1)(a) If a driver files a complaint with the department alleging that a transportation network company failed to provide any compensation amounts due to the driver under section 1 of this act,

the department shall investigate the complaint under this section. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than 60 days after the date on which the department received the compensation-related complaint. The department may extend the time period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the time period and specifying the duration of the extension.

(b) The department may not investigate any alleged compensation-related violation that occurred more than three years before the date that the driver filed the compensation-related complaint.

(c) The department shall send the citation and notice of assessment or the determination of compliance to both the transportation network company and the driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department determines that a transportation network company has violated a compensation requirement in section 1 of this act and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay drivers all compensation owed, including interest of one percent per month on all compensation owed, to the driver. The compensation and interest owed must be calculated from the first date compensation was owed to the driver, except that the department may not order the transportation network company to pay any compensation and interest that were owed more than three years before the date the complaint was filed with the department.

(3) If the department determines that the compensation-related violation was a willful violation, and the transportation network company fails to take corrective action, the department also may order the transportation network company to pay the department a civil

penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation shall be not less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid compensation per claimant, whichever is greater. The maximum civil penalty for a willful violation of requirements in section 1 of this act shall be \$20,000 per claimant.

(b) The department may not assess a civil penalty if the transportation network company reasonably relied on: (i) A rule related to any requirements in this section; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department shall waive any civil penalty assessed against a transportation network company under this section if the transportation network company is not a repeat willful violator, and the director determines that the transportation network company has provided payment to the driver of all compensation that the department determined that the transportation network company owed to the driver, including interest, within 30 days of the transportation network company's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the transportation network company paid all compensation and interest owed to a driver.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by a transportation network company, and acceptance by a driver, of all compensation and interest assessed by the department in a citation

and notice of assessment issued to the transportation network company, the fact of such payment by the transportation network company, and of such acceptance by the driver, shall: (a) Constitute a full and complete satisfaction by the transportation network company of all specific requirements of section 1 of this act addressed in the citation and notice of assessment; and (b) bar the driver from initiating or pursuing any court action or other judicial or administrative proceeding, including arbitration, based on the specific requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of section 1 of this act.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of a driver's complaint against a transportation network company. For the purposes of this subsection, the department's investigation begins on the date the driver files the complaint with the department and ends when: (a) The complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the transportation network company and the driver in writing that the complaint has been otherwise resolved or that the driver has elected to terminate the department's administrative action under subsection (12) of this section.

(6) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance issued by the department under this section or the assessment of a civil penalty due to a determination of status as a repeat willful violator may appeal the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's service, as provided in subsection (1) of this section, on the aggrieved party of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty. A citation and notice of assessment, a determination of compliance, or an assessment of a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(7) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment, the determination of compliance, or the assessment of a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(8) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment, an appealed determination of compliance, or an appealed assessment of a civil penalty shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(9) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(10) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(11) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of wages owed or penalties assessed.

(12) A driver who has filed a complaint under this section with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, if any exists, by providing written notice to the department within 10 business days after the driver's receipt of the department's citation and notice of assessment.

(13) If the driver elects to terminate the department's administrative action:

(a) The department shall immediately discontinue its action against the transportation network company; (b) the department shall vacate a citation and notice of assessment already issued by the department to the transportation network company; and (c) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the transportation network company of the compensation, including interest, assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(14) Nothing in this section shall be construed to limit or affect: (a) The right of any driver to pursue any judicial, administrative, or other action available with respect to a transportation network company; (b) the right of the department to pursue any judicial, administrative, or other action available with respect to a driver that is identified as a result of a complaint for a violation of section 1 of this act; or (c) the right of the department to pursue any judicial, administrative, or other action available with respect to a transportation network company in the absence of a complaint for a violation of section 1 of this act. For purposes of this subsection, "driver" means a driver other than a driver who has filed a complaint with the department and who thereafter has elected to terminate the department's administrative action as provided in subsection (1) of this section.

(15) After a final order is issued under this section, and served as provided in subsection (1) of this section, if a transportation network company defaults in the payment of: (a) Any compensation determined by the department to be owed to a driver, including interest; or (b) any civil penalty ordered by the department under this section, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the transportation

network company mentioned in the warrant, the amount of payment due plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the transportation network company against whom the warrant is issued, the same as a judgment in a civil case docketed with the superior court clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be served on the transportation network company, as provided in subsection (1) of this section, within three days of filing with the clerk.

(16)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to a transportation network company upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the transportation network company's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon a transportation network company and the property subject to it is compensation, the transportation network company may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the compensation earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (16)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue

may adopt rules to implement this subsection (16)(c).

(17)(a) In addition to the procedure for collection of compensation owed, including interest, and civil penalties as set forth in this section, the department may recover compensation owed, including interest, and civil penalties assessed under RCW 49.48.083 in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(b) The department may use the procedures under this section to foreclose compensation liens established under chapter 60.90 RCW. When the department is foreclosing on a compensation lien, the date the compensation lien was originally filed shall be the date by which priority is determined, regardless of the date the warrant is filed under this section.

(18) Whenever any transportation network company quits business, sells out, exchanges, or otherwise disposes of the transportation network company's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the transportation network company's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the transportation network company within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due the successor from the transportation network company.

(19) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging a violation of any noncompensation requirement of section 1 (7) through (10) and (12) through (14) of this act, the department shall investigate the complaint under this section.

(a) The department may not investigate any such alleged violation that occurred more than three years before the date that the driver filed the complaint or prior to this law going into effect.

(b) If a driver files a timely complaint with the department, the department will investigate the complaint and issue either a citation assessing a civil penalty or a closure letter within 60 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(c) The department shall send notice of either a citation and notice of assessment or a citation assessing a civil penalty or the closure letter to both the transportation network company and the driver by service of process or by United States mail using a method by which delivery of such written notice to the transportation network company can be tracked and confirmed. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(2) If the department's investigation finds that the driver's allegation cannot be substantiated, the department shall issue a closure letter to the driver and the transportation network company detailing such finding.

(3) If the department determines that the violation was a willful violation, and the transportation network company fails to take corrective action, the department may order the transportation network company to pay the department a

civil penalty as specified in (a) of this subsection.

(a) A citation assessing a civil penalty for a willful violation will be \$1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil penalty will not be less than \$2,000 for each repeat willful violation per claimant, but no greater than \$20,000 for each repeat willful violation per claimant.

(b) The department may not issue a citation assessing a civil penalty if the transportation network company reasonably relied on: (i) A written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (ii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether a transportation network company is immune from civil penalties under this subsection (3)(b).

(c) The department may, at any time, waive or reduce a civil penalty assessed under this section if the director determines that the transportation network company has taken corrective action to resolve the violation.

(d) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(e) If the department determines that a transportation network company has violated section 1(12) of this act, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all owed remittance payments in the driver resource center fund.

(4) For purposes of this section, the following definitions apply:

(a) "Repeat willful violator" means any transportation network company that has been the subject of a final and binding citation for a willful violation

of one or more rights under this chapter and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more such rights.

(b) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) A person, firm, or corporation aggrieved by a citation assessing a civil penalty issued by the department under this section may appeal the citation assessing a civil penalty to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation assessing a civil penalty. A citation assessing a civil penalty not appealed within 30 days is final and binding, and not subject to further appeal.

(6) A notice of appeal filed with the director under this section stays the effectiveness of the citation assessing a civil penalty pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(7) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures must be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation assessing a civil penalty must be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(8) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(9) Orders that are not appealed within the period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(10) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the

department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department of penalties assessed.

(11) Collections of unpaid citations assessing civil penalties will be handled pursuant to the procedures outlined in RCW 49.48.086.

(12) If the department determines that a transportation network company has violated the requirements in section 1(12) of this act to collect and remit the established fee, and issues to the transportation network company a citation and notice of assessment, the department may order the transportation network company to pay all owed remittance payments as required under section 1(12) of this act. The department shall deposit all unpaid remittance amounts into the driver resource center fund established in section 2 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 49.46 RCW to read as follows:

(1) It is unlawful for a transportation network company to interfere with, restrain, or deny the exercise of any driver right provided under or in connection with section 1 of this act and RCW 49.46.210(5). This means a transportation network company may not use a driver's exercise of any of the rights provided under section 1 of this act and RCW 49.46.210(5) as a factor in any action that adversely affects the driver's use of the transportation network.

(2) It is unlawful for a transportation network company to adopt or enforce any policy that counts the use of earned paid sick time for a purpose authorized under RCW 49.46.210(1) (b) and (c) as time off the platform that may lead to or result in temporary or permanent deactivation by the transportation network company against the driver.

(3) It is unlawful for a transportation network company to take any adverse action against a driver because the driver has exercised their rights provided under section 1 of this act and RCW 49.46.210(5). Such rights include, but are not limited to: Filing an action, or instituting or causing to be instituted any proceeding under or

related to section 1 of this act and RCW 49.46.210(5), or testifying or intending to testify in any such proceeding related to any rights provided under section 1 of this act and RCW 49.46.210(5).

(4) Adverse action means any action taken or threatened by a transportation network company against a driver for the driver's exercise of rights under section 1 of this act and RCW 49.46.210(5).

(5) A driver who believes that he or she was subject to retaliation by a transportation network company for the exercise of any driver right under section 1 of this act and RCW 49.46.210(5) may file a complaint with the department within 180 days of the alleged retaliatory action. The department may, at its discretion, extend the 180-day period on recognized equitable principles or because of extenuating circumstances beyond the control of the department. The department may extend the 180-day period when there is a preponderance of evidence that the transportation network company has concealed or misled the driver regarding the alleged retaliatory action.

(6) If a driver files a timely complaint with the department alleging retaliation, the department shall investigate the complaint and issue either a citation and notice of assessment or a determination of compliance within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the driver and the transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension.

(7) The department may consider a complaint to be otherwise resolved when the driver and the transportation network company reach a mutual agreement to remedy any retaliatory action, or the driver voluntarily and on the driver's own initiative withdraws the complaint.

(8) If the department's investigation finds that the driver's allegation of retaliation cannot be substantiated, the department shall issue a determination of compliance to the driver and the transportation network company detailing such finding.

(9) If the department's investigation finds that the transportation network

company retaliated against the driver, and the complaint is not otherwise resolved, the department may, at its discretion, notify the transportation network company that the department intends to issue a citation and notice of assessment, and may provide up to 30 days after the date of such notification for the transportation network company to take corrective action to remedy the retaliatory action. If the complaint is not otherwise resolved, then the department shall issue a citation and notice of assessment. The department's citation and notice of assessment may:

(a) Order the transportation network company to make payable to the driver earnings that the driver did not receive due to the transportation network company's retaliatory action, including interest of one percent per month on all earnings owed. The earnings and interest owed will be calculated from the first date earnings were owed to the driver;

(b) Order the transportation network company to restore the contract of the driver, unless otherwise prohibited by law;

(c) Order the transportation network company to cease using any policy that counts the use of earned paid sick time as time off the platform or an adverse action against the driver;

(d) For the first violation, order the transportation network company to pay the department a civil penalty established in subsection (15) of this section; and

(e) For a repeat violation, order the transportation network company to pay the department up to double the civil penalty established in subsection (15) of this section.

(10) The department shall send the citation and notice of assessment or determination of compliance to both the transportation network company and driver by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses. A transportation network company may designate a mailing address of record for service, and additionally may provide an email address to which the department shall direct electronic courtesy copies of mailed correspondence, if such email address is provided.

(11) During an investigation of the driver's retaliation complaint, if the

department discovers information suggesting alleged violations by the transportation network company of the driver's other rights under this chapter, and all applicable rules, the department may investigate and take appropriate enforcement action without requiring the driver to file a new or separate complaint. In the event the department so expands an investigation, it shall provide reasonable notice to the transportation network company that it is doing so. If the department determines that the transportation network company violated additional rights of the driver under this chapter, and all applicable rules, the transportation network company may be subject to additional enforcement actions for the violation of such rights. If the department discovers information alleging the transportation network company retaliated against or otherwise violated rights of other drivers under this chapter, and all applicable rules, the department may launch further investigation under this chapter, and all applicable rules, without requiring additional complaints to be filed.

(12) The department may prioritize retaliation investigations as needed to allow for timely resolution of complaints.

(13) Nothing in this section impedes the department's ability to investigate under the authority prescribed in RCW 49.48.040.

(14) Nothing in this section precludes a driver's right to pursue private legal action, if any exists.

(15) If the department's investigation finds that a transportation network company retaliated against a driver, pursuant to the procedures outlined in this section, the department may order the transportation network company to pay the department a civil penalty. A civil penalty for a transportation network company's retaliatory action will not be less than \$1,000 or an amount equal to 10 percent of the total amount of unpaid earnings attributable to the retaliatory action per claimant, whichever is greater. The maximum civil penalty for a transportation network company's retaliatory action shall be \$20,000 per claimant for the first violation, and \$40,000 for each repeat violation.

(16) The department may, at any time, waive or reduce any civil penalty

assessed against a transportation network company under this section if the department determines that the transportation network company has taken corrective action to remedy the retaliatory action.

(17) The department will deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(18) Collections of amounts owed for unpaid citations and notices of assessment, as detailed in this section, will be handled pursuant to the procedures outlined in RCW 49.48.086.

(19) A person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may, within 30 days after the date of such determination, submit a request for reconsideration to the department setting forth the grounds for seeking such reconsideration, or submit an appeal to the director pursuant to the procedures outlined in subsection (22) of this section. If the department receives a timely request for reconsideration, the department shall either accept the request or treat the request as a notice of appeal.

(20) If a request for reconsideration is accepted, the department shall send notice of the request for reconsideration to the transportation network company and the driver. The department shall determine if there are any valid reasons to reverse or modify the department's original decision to issue a citation and notice of assessment or determination of compliance within 30 days of receipt of such request. The department may extend this period by providing advance written notice to the driver and transportation network company setting forth good cause for an extension of the period, and specifying the duration of the extension. After reviewing the reconsideration, the department shall either:

(a) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance is affirmed; or

(b) Notify the driver and the transportation network company that the citation and notice of assessment or determination of compliance has been reversed or modified.

(21) A request for reconsideration submitted to the department shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending the reconsideration decision by the department.

(22)(a) Within 30 days after the date the department issues a citation and notice of assessment or a determination of compliance, or within 30 days after the date the department issues its decision on the request for reconsideration, a person, firm, or corporation aggrieved by a citation and notice of assessment or a determination of compliance may file with the director a notice of appeal.

(b) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment or the determination of compliance pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

(c) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment or determination of compliance shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct administrative review in accordance with chapter 34.05 RCW.

(23) If a request for reconsideration is not submitted to the department within 30 days after the date of the original citation and notice of assessment or determination of compliance, and a person, firm, or corporation aggrieved by a citation and notice of assessment or determination of compliance did not submit an appeal to the director, then the citation and notice of assessment or determination of compliance is final and binding, and not subject to further appeal.

(24) The director shall issue all final orders after appeal of the initial order. The final order of the director is

subject to judicial review in accordance with chapter 34.05 RCW.

(25) The director's orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(26) Absent good cause, a transportation network company that fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under such rules to challenge the correctness of any determination by the department.

PART II

PAID SICK LEAVE

Sec. 6. RCW 49.46.210 and 2019 c 236 s 3 are each amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's

school or place of care has been closed for such a reason.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Unused paid sick leave carries over to the following year, except that an employer is not required to allow an employee to carry over paid sick leave in excess of forty hours.

(k) This section does not require an employer to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from

employment. When there is a separation from employment and the employee is rehired within twelve months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under subsection (1)(d) of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in section 1 of this act.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, "family member" means any of the following:

(A) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(B) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse or registered domestic partner, or a person who stood in loco parentis when the driver was a minor child;

(C) A spouse;

(D) A registered domestic partner;

(E) A grandparent;

(F) A grandchild; or

(G) A sibling.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available

to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; and

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness except as would be permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network

company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

(q) The department may adopt rules to implement this subsection.

NEW SECTION. Sec. 7. A new section is added to chapter 49.46 RCW to read as follows:

(1) If a driver files a complaint with the department alleging that the transportation network company failed to provide the driver with earned paid sick time as provided in RCW 49.46.210, the department shall investigate the complaint as an alleged violation of a compensation-related requirement of section 1 of this act.

(2) When the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover during an ongoing contractual relationship, the driver may elect to:

(a) Receive full access to the balance of accrued earned paid sick time hours unlawfully withheld by the transportation network company, based on a calculation of one hour of earned paid sick time for every 40 hours of passenger platform time worked; or

(b) Receive payment from the transportation network company at their average hourly compensation for each hour

of earned paid sick time that the driver would have used or been reasonably expected to use, whichever is greater, during the period of noncompliance, not to exceed an amount the driver would have otherwise accrued. The driver will receive full access to the balance of accrued earned paid sick time unlawfully withheld by the transportation network company, less the number of earned paid sick time paid out to the driver pursuant to this subsection.

(3) For a driver whose contract with the transportation network company is terminated or who has not recorded passenger platform time on the transportation network company's driver platform for 365 days or more, when the department's investigation results in a finding that the transportation network company failed to provide the driver with earned paid sick time accrual, use, or carryover, the driver may elect to receive payment at their average hourly compensation for earned paid sick time that the driver would have earned or been reasonably expected to use, whichever is greater, during the period of noncompliance, receive reinstatement of the balance of earned paid sick time, or receive a combination of payment and reinstatement from the transportation network company for all earned paid sick time that would have accrued during the period of noncompliance, unless such reinstatement is prohibited by law.

(4) The department's notice of assessment, pursuant to RCW 49.48.083, may order the transportation network company to provide the driver any combination of reinstatement and payment of accrued, unused earned paid sick time assessed pursuant to subsection (2) or (3) of this section, unless such reinstatement is prohibited by law.

(5) For purposes of this section, a transportation network company found to be in noncompliance cannot cap the driver's carryover of earned paid sick time at 40 hours to the following year for each year of noncompliance.

(6) The department may promulgate rules and regulations in accordance with this section.

PART III

INDUSTRIAL INSURANCE

Sec. 8. RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial

control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under ~~((subsection (8)))~~(a) of this subsection, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under

this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

~~(14) ((A driver providing commercial transportation services as defined in RCW 48.177.005. The driver may elect coverage in the manner provided by RCW 51.32.030.~~

~~(15))~~ For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

Sec. 9. RCW 51.08.070 and 2008 c 102 s 2 are each amended to read as follows:

(1) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as an exception to the definition of employer, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in ~~((subsections (1) through (6) of))~~ RCW 51.08.195 (1) through (6) or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a transportation network company, as defined in section 1 of this act, shall have the same rights and obligations of an "employer" under this title with respect to a driver, as

defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

Sec. 10. RCW 51.08.180 and 2008 c 102 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as an exception to the definition of worker, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of RCW 51.08.195 or the separate tests set forth in RCW 51.08.181 for work performed that requires registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) Notwithstanding subsection (1) of this section, and for purposes of this title only, a driver, as defined in section 1 of this act, shall have the same rights and obligations of a "worker" under this title with respect to a transportation network company, as defined in section 1 of this act, only while the driver is engaged in passenger platform time and dispatch platform time.

NEW SECTION. Sec. 11. A new section is added to chapter 51.16 RCW to read as follows:

(1) Beginning January 1, 2023, the department shall assess premiums for transportation network companies, as defined in section 1 of this act, in accordance with RCW 51.16.035 and this section, for workers' compensation coverage applicable to drivers, as defined in section 1 of this act, while the driver is engaged in passenger platform time and dispatch platform time, as those terms are defined in section 1 of this act.

(2) For the purposes of calculating the premium for drivers under subsection (1) of this section, the department shall multiply the total number of hours spent

by drivers in passenger platform time and dispatch platform time on the transportation network company's driver platform by the rates established for taxicab companies. The department may subsequently adjust premiums in accordance with department rules.

(3) Transportation network companies, not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July, and October of each year thereafter, furnish the department with a true and accurate statement of the hours for which drivers, as defined in section 1 of this act, were engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform during the preceding calendar quarter and the total amount paid to such drivers engaged in passenger platform time on the transportation network company's driver platform during the preceding calendar quarter, and shall pay its premium based on the total passenger platform time and dispatch platform time to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require a transportation network company in individual instances to furnish a supplementary report containing the name of each individual driver, his or her hours engaged in passenger platform time and dispatch platform time on the transportation network company's driver platform, and his or her compensation: PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated passenger platform time and dispatch platform time on the transportation network company's driver platform, with such payments being subject to approval as to sufficiency of the estimated passenger platform time and dispatch platform time on the transportation network company's driver platform by the department, and also

subject to appropriate periodic adjustments made by the department based on actual passenger platform time and dispatch platform time on the transportation network company's driver platform.

(4) The department may adopt rules to carry out the purposes of this section, including rules providing for alternative reporting requirements.

(5) This section does not apply to any worker who is not a driver, and who is employed by the transportation network company. For those workers the processes for determining coverage, calculating premiums, reporting requirements, reporting periods, and payment due dates are subject to the provisions of this title that apply generally to employers and workers.

Sec. 12. RCW 51.16.060 and 1985 c 315 s 1 are each amended to read as follows:

~~((Every))~~ Except as provided in section 11 of this act, every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workers were employed by it during the preceding calendar quarter, the total amount paid to such workers during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay its premium thereon to the appropriate fund. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: PROVIDED FURTHER, That the department may promulgate rules and

regulations in accordance with chapter 34.05 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

NEW SECTION. Sec. 13. A new section is added to chapter 51.04 RCW to read as follows:

(1) The application of this chapter to a transportation network company, as defined in section 1 of this act, shall not be indicative of, or considered a factor in determining, the existence of an employer-employee relationship between the transportation network company and driver for purposes of any other rights, benefits, or obligations under other state and local employment laws.

(2) A transportation network company's compliance with this chapter satisfies any obligation under any county, city, town, or other municipal corporation ordinance requiring compensation or benefits for workplace injuries or occupational disease.

PART IV

STATEWIDE REGULATORY REQUIREMENTS

NEW SECTION. Sec. 14. The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

NEW SECTION. Sec. 15. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of licensing.

(2) "Digital network" means any online-enabled application, website, or system offered or used by a transportation network company that enables the prearrangement of rides between drivers and passengers.

(3) "Director" means the director of the department of licensing.

(4) "Driver" has the meaning provided in section 1 of this act.

(5) "Network services" has the meaning provided in section 1 of this act.

(6) "Passenger" means an individual who uses a digital network to connect with a driver in order to obtain a prearranged ride in the driver's transportation network company vehicle. A person may use a digital network to request a prearranged ride on behalf of a passenger.

(7) "Prearranged ride" has the same meaning provided in RCW 48.177.005.

(8) "Transportation network company" has the meaning provided in section 1 of this act.

(9) "Transportation network company vehicle" has the same meaning as "personal vehicle" in RCW 48.177.005.

NEW SECTION. Sec. 16. (1) A transportation network company or driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide for hire transportation service, commuter ride sharing, taxicab, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW.

(2) A driver is not required to register a transportation network company vehicle as a commercial vehicle or for hire vehicle.

NEW SECTION. Sec. 17. (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the effective date of this section may

continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network company as set forth in this chapter and pays an annual permit fee of \$5,000 to the department.

NEW SECTION. **Sec. 18.** Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

NEW SECTION. **Sec. 19.** (1) Before a passenger enters a transportation network company vehicle, the transportation network company must provide, on behalf of the driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During the first seven days of a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any passenger that exceeds two and one-half times the fare that would otherwise be applicable for the prearranged ride.

NEW SECTION. **Sec. 20.** A transportation network company's digital network or website must display a photograph of the driver and the license plate number of the transportation network company vehicle.

NEW SECTION. **Sec. 21.** A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides is not more than 15 years old as determined by the model year of the vehicle.

NEW SECTION. **Sec. 22.** (1) A transportation network company must implement a zero tolerance policy regarding a driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its

website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a passenger complaint is received by the transportation network company.

NEW SECTION. **Sec. 23.** (1) Before allowing an individual to accept prearranged ride requests as a driver through a transportation network company's digital network and annually thereafter:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation; and

(ii) The United States department of justice national sex offender public website; and

(c) The transportation network company, or designated third party, must obtain and review a driving history report for the individual.

(2) A transportation network company must not permit an individual to act as a driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least 20 years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3)(a) Subsection (2)(a) and (b) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(b) Any collision where the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that he or she was not at fault for the collision, shall not be considered to be a moving violation under subsection (2)(a) of this section.

(c) For purposes of subsection (2)(a) of this section multiple moving violations shall be treated by the

transportation network company as a single moving violation if the driver can demonstrate, through the account deactivation appeals process outlined in section 1(15) of this act, that the violations arose from a single incident.

(4) A transportation network company must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of access to the driver platform.

NEW SECTION. **Sec. 24.** A driver may not:

(1) Solicit or accept a trip request to provide network services other than a trip request arranged through a transportation network company's digital network;

(2) Provide network services for more than 14 consecutive hours in a 24-hour period; or

(3) Allow any other individual to use that driver's access to a transportation network company's digital network.

NEW SECTION. **Sec. 25.** (1) A transportation network company must adopt a policy of nondiscrimination on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, the use of a trained dog guide or service animal by a person with a disability, or any other protected class under RCW 49.60.010, with respect to passengers and potential passengers and notify drivers of such policy.

(2) A driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or

gender identity, or any other protected class under RCW 49.60.010.

(3) A driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

NEW SECTION. **Sec. 26.** Any safety product, feature, process, policy, standard, or other effort undertaken by a transportation network company, or the provision of equipment by a transportation network company, to further public safety is not an indicia of an employment or agency relationship with a driver.

NEW SECTION. **Sec. 27.** A transportation network company must maintain the following records:

(1) Individual trip records, except receipts pursuant to section 1(9) of this act, for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of drivers, except receipts pursuant to section 1(9) of this act, at least until the end of the calendar year marking the three-year anniversary of the date on which a driver's relationship with the transportation network company has ended.

NEW SECTION. **Sec. 28.** (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than twice per year, the department may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department in a manner agreeable to both parties. Any record sample furnished to the department may exclude information that would reasonably identify specific drivers or passengers.

(2) Records provided to the department for inspection under this chapter are exempt from disclosure under chapter 42.56 RCW and are confidential and not subject to disclosure to a third party by the department without prior written consent of the transportation network company.

NEW SECTION. **Sec. 29.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. **Sec. 30.** The department may adopt rules consistent with and as necessary to carry out this chapter.

NEW SECTION. **Sec. 31.** (1) A transportation network company shall not, unless based upon a bona fide occupational qualification, refuse to contract with or terminate the contract of a driver based upon age, sex, marital status, sexual orientation, gender expression or gender identity, race, creed, religious belief or affiliation, color, national origin, citizenship or immigration status, families with children, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a person with a disability, or any other protected class under RCW 49.60.010.

(2) Drivers shall have all rights and remedies available under chapter 49.60 RCW solely to enforce this section.

NEW SECTION. **Sec. 32.** (1) Except as provided in subsections (2) and (3) of this section, as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.

(2)(a) Except as provided in (b) and (c) of this subsection, a local ordinance or regulation, in a city with a population of more than 600,000 or a county with a population of more than 2,000,000, existing on or before January 1, 2022, that imposes a tax, fee, or other charge on a transportation network company or driver, remains in effect at the rate that exists on or before January 1, 2022. The city or county may continue to collect that tax, fee, or other charge, but may not increase the amount of that tax, fee, or other charge, and may not impose any higher or new taxes, fees, or other charges. This subsection (2)(a) applies retroactively and preempts any increase in the amount of an

existing tax, fee, or other charge, or the imposition of any higher or new taxes, fees, or other charges, which occurs between January 2, 2022, and the effective date of this section.

(b) Beginning on January 1, 2023, any local ordinance or regulation, in a city or county described in (a) of this subsection, existing on or before the effective date of this section that imposed a per trip tax, fee, or other charge for which, at the time the ordinance became effective, the proceeds were to be used in part to fund a driver conflict resolution center, shall be reduced by \$0.15. The city or county may continue to collect that tax, fee, or other charge, but only at the reduced rate and may not increase the amount of that tax, fee, or other charge, and may not impose any higher or new taxes, fees, or other charges.

(c) Any per ride fee imposed by a local ordinance or regulation described in (a) of this subsection, the proceeds of which are used to offset expenses of enforcing the ordinance or regulation, may be adjusted under the following provisions:

(i) The city or county demonstrates to the satisfaction of the department that the revenues from the existing per ride fee amount are insufficient to offset the city's or county's cost from enforcement and regulation;

(ii) The total amount expected to be collected under the increased amount will not exceed the city or county's total expected costs; and

(iii) The department has not authorized an increase in the per ride fee in the last two fiscal years.

(3)(a) A local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed on or before January 1, 2022, that defined and regulated licensing for transportation network companies and permits for drivers, or the requirements for and processing of applications, certifications, examinations, and background checks for drivers and personal vehicles, remains in effect as the requirements exist on the effective date of this section. The county or city may continue to enforce the ordinance or regulation but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except

if such alteration, amendment, or implementation conforms with the requirements of this chapter. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(b) Notwithstanding subsection (1) of this section, a local ordinance or regulation in a city with a population of more than six hundred thousand or a county with a population of more than two million, and that existed before January 1, 2022, that is related to requirements covered by sections 1 and 6 through 13 of this act are preempted as of January 1, 2023. The city may continue to enforce the local ordinance or regulation between the effective date of this section and January 1, 2023, but may not alter, amend, or implement changes to the ordinance or regulation, or requirements under it, after January 1, 2022, except if such alteration, or amendment, or implementation conforms with the requirements of this act. This subsection shall apply retroactively to any alteration, amendment, or implementation which occurs between March 10, 2022, and the effective date of this section.

(4) Nothing in this chapter shall be interpreted to prevent an airport operator, as defined in RCW 14.08.015, from requiring a transportation network company to enter into a contract or agreement, consistent with the provisions of RCW 14.08.120, governing requirements of the transportation network company on airport property including but not limited to the fees and operational requirements. An airport operator may not impose any requirements through a contract authorized by this section that relate to requirements covered by sections 1, 7, 11, and 13 of this act and RCW 49.46.210(5), 51.08.070, 51.08.180, 51.12.020, and 51.16.060.

(5) Other than taxes, fees, or other charges imposed explicitly or exclusively on a transportation network company or driver, this section does not preempt any generally applicable taxes, fees, or other charges, such as:

- (a) Business tax;
- (b) Sales and use tax;
- (c) Excise tax; or
- (d) Property tax.

Sec. 33. RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide commercial transportation services, as defined in RCW 48.177.005, every personal vehicle, as defined in RCW 48.177.005, must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide commercial transportation services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a commercial transportation services provider, as defined in RCW 48.177.005, must secure this policy for every personal vehicle used to provide commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation services provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage; and

~~(B) ((Underinsured motorist coverage in the amount of one million dollars; and~~

~~(C))~~ Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(iii) The primary automobile insurance policy required under this subsection must provide underinsured motorist coverage in the amount of \$100,000 per person, \$300,000 per accident from the moment a passenger enters the transportation network company vehicle of a driver until the passenger exits the transportation network company vehicle.

(2)(a) As an alternative to the provisions of subsection (1) of this section, ~~((if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a driver for a commercial transportation services provider and using a personal vehicle to provide commercial transportation services,))~~ a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section from a lawful admitted or surplus lines insurer. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided under subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide commercial transportation services as a driver, a commercial transportation services provider must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a driver purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040, or through a surplus lines insurer that meets the financial requirements as described in RCW 48.15.090 and follows the procurement procedures of RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver for a commercial transportation services provider is logged in to a commercial transportation services provider's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

(a) Liability coverage for bodily injury and property damage;

(b) Personal injury protection coverage;

(c) Underinsured motorist coverage;

(d) Medical payments coverage;

(e) Comprehensive physical damage coverage; and

(f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that

matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network or software application of more than one commercial transportation services provider but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(11) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off the provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

(14) If an insurer for a commercial transportation services provider makes a payment for a claim covered under comprehensive coverage or collision coverage, the commercial transportation services provider must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly

to the owner of the vehicle and the primary lienholder on the covered vehicle.

(15)(a) To be eligible for securing a primary automobile insurance policy under this section, a commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK OR SOFTWARE APPLICATION OF THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

NEW SECTION. Sec. 34. (1) The commissioner for the employment security department shall commence a work group of stakeholders, comprised of equal representation of industry and labor, to study the appropriate application of Titles 50, 50A, and 50B RCW on transportation network companies and drivers in this state.

(2) No later than December 1, 2022, and in compliance with RCW 43.01.036, the commissioner must submit a report to the governor and the legislature on findings and suggested changes to state law to establish applicable rates and terms by which transportation network companies and drivers participate in relevant state run programs established pursuant to Titles 50, 50A, and 50B RCW.

NEW SECTION. Sec. 35. RCW 48.177.010 is recodified as a section in chapter 46.--- RCW (the new chapter created in section 36 of this act).

NEW SECTION. Sec. 36. Sections 14 through 32 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 37. (1) Sections 8 through 13 of this act (related to

industrial insurance) take effect January 1, 2023.

(2) Sections 17 and 28 of this act (related to the department of licensing) take effect March 1, 2023."

On page 1, line 2 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 49.46.210, 51.12.020, 51.08.070, 51.08.180, 51.16.060, and 48.177.010; adding new sections to chapter 49.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 46 RCW; creating a new section; recodifying RCW 48.177.010; and providing effective dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Berry spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2076, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2076, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldwell, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Entenman, Eslick, Gilday, Goehner, Graham, Griffey,

Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans (~~and~~), development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy

and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Environmental Resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW, address and plan to create systems to address jurisdictional needs for resilience to changing conditions including, but not limited to, wildfire, drought, flooding, air quality, other natural hazards, and protect and enhance environmental, economic, and human health and safety.

Sec. 2. RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the (~~fourteen~~) 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development

regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what

extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(~~((5))~~) (6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~) (d), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

Sec. 3. RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW

36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, appropriate development standards for residential development in the wildland urban interface area, creating open space buffers between human development and wildfire-prone landscapes, and protecting existing residential development through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including ~~(+,+)~~, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical (~~lines~~), telecommunications (~~lines~~), and natural gas (~~lines~~) systems.

(5) Rural element. Counties shall include a rural element including lands

that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the

rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide

job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials ~~((and))~~, locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards

for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ~~((locally owned))~~ transportation facilities or services that are below an established level of service standard;

(E) Forecasts of ~~((traffic))~~ multimodal transportation demand and needs within cities and urban growth areas, and forecasts of traffic demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ~~((provide information on the location, timing, and capacity needs of future growth))~~ inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system, local goals, and strive to equitably implement the multimodal network;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ~~((Pedestrian and bicycle))~~ Active transportation component to include collaborative efforts to identify and designate planned improvements for ~~((pedestrian and bicycle))~~ active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of

development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. If it is possible to provide for the transportation needs of a development through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development, a development approval may not be denied because it fails to meet traffic level of service standards.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A resiliency element designed to address environmental related problems specific to the jurisdiction. These problems may include but are not limited to limiting damage from wildfires, sea level rise, addressing air quality issues, designing transportation systems that balance the needs of the jurisdiction and its people as well as environmental impacts.

(b)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions in overburdened communities as defined in chapter 70A.02 RCW that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to extreme weather events. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to changing conditions, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built factors, that support adaptation to changing conditions consistent with environmental justice; and

(C) Address natural hazards created or aggravated by extreme weather events, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions in overburdened communities as defined in RCW 70A.02.010, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(b), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(b) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(b).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9)(b), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9)(b), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 48 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

(F) No later than 48 months from the date provided in RCW 36.70A.130, the city or county must adopt a natural hazard mitigation plan that complies with this subsection (9)(b).

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW

36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 4. RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, ~~((and other relevant factors))~~ presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(7) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to extreme weather events, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to

foster resiliency to changing conditions, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by changing conditions, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(d) The rule must recognize and promote as many cobenefits of climate resiliency as possible such as salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience; and

(e) The model element must not be required but may be implemented by any jurisdiction.

NEW SECTION. Sec. 5. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 6. RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as

reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for

individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and

other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(17) "Minerals" include gravel, sand, and valuable metallic substances.

(18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a

successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban

governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(32) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(33) "Transportation system" means all infrastructure and services for all forms

of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(34) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies; with a focus on the equitable distribution of resources, benefits, and burdens in a manner that prioritizes communities that experience the greatest inequities, disproportionate impacts, and have the greatest unmet needs.

(35) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(36) "Greenspace" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- (a) Is accessible to the public;
 - (b) Promotes physical and mental health of residents;
 - (c) Provides relief from the urban heat island effects;
 - (d) Promotes recreational and aesthetic values;
 - (e) Protects streams or water supply;
- or
- (f) Preserves visual quality along highway, road, or street corridors.

(37) "Green infrastructure" means a wide array of natural assets, built structures, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

Sec. 7. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ((and))

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of changing conditions, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. **Sec. 8.** (1) The obligation of local governments to comply with the requirements established in the updated shoreline master program guidelines adopted pursuant to section 5 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

(2) The obligation of local governments to comply with the requirements established in: (a) The amendments to RCW 36.70A.070 set forth in this act; and (b) the updated shoreline master program guidelines adopted pursuant to section 5 of this act, takes effect two years after the date the legislature appropriates state funding to provide to local governments for the purpose of complying with these requirements.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "framework;" strike the remainder of the title and insert "amending RCW 36.70A.020, 36.70A.480, 36.70A.070, 36.70A.190, 36.70A.030, and 86.12.200; adding a new section to chapter 90.58 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099 and asked the Senate for a conference thereon. The Speaker (Representative Orwall presiding) appointed Representatives Fitzgibbon, Duerr and Dye as conferees.

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

MESSAGES FROM THE SENATE

March 7, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5002,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,
 SUBSTITUTE SENATE BILL NO. 5376,
 SENATE BILL NO. 5498,
 SUBSTITUTE SENATE BILL NO. 5528,
 SENATE BILL NO. 5529,
 SECOND SUBSTITUTE SENATE BILL NO. 5532,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5544,
 SENATE BILL NO. 5566,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5600,
 SUBSTITUTE SENATE BILL NO. 5610,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5628,
 SECOND SUBSTITUTE SENATE BILL NO. 5649,
 SENATE BILL NO. 5657,
 SECOND SUBSTITUTE SENATE BILL NO. 5664,
 SENATE BILL NO. 5687,
 SECOND SUBSTITUTE SENATE BILL NO. 5695,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5702,
 SENATE BILL NO. 5713,
 SECOND SUBSTITUTE SENATE BILL NO. 5720,
 SUBSTITUTE SENATE BILL NO. 5729,
 SUBSTITUTE SENATE BILL NO. 5749,
 SUBSTITUTE SENATE BILL NO. 5753,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5761,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5764,
 SENATE BILL NO. 5788,
 SECOND SUBSTITUTE SENATE BILL NO. 5789,
 SUBSTITUTE SENATE BILL NO. 5790,
 SECOND SUBSTITUTE SENATE BILL NO. 5793,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5796,
 SUBSTITUTE SENATE BILL NO. 5810,
 SUBSTITUTE SENATE BILL NO. 5818,

SUBSTITUTE SENATE BILL NO. 5819,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5842,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5847,
 SENATE BILL NO. 5855,
 SENATE BILL NO. 5868,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5878,
 SUBSTITUTE SENATE BILL NO. 5883,
 SENATE BILL NO. 5929,
 SUBSTITUTE SENATE BILL NO. 5961,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 7, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1642,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1716,
 SUBSTITUTE HOUSE BILL NO. 1724,
 HOUSE BILL NO. 1833,
 SUBSTITUTE HOUSE BILL NO. 1867,
 HOUSE BILL NO. 1934,
 SUBSTITUTE HOUSE BILL NO. 1941,
 HOUSE BILL NO. 1953,
 HOUSE BILL NO. 1974,
 HOUSE BILL NO. 2033,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2064,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 7, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 5017,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5078,
 SENATE BILL NO. 5196,
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
 SENATE BILL NO. 5505,
 SENATE BILL NO. 5519,
 SUBSTITUTE SENATE BILL NO. 5548,
 SUBSTITUTE SENATE BILL NO. 5590,
 SENATE BILL NO. 5615,
 SENATE BILL NO. 5624,
 SUBSTITUTE SENATE BILL NO. 5678,
 SECOND SUBSTITUTE SENATE BILL NO. 5736,
 SUBSTITUTE SENATE BILL NO. 5745,

SENATE BILL NO. 5750,
 SUBSTITUTE SENATE BILL NO. 5756,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5758,
 SUBSTITUTE SENATE BILL NO. 5785,
 SENATE BILL NO. 5787,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4666, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slater, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Jeremie J. Dufault was born and raised in Yakima where his family has lived and farmed in the Yakima Valley for nearly a century; and

WHEREAS, He graduated from A.C. Davis High School in Yakima in 1996; and

WHEREAS, Dufault graduated from the University of Pennsylvania, earned a Juris Doctorate degree from Harvard Law School, and graduated from the United States Army Judge Advocate General School at the University of Virginia; and

WHEREAS, He served during wartime in Kuwait and Afghanistan; and

WHEREAS, Dufault is a Lieutenant Colonel in the United States Army Reserve and serves as a Judge Advocate General's (JAG) Corps military lawyer; and

WHEREAS, He is an investor and real estate developer specializing in senior, student, and family housing; and

WHEREAS, Dufault has been committed to public service having served on the Selah City Council, chair of the Yakima County Veterans Board, a member of the Yakima County Economic Development Board, and chair of the Yakima Valley Technical Skills Center General Advisory Council; and

WHEREAS, He is active in his community, including American Legion Selah Post 88 and the Veterans of Foreign Wars; and

WHEREAS, Dufault was elected to the first of two terms in the Washington State House of Representatives in 2018 to represent the 15th Legislative District; and

WHEREAS, He serves as assistant ranking member of the House Finance and Consumer Protection and Business Committees, respectively; and

WHEREAS, Dufault has worked tirelessly for the people, employers, institutions, projects, and communities of the 15th Legislative District, specifically promoting legislation that expanded mental health care capacity, provided housing and services for homeless veterans, and invested in schools, parks, youth programs, and roads in Yakima County; and

WHEREAS, He has fought for constitutional rights, property rights, lower taxes, and transparency in government; and

WHEREAS, Dufault is the loving father of three daughters – Ellie, Lulu, and Addy – whose health, happiness, and prosperity are his top priority;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Dufault's record of public service, both in and out of this chamber, on behalf of his district, his colleagues, and the people of the State of Washington.

Representatives Chandler, Valdez, Corry and Leavitt spoke in favor of the adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4666 was adopted.

There being no objection, the House adjourned until 10:00 a.m., March 8, 2022, the 58th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 8, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5651

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

THIRD READING**MESSAGE FROM THE SENATE**

March 4, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, with the following amendment(s):

On page 2, line 22, after "and" strike "at least"

On page 2, line 26, after "and" strike "at least"

On page 2, line 31, after "and" strike "at least"

On page 2, line 35, after "and" strike "at least"

On page 4, line 6, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 6, at the beginning of line 1, strike "~~(Every)~~ At least every" and insert "Every"

On page 7, line 10, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 4, beginning on line 10, after "must" strike all material through "publication" on line 13 and insert "submit a report"

On page 6, beginning on line 3, after "must" strike all material through "publication" on line 5 and insert "report"

On page 7, beginning on line 14, after "must" strike all material through "publication" on line 16 and insert "submit a report"

and the same are herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 4, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the number of borrowers carrying student loan debt are around 800,000 with an average balance around \$33,500, resulting in a total outstanding balance of \$29,400,000,000. Student loan debt

outpaces other sources of consumer debt, such as credit card and vehicle debt. While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student

loans to state residents with financial need who are pursuing undergraduate and high-demand graduate studies at a subsidized, one percent interest rate. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition.

NEW SECTION. **Sec. 2.** (1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features for a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates, with one option being a one percent interest rate;

(b) The distribution of loans between graduate students and undergraduate students;

(c) The terms of the loans, including:

(i) Loan limits;

(ii) Grace periods; and

(iii) Minimum postsecondary enrollment standards;

(d) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

(e) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

(f) The design and administration of an appeals process.

(3) In the design of the program, the office may recommend contracting with one or more state-based financial institutions regulated by either chapter 31.12 or 30A.04 RCW to provide loan

origination and may contract with a third-party entity to provide loan servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The student achievement council, in consultation with the office of the treasurer and the state investment board shall include an analysis on the sustainability of the program design.

(5) The student achievement council shall provide a report on the design and implementation plan for the state student loan program to the governor and the higher education committees of the legislature by December 1, 2022, in accordance with RCW 43.01.036.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 28B RCW."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1876 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the people have reserved for themselves the power to enact or reject legislation through the initiative and referendum process, as provided in Article II, section 1 of the state Constitution. The legislature finds that when exercising this right, the people are entitled to know the fiscal impact that their vote will have on public investments at the time they

cast their ballots. The legislature further finds that when a ballot measure will affect funding for public investments, a neutral, nonprejudicial disclosure of the public investments affected will provide greater transparency and necessary information for voters.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.72 RCW to read as follows:

(1) The attorney general must prepare a public investment impact disclosure for any ballot measure that:

(a) Repeals, levies, or modifies any tax or fee, including changing the scope or application of an existing tax or fee; and

(b) Has a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue.

(2) The public investment impact disclosure must include a description of the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure.

(5) The attorney general must file the public investment impact disclosure with the secretary of state no later than July 31st.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are considered part of the ballot title under this chapter and are subject to the legal requirements for ballot titles.

Sec. 3. RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under section 2 of this act, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if

applicable). Should this measure be enacted into law?

Yes

No

~~((3))~~ (4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description). (Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No.

or

Measure No.

~~((4))~~ (5) For a referendum bill submitted to the people by the legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((5))~~ (6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((6))~~ (7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

Sec. 4. RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers ~~((and))~~, ballot titles, and public investment impact disclosures certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature;
- (5) Initiatives to the legislature and legislative alternatives;
- (6) Advisory votes;

(7) Proposed constitutional amendments.

Sec. 5. RCW 29A.72.025 and 2009 c 415 s 7 are each amended to read as follows:

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than ~~((the tenth day of August))~~ July 31st. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management."

On page 1, line 4 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1876 and asked the Senate for a conference thereon. The Speaker (Representative Bronoske presiding) appointed Representatives Gregerson, Valdez and Volz as conferees.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state. To this end, the state has developed interpreter credentialing programs for court, medical, and social service settings.

(b) According to a report from the United States department of education, 50 years of research has shown that family engagement has beneficial impacts on student grades, test scores, drop-out rates, students' sense of competence, and beliefs about the importance of education. In Washington, many students' family members have language access barriers because they prefer to communicate in a language other than English or require communication assistance services. Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps. Failure to provide language access hinders communication between schools and families, which leads to long-term economic costs when a substantial fraction of the students in Washington are not able to realize their full potential.

(c) Effective two way communication between school staff and student's

families in educational settings outside the classroom is not taking place for a variety of reasons, including: (i) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (ii) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (iii) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters in educational settings outside the classroom, or when to provide translated documents; and (iv) there are not enough interpreters qualified to work in educational settings outside the classroom.

(d) Providing meaningful, equitable language access to students and their family members who have language access barriers is not only a civil right, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in their student's education.

(2) Therefore, the legislature intends to require public schools to implement a language access plan and program for culturally responsive, systemic family engagement developed through meaningful stakeholder engagement. The legislature intends to provide training, tools, and other technical assistance to public schools to support the development, implementation, and evaluation of their language access plans and programs. In addition, the legislature intends to direct the development and implementation of credentialing for spoken and sign language interpreters for students' families in educational settings outside the classroom, with the goal of creating a professional interpreter workforce guided by a code of ethics and standards of practice. Finally, the legislature intends to establish an ongoing advisory committee to guide, monitor, and report on the implementation of these new policies.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Interpreter" means a spoken language or sign language interpreter working in a public school, as defined in RCW 28A.150.010, to interpret for students' families, students, and communities in educational settings outside the classroom.

(2) "Qualified interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary until the office of the superintendent of public instruction and the Washington professional educator standards board establish a different definition in rule making.

(3) "2020 and 2021 reports of the language access work group" means the reports of the language access work group created by section 2, chapter 256, Laws of 2019, and reconvened and expanded by section 501(3)(g), chapter 334, Laws of 2021.

NEW SECTION. Sec. 3. The principles of an effective language access program for culturally responsive, systemic family engagement are as follows:

(1) Accessibility and equity. Schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services;

(2) Accountability and transparency. The language access program and decision-making processes at all levels are: Open, accessible, and useable to families; proactive, not reactive; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process;

(3) Responsive culture. Schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families; and

(4) Focus on relationships. Schools seek to relate to families on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

NEW SECTION. Sec. 4. (1) The center for the improvement of student learning

established in RCW 28A.300.130 must implement a language access technical assistance program for culturally responsive, systemic family engagement that meets the requirements of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the language access technical assistance program must:

(a) Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act;

(b) Provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement required under sections 5 and 8 of this act;

(c) Develop and maintain training modules for interpreters on interpreting for students' families and students in educational settings outside the classroom;

(d) Develop, periodically update, and publish a language access toolkit that includes the following resources:

(i) A self-assessment for evaluating the provision of language access services;

(ii) A guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that meets the specific needs of families and the community;

(iii) Best practices for using interpreter services provided by dual role staff and contract interpreters, for using remote interpretation, and for translating documents;

(iv) Language access service evaluation templates for spoken and sign languages;

(v) Information for students' families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly used by students and their families; and

(vi) Sample job description of school district language access coordinators and building points of contact for language access services;

(e) Develop, periodically update, and publish bilingual glossaries of education terminology;

(f) Analyze and publish language access and language access service information submitted as required under section 6 of this act. In addition to disaggregation by the student race and ethnicity categories and subcategories described in RCW 28A.300.042 (1) and (3), the published information must be disaggregated, to the extent possible, by language, school district and school, type of meeting, and other demographics or categories; and

(g) Provide staff support for the language access advisory committee established in section 10 of this act.

(3) The activities of and resources provided by the language access technical assistance program must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

NEW SECTION. Sec. 5. (1) Each school district must designate a language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (4)(c) of this section, the language access coordinator may also be the language access liaison.

(2) By October 1, 2022, each school district must adopt a language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act and incorporates the model policy and procedures described in section 9 of this act.

(3) Beginning with the 2023-24 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(a) Adopt a language access plan that outlines how the school district identifies language access needs, allocates resources, establishes standards for providing language access

services, and monitors the effectiveness of the language access program;

(b) Administer the self-assessment for evaluating the provision of language access services, which is part of the toolkit described in section 4 of this act;

(c) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 4 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

(d) Review, periodically, the language access policy and procedures adopted as required under subsection (2) of this section to incorporate updates made to the model policy and procedures described in section 9 of this act;

(e) Collaborate with community-based organizations on how to work effectively with interpreters; and

(f) Review, update, and publish, at least annually, information about the school district's language access plan, policy and procedures, and language access services, including the need for, and spending on, language access services. The information must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.

(4)(a) Except as required under (b) of this subsection, school districts are encouraged to have a language access coordinator with the duties described in (c) of this subsection.

(b) Beginning with the 2023-24 school year, school districts with at least 50 percent English learner enrollment or greater than 75 languages used by students or families must either: (i) Have a full-time language access coordinator with the duties described in

(c) of this subsection; or (ii) annually report to the office of the superintendent of public instruction the total number of hours school district staff spent performing the language access coordinator duties described in (c) of this subsection and other information as required by the office of the superintendent of public instruction.

(c) The duties of the school district language access coordinator are to: (i) Serve as the primary contact for families, community members, school district staff responsible for monitoring compliance with chapter 28A.642 RCW, the office of the superintendent of public instruction, and the office of the education ombuds on issues related to language access needs and language access services; (ii) collaborate with any building points of contact for language access services; (iii) receive training and technical assistance provided under section 4 of this act; and (iv) deliver language access training and support to school district staff.

(5) The requirements in this section do not apply to school districts with both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

NEW SECTION. Sec. 6. (1) School districts must annually collect the following language access and language access service information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in the longitudinal student data system established under RCW 28A.300.500; and

(c) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) Beginning in the 2023-24 school year, school districts must provide an opportunity for participants in each interpreted meeting to provide feedback on the effectiveness of the

interpretation and the provision of language access services.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.710 RCW to read as follows:

Sections 5 and 6 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 72.40 RCW to read as follows:

The center for deaf and hard of hearing youth and the state school for the blind must comply with the requirements in sections 5 and 6 of this act.

NEW SECTION. Sec. 9. (1) By August 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community.

(b) The model policy and procedure must include procedures for the school district board of directors to annually review the spending on and the need for language access services.

(c) The model policy and procedure must address procedures for effective communication with students' families who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

(d) The elements of the model policy and procedures must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

NEW SECTION. Sec. 10. (1) The office of the superintendent of public instruction shall establish the language access advisory committee to guide and monitor the implementation of this act

and to recommend changes to requirements, policies, and procedures related to language access and language access services for students' families, students, and communities in educational settings outside the classroom.

(2) At a minimum, the advisory committee must guide, monitor, and make recommendations on the following topics:

(a) The effectiveness of language access policies, procedures, and programs;

(b) Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools;

(c) The definition of "qualified interpreter";

(d) Supply of and demand for interpreters;

(e) Training for interpreters;

(f) Credentialing requirements for interpreters, including a code of professional conduct;

(g) Grants to cover nonstate controlled interpreter credentialing requirement costs;

(h) Language access and language access service data collection and analysis; and

(i) Evidence-based practices regarding language access, including best practice for using state and federal funding to provide language access services.

(3)(a) The members of the advisory committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts.

(b) Members of the advisory committee must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Subject to available funding and as determined by the office of the superintendent of public instruction, members of the advisory committee who do not receive compensation from their employer or contractor for attendance, either in person or virtually, at a

meeting of the advisory committee are eligible for a stipend.

(4) Staff support for the advisory committee must be provided by the language access technical assistance program described in section 4 of this act, except with respect to credentialing requirements for interpreters, for which staff support must also be provided by the Washington professional educator standards board.

(5) The advisory committee must collaborate with the Washington professional educator standards board, the Washington state office of equity established in RCW 43.06D.020, the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136, and other office of the superintendent of public instruction committees that focus on ensuring equity in access to opportunities for all students.

(6) By November 1, 2024, and periodically thereafter, the advisory committee must submit, in compliance with RCW 43.01.036, a report on implementation of this chapter to the office of the superintendent of public instruction, the Washington professional educator standards board, the governor, and the appropriate committees of the legislature.

NEW SECTION. Sec. 11. (1) The office of the superintendent of public instruction and the Washington professional educator standards board shall collaborate to establish credentialing requirements for interpreters as described in this section.

(2) Prior to establishing new credentialing requirements for interpreters, the office of the superintendent of public instruction and the Washington professional educator standards board must consult with the language access advisory committee established in section 10 of this act.

(3) The credentialing requirements for interpreters must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(4) Credentialing requirements for interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the

structure and significance of the interaction between school staff and the student's family.

(5) The office of the superintendent of public instruction and the Washington professional educator standards board must establish, and periodically update, a definition of "qualified interpreter" for purposes of this chapter and for other purposes.

(6) Once a code of professional conduct for interpreters is established, the superintendent of public instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

(7) Any activities provided by the office of the superintendent of public instruction or the professional educator standards board that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters.

(8) The electronic educator certification process must be adapted to include interpreter credentials.

NEW SECTION. Sec. 12. The office of the superintendent of public instruction and the Washington professional educator standards board may adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

NEW SECTION. Sec. 13. RCW 28A.155.230 (Student language) and 2019 c 256 s 3 are each repealed.

NEW SECTION. Sec. 14. Sections 2 through 6 and 9 through 12 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.710 RCW; adding a new section to chapter 72.40 RCW; adding a new chapter to Title 28A RCW; creating new sections; and repealing RCW 28A.155.230."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1153, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Klippert, Kraft, McCaslin, McEntire, Orcutt, Schmick, Sutherland, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1389 with the following amendment:

On page 3, line 37, after "than" insert "two times"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1389 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Corry and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1389, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1389, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.155.160 and 2021 c 332 s 7040 are each amended to read as follows:

(1) The board, in collaboration with the office, shall establish a competitive grant and loan program to award funding to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(2)(a) Grants and loans may be awarded under this section to assist in funding acquisition, installation, and construction of middle mile and last mile infrastructure that supports broadband services and to assist in funding strategic planning for deploying broadband service in unserved areas.

(b) The board may choose to fund all or part of an application for funding, provided that the application meets the requirements of subsection ~~((4))~~ (11) of this section.

(3) Eligible applicants for grants and loans awarded under this section include:

- (a) Local governments;
- (b) Tribes;
- (c) Nonprofit organizations;
- (d) Cooperative associations;
- (e) Multiparty entities comprised of public entity members;
- (f) Limited liability corporations organized for the purpose of expanding broadband access; and

(g) Incorporated businesses or partnerships.

(4)(a) The board shall develop administrative procedures governing the ~~((application))~~ preapplication and award process. The board shall act as fiscal agent for the program and is responsible for receiving and reviewing applications and awarding funds under this section.

(b) At least sixty days prior to the first day ~~((applications))~~ preapplications may be submitted each fiscal year, the board must publish on its website the specific criteria and any quantitative weighting scheme or scoring system that the board will use to evaluate or rank applications and award funding.

(c) The board may maintain separate accounting in the statewide broadband account created in RCW 43.155.165 as the

board deems necessary to carry out the purposes of this section.

(d) The board must provide a method for the allocation of loans, grants, provision of technical assistance, and interest rates under this section.

(5) An applicant for a grant or loan under this section must provide the following information on the ~~((application))~~ preapplication:

(a) The location and description of the project;

(b) Evidence regarding the unserved nature of the community in which the project is to be located;

(c) Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;

(d) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

~~(e) ((The estimated cost of retail services to end users facilitated by a project;~~

~~(f) The proposed actual download and upload speeds experienced by end users;~~

~~(g) Evidence of significant community institutions that will benefit from the proposed project;~~

~~(h) Anticipated economic, educational, health care, or public safety benefits created by the project;~~

~~(i) Evidence of community support for the project;~~

~~(j) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;~~

~~(k) The estimated total cost of the project;~~

~~(l) Other sources of funding for the project that will supplement any grant or loan award;~~

~~(m) A demonstration of the project's long term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;~~

~~(n) A strategic plan to maintain long-term operation of the infrastructure;~~

~~(o)) Evidence that ((no later than six weeks)) before submission of the application, the applicant contacted, in writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the state's definition for broadband service as defined in RCW 43.330.530, within the time frame specified in the proposed grant or loan activities;~~

~~((p)) (f) If applicable, the broadband service providers' written responses to the inquiry made under ((o)) (e) of this subsection; ((and~~

~~(q)) (g) The proposed geographic broadband service area and the proposed broadband speeds in the form and manner prescribed by the board;~~

~~(h) Evidence of community support for the project; and~~

~~(i) Any additional information requested by the board.~~

~~(6) An applicant for a grant or loan under this section must provide the following information on the application:~~

~~(a) ((Within thirty days of the close of the grant and loan application process, the)) The final location and description of the project;~~

~~(b) Evidence that the proposed infrastructure will be capable of scaling to greater download and upload speeds;~~

~~(c) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;~~

~~(d) The estimated cost of retail services to end users facilitated by a project;~~

~~(e) The proposed actual download and upload speeds experienced by end users;~~

~~(f) Evidence of significant community institutions that will benefit from the proposed project;~~

~~(g) Anticipated economic, educational, health care, or public safety benefits created by the project;~~

~~(h) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of~~

newly available broadband services created by the project;

(i) The estimated total cost of the project;

(j) Other sources of funding for the project that will supplement any grant or loan award;

(k) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;

(l) A strategic plan to maintain long-term operation of the infrastructure;

(m) If applicable, documentation describing the outcome of the broadband service providers' written responses to the inquiry made prior to or during the preapplication phase; and

(n) Any additional information requested by the board.

(7)(a) The board shall publish on its website for at least 30 days the proposed geographic broadband service area and the proposed broadband speeds for each ((application)) proposed broadband project submitted in the preapplication period.

(b) The board shall, within three business days following the close of the preapplication cycle, publish on its website preapplications as described in subsection (5) of this section.

(c) The board shall set an objection period of at least 30 days.

((b)) (8)(a) Any existing broadband service provider near the proposed project area may(, within thirty days of publication of the information under (a) of this subsection,) submit in writing to the board an objection to ((an application)) a proposed broadband project. An objection must contain information demonstrating that:

(i) The project would result in overbuild, meaning that the objecting provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than ((the state speed goals contained in RCW 43.330.536)) the speeds contained in the definition of broadband in RCW 43.330.530(2); or

(ii) The objecting provider commits to complete construction of broadband

infrastructure and provide broadband service to end users in the proposed project area at speeds equal to or greater than ((the state speed goals contained in RCW 43.330.536)) the speeds contained in the definition of broadband in RCW 43.330.530(2), no later than twenty-four months after the date awards are made under this section for the grant and loan cycle under which the ((application)) preapplication was submitted.

((e)) (b) Objections submitted to the board under this subsection must be certified by affidavit.

((d)) (c) The board may evaluate the information submitted under this section by the objecting provider and must consider it in making a determination on the ((application)) proposed broadband project objected to. The board may request clarification or additional information. The board may choose to not fund a project if the board determines that the objecting provider's commitment to provide broadband service that meets the requirements of ((b)) (a) of this subsection in the proposed project area is credible. In assessing the commitment, the board may consider whether the objecting provider has or will provide a bond, letter of credit, or other indicia of financial commitment guaranteeing the project's completion.

((e)) (d) If the board denies funding to an applicant as a result of a broadband service provider's objection made under this section, and the broadband service provider does not fulfill its commitment to provide broadband service in the project area, then for the following two grant and loan cycles, the board is prohibited from denying funding to an applicant on the basis of a challenge by the same broadband service provider, unless the board determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control. The board is not prohibited from denying funding to an applicant for reasons other than an objection by the same broadband service provider.

((f)) (e) An applicant or broadband service provider that objected to the application may request a debriefing conference regarding the board's decision on the application. Requests for debriefing must be coordinated by the

office and must be submitted in writing in accordance with procedures specified by the office.

~~((+g+))~~ (f) Confidential business and financial information submitted by an objecting provider under this subsection is exempt from disclosure under chapter 42.56 RCW.

~~((+7+))~~ (9)(a) In evaluating applications and awarding funds, the board shall give priority to applications that are constructed in areas identified as unserved.

(b) In evaluating applications and awarding funds, the board may give priority to applications that:

(i) Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;

(ii) Demonstrate project readiness to proceed;

(iii) Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;

(iv) Are submitted by tribal governments whose reservations are in rural and remote areas where reliable and efficient broadband services are unavailable to many or most residents;

(v) Bring broadband service to tribal lands, particularly to rural and remote tribal lands or areas servicing rural and remote tribal entities;

(vi) Are submitted by tribal governments in rural and remote areas that have spent significant amounts of tribal funds to address the problem but cannot provide necessary broadband services without either additional state support, additional federal support, or both;

(vii) Serve economically distressed areas of the state as the term "distressed area" is defined in RCW 43.168.020;

(viii) Offer new or substantially upgraded broadband service to important

community anchor institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

(ix) Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;

(x) Provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(xi) Include a component to actively promote the adoption of newly available broadband services in the community;

(xii) Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;

(xiii) Provide access to broadband service to a greater number of unserved households and businesses, including farms;

(xiv) Utilize equipment and technology demonstrating greater longevity of service;

(xv) Seek the lowest amount of state investment per new location served and leverage greater amounts of funding for the project from other private and public sources;

(xvi) Include evidence of a customer service plan;

(xvii) Consider leveraging existing broadband infrastructure and other unique solutions;

(xviii) Benefit public safety and fire preparedness; or

(xix) Demonstrate other priorities as the board, in collaboration with the office, may prescribe by rule.

(c) The board shall endeavor to award funds under this section to qualified applicants in all regions of the state.

(d) The board shall consider affordability and quality of service to end users in making a determination on any application.

(e) The board, in collaboration with the office, may develop additional rules for eligibility, project preapplications, project applications, the associated objection process, and funding priority, as provided under this

subsection and subsections (3), (5), ~~((and))~~ (6), (7), and (8) of this section.

(f) The board, in collaboration with the office, may adopt rules for a voluntary nonbinding mediation between incumbent providers and applicants to the grant and loan program created in this section.

~~((8))~~ (10) To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

~~((9))~~ (11)(a) No funds awarded under this section may fund more than fifty percent of the total cost of the project, except as provided in (b) of this subsection.

(b) The board may choose to fund up to ninety percent of the total cost of a project in financially distressed areas as the term "distressed area" is defined in RCW 43.168.020, and in areas identified as Indian country as the term "Indian country" is defined in WAC 458-20-192.

(c) Funds awarded to a single project under this section must not exceed two million dollars, except that the board may choose to fund projects qualifying for the exception in (b) of this subsection up to, but not to exceed, five million dollars.

~~((10) Except for during the 2021-2023 fiscal biennium, prior to awarding funds under this section, the board must consult with the Washington utilities and transportation commission. The commission must provide to the board an assessment of the technical feasibility of a proposed application. The board must consider the commission's assessment as part of its evaluation of a proposed application.~~

~~((11))~~ (12) The board shall have such rights of recovery in the event of default in payment or other breach of financing agreement as may be provided in the agreement or otherwise by law.

~~((12))~~ (13) The community economic revitalization board shall facilitate the timely transmission of information and documents from its broadband program

to the board in order to effectuate an orderly transition.

~~((13))~~ (14)(a) Subject to rules promulgated by the board, the board may make low-interest or interest-free loans or grants to eligible applicants for emergency public works broadband projects. While developing rules, the board shall consider prioritizing broadband infrastructure projects that replace existing infrastructure impacted by an emergency, as described in (b) of this subsection.

(b) Emergency public works broadband projects include construction, repair, reconstruction, replacement, rehabilitation, or improvement to critical broadband infrastructure that has been made necessary by a natural disaster or damaged by unforeseen events. To ensure limited resources are provided as efficiently as possible, the board shall grant priority to emergency public works projects that replace existing infrastructure of the provider whose facilities were damaged by the unforeseen event and shall not provide funds to a new provider to overbuild the existing provider. The loans or grants may be used to help fund all or part of an emergency public works broadband infrastructure project less any reimbursement from any of the following sources: (i) Federal disaster or emergency funds, including funds from the federal emergency management agency; (ii) state disaster or emergency funds; (iii) insurance settlements; and (iv) litigation.

(c) Eligible applicants for grants and loans awarded under this subsection are the same as those described in subsection (3) of this section.

(15) The definitions in RCW 43.330.530 apply throughout this section unless the context clearly requires otherwise.

(16) For purposes of this section, a "proposed broadband project" means a project that has been submitted as a preapplication to the public works board.

Sec. 2. RCW 42.56.270 and 2021 c 308 s 4 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request

for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board

pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 43.155.160 and 42.56.270."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1673, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1673, as amended by

the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Corry and Dufault.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1785 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.380 and 2018 c 140 s 1 are each amended to read as follows:

(1)(a) The minimum monthly salary paid to state patrol troopers and sergeants must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during each biennium. ~~((The salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.))~~ Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section. ~~Increases ((~~it~~)) for sergeants will be extended to the salary levels for~~

~~captains and lieutenants ((that are collectively bargained must be proportionate to the)) through the collective bargaining process to ensure proportionality of increases ((~~it~~ salaries for troopers and sergeants as a result of the survey described in this section)).~~

(b)(i) Until July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.

(ii) Beginning July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department, unless the office of financial management determines that one or more agencies should be replaced in this comparison with another law enforcement agency pursuant to the periodic evaluation process specified in (b)(iii) of this subsection.

(iii) By January 1, 2028, and each decade thereafter, the office of financial management must conduct an evaluation of the six agencies that are relevant for comparison to ensure state patrol troopers and sergeant salary levels are competitive with other law enforcement agencies within the boundaries of the state of Washington. If the office of financial management determines that one or more agencies specified in (b)(ii) of this subsection should be replaced in this comparison with a different law enforcement agency that is more relevant to ensure salary competitiveness, the office of financial management may utilize that revised compensation comparison data in the survey undertaken in the collective bargaining process during each biennium.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor

and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

~~((3) This section expires June 30, 2025.))~~

Sec. 2. RCW 41.56.475 and 2008 c 149 s 1 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030~~((+7))~~ (14), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) Within ~~((ten))~~ 10 working days after the first Monday in September of every odd-numbered year, the state's bargaining representative and the bargaining representative for the appropriate bargaining unit shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the

neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of ~~((like personnel of))~~ like employers of similar size ~~((on the west coast of the United States))~~ identified in RCW 43.43.380;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

March 1, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Birth doula" means a person that is a nonmedical birth coach or support person trained to provide physical, emotional, and informational support to birthing persons during pregnancy, antepartum, labor, birth, and the postpartum period. Birth doulas advocate for and support birthing people and families to self-advocate by helping them to know their rights and make informed decisions. Birth doulas do not provide medical care.

(3) "Postpartum period" means the 12-month period beginning on the last day of the pregnancy.

(4) "Secretary" means the secretary of health.

NEW SECTION. Sec. 2. (1) A birth doula may voluntarily apply for certification from the department under this section.

(2) The department shall issue a certification to any applicant who has met the following requirements:

(a) Submitted a completed application as required by the department;

(b) Satisfactorily completed competencies that meet the requirements established by the secretary;

(c) Has not engaged in unprofessional conduct as defined in RCW 18.130.180;

(d) Is not currently subject to any disciplinary proceedings; and

(e) Paid a certification fee established by the secretary in rule.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and the discipline of certified birth doulas under this chapter.

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1785 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fey and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1785, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1785, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1785, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

NEW SECTION. **Sec. 3.** (1) The secretary shall:

(a) In collaboration with community partners who advance equitable access to improve perinatal outcomes and care through holistic services for black and brown communities, adopt rules establishing the competency-based requirements that a birth doula must meet to obtain certification. The rules must establish processes that allow for applicants to meet the competency-based requirements through the following pathways:

(i) Successful completion of training and education programs approved by the secretary; and

(ii) Submission of proof of successful completion of culturally congruent ancestral practices, training, and education that the secretary must review and determine whether the training and education meet the competency-based requirements;

(b) Establish certification and renewal fees, administrative procedures, continuing education, administrative requirements, and forms necessary to implement this chapter in accordance with RCW 43.70.250 and 43.70.280;

(c) Maintain a record of all applicants and certifications under this chapter; and

(d) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter.

(2) All fees collected under this chapter must be credited to the health professions account as required under RCW 43.70.320.

NEW SECTION. **Sec. 4.** (1) Nothing in this chapter prohibits a person from practicing as a birth doula without obtaining certification under this chapter.

(2) No person may use the title "state-certified birth doula" in connection with the person's name to indicate or imply, directly or indirectly, that the person is a state-certified birth doula without being certified in accordance with this chapter as a birth doula.

Sec. 5. RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the

professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender

treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; (~~and~~)

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doulas certified under chapter 18.--- RCW (the new chapter created in section 7 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. **Sec. 6.** The secretary may adopt any rules necessary to implement this chapter.

NEW SECTION. **Sec. 7.** Sections 1 through 4 and 6 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act take effect October 1, 2023."

On page 1, line 2 of the title, after "douglas;" strike the remainder of the title and insert "amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Harris-Talley spoke in favor of the passage of the bill.

Representatives Chambers and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1881, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1881, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Calder, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 42.56 RCW to read as follows:

(1) The following information or records created or maintained by the department of corrections is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34 U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;

(ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual who is the subject of the information, a requestor with the written permission of the incarcerated individual who is the subject of the information, or a personal representative of an incarcerated individual who is the subject of the information. In response to such requests, the department of corrections may withhold information revealing the identity of other incarcerated individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force reports, prepared by department of corrections staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW

72.09.015 and includes currently or formerly incarcerated individuals.

NEW SECTION. Sec. 2. This act is remedial, curative, and retroactive, and the exemptions in section 1 of this act apply retroactively to any public records request made prior to the effective date of this section for which disclosure of records has not already occurred.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hackney spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatte,

Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This chapter may be known and cited as the Washington equitable access to credit act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to the equitable access to credit program created in chapter 43.--- RCW (the new chapter created in section 6 of this act).

(2)(a) The person must make the contribution before claiming a credit authorized under this section. The credit may be used against any tax due under this chapter. The amount of the credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(b) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried forward and claimed against a person's tax liability for the next

succeeding calendar year; and any credit not used in that next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year, but may not be carried over for any calendar year thereafter.

(3) Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this section for any calendar year to exceed \$8,000,000. If this limitation is reached, the department must notify the department of commerce that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide the tax be paid within 30 days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(4) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(6) The equitable access to credit program must provide to the department, upon request, such information as may be needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(7) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to 100 percent of the contributions made

by the person to the equitable access to credit program.

(8) No credit may be earned for contributions made on or after June 30, 2027. Credits may be claimed as provided in subsections (2) through (4) of this section; however, credits may not be claimed prior to January 1, 2023.

(9) For the purposes of this section, "equitable access to credit program" means a program established within the department of commerce pursuant to section 3 of this act.

(10) The provisions of chapter 82.32 RCW apply to the administration of this section.

(11) This section expires July 1, 2027.

NEW SECTION. Sec. 3. (1) Subject to appropriation, the department of commerce shall create and operate the equitable access to credit program. The purpose of the equitable access to credit program is to award grants to qualified lending institutions, using funds generated by business and occupation tax credits created in section 2 of this act, for the purpose of providing access to credit for historically underserved communities. The equitable access to credit program must be governed by the provisions of this chapter and by any guidelines developed and rules adopted by the department of commerce pursuant to this chapter.

(2) The following requirements apply to the operation of the equitable access to credit program:

(a) No more than 25 percent of all grants awarded in any calendar year may be awarded to the same grant recipient;

(b) Up to 20 percent of an individual grant award may be used by the grant recipient to fund a loan loss reserve, technical assistance, and/or small business training programs;

(c) At least 65 percent of the value of all grants awarded in any calendar year must be provided for native community development financial institution grantees or grantees to provide services or invest, or both, in rural counties as defined in RCW 82.14.370; and

(d) Beginning in fiscal year 2022, up to five percent of the program revenues may be used for all agencies' staffing

and other administrative costs related to the implementation of this act. In the event that the statewide limit in section 2(3) of this act is not reached, the percentage used for administration may be increased as necessary to maintain normal staffing operations, not to exceed 10 percent.

(3) In order to receive a grant award under the equitable access to credit program, a qualified lending institution must:

(a) Be recognized by the United States department of the treasury as:

(i) An emerging community development financial institution; or

(ii) A certified community development financial institution;

(b) Match any grant awarded by the equitable access to credit program on:

(i) At least a five percent basis, if the institution is recognized by the United States department of the treasury as an emerging community development financial institution;

(ii) At least a 10 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified community development financial institution; and

(B) Has net assets of fewer than \$3,000,000 at the time of the grant application; or

(iii) At least a 25 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified emerging community development financial institution; and

(B) Has net assets of \$3,000,000 or more at the time of the grant application;

(c) Be registered as a nonprofit organization exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section; and

(d) Demonstrate a history of lending in Washington.

(4) The director must appoint members to an advisory board that will assist the department in ranking applications for

the grants. The department is encouraged to seek representation from members with relevant expertise, including those from the banking industry familiar with community development financial institutions, rural economic development professionals, local government representatives, and representatives from federally recognized Indian tribes. The department shall seek, to the greatest extent possible, a fair geographic balance.

(5)(a) The following criteria must be considered in ranking applications:

(i) The number and total value of loans and investments closed during the previous five-year period by the qualified lending institution in Washington and the percentage of those loans and investments that went to historically underserved communities;

(ii) Funds leveraged by the proposed grant award, which may be no less than 25 percent for certified community development financial institutions with net assets of \$3,000,000 or more at the time of the grant application;

(iii) Projected loan or investment production with the award over the performance period of the grant;

(iv) How the award supports the growth of the qualified lending institution;

(v) Past performance of loans and investments made by the qualified lending institution including, where applicable, past performance of loans and investments made using funds from the equitable access to credit program; and

(vi) Awards to a diversity of qualified lending institution awardees, including institutions of different sizes or with different target markets or products, access to historically underserved communities, or other differentiators that ensure a broad-base access to capital.

(b) The department may also include such additional criteria as it deems helpful in achieving the goal of ensuring access to credit to underserved communities across the state.

(6) Grants may be awarded from the equitable access to credit program beginning six months after the first tax credits are claimed pursuant to section 2 of this act. Grant awards must cease from the equitable access to credit

program upon the expiration of this chapter.

(7) No loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program may have an interest rate that exceeds 200 basis points above the Wall Street Journal prime rate when the loan or investment is made.

(8) Once a loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program has been repaid, the qualified lending institution must reloan the repaid funds consistent with the terms of this chapter.

(9) A qualified lending institution that receives funds from the equitable access to credit program must submit a report to the department of commerce by June 30th of each year that contains the following information:

(a) A list of loans and investments made using funds from the equitable access to credit program's grant and associated match, including, on a per-borrower or per-investee basis:

(i) The date the loan or investment was originated;

(ii) The amount of the loan or investment;

(iii) The total cost of the project, including owner equity and leverage;

(iv) The interest rate and interest type;

(v) The Wall Street Journal prime rate at the time the loan or investment is made;

(vi) The term;

(vii) The number of permanent full-time equivalent jobs projected to be created in the business due to this financing;

(viii) Whether the loan or investment utilized a guarantee program;

(ix) The North American industry classification system code;

(x) The entity structure;

(xi) Whether the investee or borrower is more than 50 percent owned or controlled by:

(A) One or more minorities;

(B) One or more women; or

(C) One or more low-income persons;

(xii) The race of the primary investee(s) or borrower(s);

(xiii) Whether the primary investee or borrower is Hispanic or Latino; and

(xiv) The location, by city and county, in which funds from the program will be invested;

(b) Certification that each loan or investment made using funds from the program was to a historically underserved community; and

(c) Other information as required by the department of commerce.

(10) No later than September 15th of each year, beginning in 2022, the department of commerce must submit a report to the appropriate committees of the legislature that contains the following information:

(a) The list of grant applicants, total value of grants requested, and the location of each applicant;

(b) The list of grant recipients, total amount of awards, and required match amounts; and

(c) On an aggregate basis, information on loans and investments as reported under subsection (9) of this section.

(11) The department may contract for all or part of the administration of this section.

(12) The department may adopt rules as necessary to implement this section.

NEW SECTION. Sec. 4. The equitable access to credit program account is created in the custody of the state treasurer. All receipts from contributions to the equitable access to credit program created by this chapter must be deposited in the account. Expenditures from the account may be used only for the award of grants to qualified lending institutions from the equitable access to credit program and administrative costs pursuant to section 3 of this act. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Any funds remaining in the account upon the expiration of this chapter must be transferred to the state general fund.

NEW SECTION. Sec. 5. (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2022 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to create or retain jobs pursuant to RCW 82.32.808(2)(c), as well as encourage community and economic development within communities that have historically lacked access to capital.

(3) It is the legislature's specific public policy objective to create a program that encourages investment in small, underserved businesses to encourage community and economic development in Washington.

(4) The legislature intends to extend the expiration date of this tax preference if a review finds that the equitable access to credit program has had a net positive impact on investment in communities historically underserved by credit and on state and local tax revenues. In conducting its review under this section, the joint legislative audit and review committee should consider, among other data:

(a) The number and aggregate amount of loans and investments originated under the program, including with revolved dollars;

(b) Overall match, including project leverage, invested by grant recipients;

(c) The balance sheet growth of community development financial institutions that received grants from the program;

(d) Whether participants in the program achieved balance sheet growth during the time of their participation in the program;

(e) The percentage of community development financial institutions in Washington that received funding from the program; and

(f) The level of ongoing demand for funding from the program.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) This section expires July 1, 2027.

NEW SECTION. **Sec. 6.** Sections 1, 3, and 4 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Maycumber and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington state has one of the strongest economies in the country. However, despite the strong economy, our state has entered an affordable housing crisis where low-income and middle-income households have the fewest number of housing options. Furthermore, it is estimated that Washington state's housing gap is among the most severe in the nation, with only 29 affordable and available rental homes for every 100 extremely low-income households.

(2) The legislature concludes that in the spirit of one Washington, the health of all Washingtonians will benefit from a larger stock in affordable housing. Therefore, it is the intent of the legislature to incentivize real property transfers to nonprofit housing providers, public housing authorities, or local governments to increase the availability of affordable housing for low-income Washingtonians.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences in sections 3 and 4, chapter . . . , Laws of 2022 (sections 3 and 4 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage sales or transfers of real property to nonprofit entities, housing authorities, or public corporations that intend to use the transferred property for housing for low-income persons.

(4) If a review finds that the number of sales or transfers of real property to qualified entities has not increased, then the legislature intends to repeal the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including the transfer or sale of properties reported by county records.

Sec. 3. RCW 82.45.010 and 2019 c 424 s 3, 2019 c 390 s 10, and 2019 c 385 s 2 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the

controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance

with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of

the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real

property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide

this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not

subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) The sale by an affordable homeownership facilitator of self-help housing to a low-income household. (~~The definitions in section 2 of this act apply to this subsection.~~)

(ii) The definitions in this subsection (3)(u) apply to this subsection (3)(u) unless the context clearly requires otherwise.

(A) "Affordable homeownership facilitator" means a nonprofit community or neighborhood-based organization that is exempt from income tax under Title 26 U.S.C. Sec. 501(c) of the internal revenue code of 1986, as amended, as of October 1, 2019, and that is the developer of self-help housing.

(B) "Low-income" means household income as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling is located.

(C) "Self-help housing" means dwelling residences provided for ownership by low-income individuals and families whose ownership requirement includes labor participation. "Self-help housing" does not include residential rental housing provided on a commercial basis to the general public.

(v)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(v), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (v)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (v)(i)(A), (B), or (C) of this subsection, within the timelines described in (v)(i)(A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (v)(i)(A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (v)(i)(A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (v)(i)(A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (v)(ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (v)(i)(A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3)(v), "low-income" has the same meaning as in (u) of this subsection.

Sec. 4. RCW 82.45.010 and 2019 c 424 s 3 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property,

including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely

independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized

mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise

taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(u), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (u)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (u)(i)(A), (B), or (C) of this subsection, within the timelines described in (u)(i)(A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (u)(i)(A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (u)(i)(A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (u)(i)(A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (u)(ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (u)(i)(A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3)(u), "low-income" means household income as defined by the department, provided that the definition may not exceed 80 percent of median household income, adjusted for household size, for the county in which the dwelling is located.

NEW SECTION. Sec. 5. The expiration date provisions of RCW 82.32.805(1)(a) do not apply to the tax preferences in

sections 3 and 4, chapter . . ., Laws of 2022 (sections 3 and 4 of this act).

NEW SECTION. Sec. 6. Section 3 of this act takes effect January 1, 2023.

NEW SECTION. Sec. 7. Section 3 of this act expires January 1, 2030.

NEW SECTION. Sec. 8. Section 4 of this act takes effect January 1, 2030."

On page 1, line 4 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hackney and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1859 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to create an interagency coordination team responsible for the program that establishes and maintains quality standards for laboratories conducting analysis of recreational and medicinal cannabis with THC levels greater than 0.3 percent. The interagency team includes the department of agriculture, the liquor and cannabis board, and the department of health. The standards must be adopted by rule by the department of agriculture, and changes to standards may require reference in liquor and cannabis board and department of health rules. This authority to establish these rules transfers from the liquor and cannabis board to the department of agriculture. This act implements the recommendations of the cannabis science task force established in RCW 43.21A.735.

According to the task force's recommendations: "Laboratory quality standards are the elements used in the evaluation of a product's compliance with established product standards. They consist of approved methods, method validation protocols, and performance measures and criteria applied to the testing of the product. Establishing appropriate and well-defined laboratory quality standards is essential to communicate to the testing laboratories what standardized practices and procedures are appropriate.

Laboratory quality standards help ensure the data that laboratories generate are credible and can be used to provide consumer protections. They should represent sound scientific protocols, and detail practical and specific guidance for the testing subject

matter. Together, well-established product standards, laboratory quality standards, and accreditation standards should function to garner confidence for consumers and the industry they support."

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cannabis lab" means a laboratory that tests cannabis for compliance with product standards established by rule by the state liquor and cannabis board.

(2) "Team" means the interagency coordination team for cannabis laboratory quality standards created in this chapter.

NEW SECTION. Sec. 3. (1) The interagency coordination team for cannabis laboratory quality standards is created. The team consists of the department, the liquor and cannabis board, and the department of health. The department is designated lead agency for the team and must provide the team with all necessary administrative support.

(2) The agencies that make up the team must each dedicate administrative, policy, scientific, or other staff necessary to successfully accomplish the duties assigned to the team.

(3) The team must:

(a) Coordinate among all participating agencies on agency policies, actions, and regulatory activities that relate to cannabis testing laboratory quality standards; and

(b) Advise the department on implementation and maintenance of cannabis testing laboratory quality standards topics including, but not limited to, analytical methods, validation protocols, quality assurance and quality control practices, project planning and sampling guides, and other topics as necessary to fulfill the purposes of the team and this act. In making its recommendations, the team must take into account the cannabis science task force recommendations.

NEW SECTION. Sec. 4. (1) The department must establish and maintain cannabis testing laboratory quality standards by rule in accordance with chapter 34.05 RCW.

(2) Cannabis testing laboratory quality standards must include, but are

not limited to, approved methods for testing cannabis for compliance with product standards established by rule by the state liquor and cannabis board or the department of health, method validation protocol, and performance measures and criteria applied to testing of cannabis products.

(3) The department must take into account the recommendations of the team created in section 3 of this act.

(4) Standards created under this chapter must be provided to the state department of ecology for use in the lab accreditation process described in RCW 69.50.348.

Sec. 5. RCW 69.50.348 and 2019 c 277 s 1 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory ~~((meeting the accreditation requirements established by the state liquor and cannabis board, for inspection and testing))~~. The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under subsection (1) of this section to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((+3+))~~ (4) If a representative sample inspected and tested under this section

does not meet the applicable quality assurance and product standards established by the state liquor and cannabis board, the entire lot from which the sample was taken must be destroyed.

~~((+4+))~~ (5) The state liquor and cannabis board may adopt rules necessary to implement this section. The state liquor and cannabis board may adopt rules necessary to implement subsection (2) of this section until a successor state agency or agencies assume responsibility for establishing and administering laboratory standards and accreditation.

Sec. 6. RCW 69.50.348 and 2019 c 277 s 2 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state department of ecology ~~((, for inspection and testing))~~. The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under RCW 69.50.342 to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((+3+))~~ (4) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the state liquor and

cannabis board, the entire lot from which the sample was taken must be destroyed.

((+4)) (5)(a) The department of ecology may determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing a state marijuana product testing laboratory accreditation program, except for the initial program development costs. The department of ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited marijuana product testing laboratories. The department of ecology may establish a payment schedule requiring periodic installments of the annual fee. The fee schedule must be established in amounts to fully cover, but not exceed, the administrative and oversight costs. The department of ecology must review and update its fee schedule biennially. The costs of marijuana product testing laboratory accreditation are those incurred by the department of ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

(i) Evaluating the protocols and procedures used by a laboratory;

(ii) Performing on-site audits;

(iii) Evaluating participation and successful completion of proficiency testing;

(iv) Determining the capability of a laboratory to produce accurate and reliable test results; and

(v) Such other accreditation activities as the department of ecology deems appropriate.

(b) The state marijuana product testing laboratory accreditation program initial development costs must be fully paid from the dedicated marijuana account created in RCW 69.50.530.

((+5)) (6) The department of ecology and the ~~((liquor and cannabis board))~~ interagency coordination team created in section 3 of this act must act cooperatively to ensure effective implementation and administration of this section.

((+6)) (7) All fees collected under this section must be deposited in the dedicated marijuana account created in RCW 69.50.530.

NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1, 2024.

NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 9.** Sections 2 through 4 of this act constitute a new chapter in Title 15 RCW."

On page 1, line 2 of the title, after "analysis;" strike the remainder of the title and insert "amending RCW 69.50.348 and 69.50.348; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1859 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1859, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

HOUSE BILL NO. 1859, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1590 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature recognizes that the COVID-19 pandemic has impacted the delivery of education across the state, as school districts resume in-person instructional models with heightened efforts to protect the health and well-being of students and staff and address the pandemic's impact on student learning. The legislature also recognizes that state funding formulas are largely driven by enrollment, and the pandemic has resulted in unforeseen, temporary enrollment declines in many districts. Funding declines due to temporary, unforeseen changes in enrollment can affect a district's ability to maintain the staffing and resources needed to deliver education services. Stabilization funding in the 2020-21 school year provided important support for schools to maintain services amid enrollment declines. With this act and in the omnibus operating appropriations act, the legislature intends to extend stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic for the final time.

NEW SECTION. **Sec. 2.** (1) If a local education agency's combined state revenue generated in the 2021-22 school year is less than what its combined state revenue would be using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year, then the superintendent of public instruction must provide an enrollment stabilization amount to the local education agency in the 2021-22 school year. The enrollment stabilization amount shall be equal to 50 percent of the local education agency low enrollment impact.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Combined state revenue" means the combined amount from the following allocations to local education agencies:

(i) General apportionment allocations as described in RCW 28A.150.260;

(ii) Special education allocations as described in RCW 28A.150.390. Allocations for special education enrollment above 2021-22 levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Learning assistance program allocations as described in RCW 28A.150.260(10)(a). Learning assistance program allocations based on 2019-20 enrollments must include the prior years' free or reduced-price meal percentages used for allocations in the 2020-21 school year;

(iv) Transitional bilingual program allocations as described in RCW 28A.150.260(10)(b);

(v) Highly capable program allocations as described in RCW 28A.150.260(10)(c);

(vi) Career and technical education and skill centers allocations as described in RCW 28A.150.260 (4)(c), (7), and (9);

(vii) Allocations to support institutional education for residential schools as defined by RCW 28A.190.005 and of juveniles in detention facilities as identified by RCW 28A.190.010;

(viii) Dropout reengagement program allocations for eligible students under RCW 28A.175.100;

(ix) Alternative learning experience allocations as described in RCW 28A.232.020; and

(x) Running start allocations as described in RCW 28A.600.310.

(b) "Local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(c) "Local education agency low enrollment impact" is equal to a local education agency's combined state revenue that would be generated using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year minus its combined state revenue generated in the 2021-22 school year, if the difference is greater than zero.

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

Sec. 3. RCW 84.52.0531 and 2021 c 221 s 2 and 2021 c 145 s 22 are each reenacted and amended to read as follows:

(1) Beginning with taxes levied for collection in 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means the percentage change in the seasonally adjusted consumer price index for all urban consumers, Seattle area, for the most recent 12-month period as of September 25th of the year before the taxes are payable, using the official current base compiled by the United States bureau of labor statistics.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year.

(c) "Open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person

instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable.

(d) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected, except ~~((that in))~~ as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment and the school district was open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy

revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

Sec. 4. RCW 28A.500.015 and 2019 c 410 s 1 are each amended to read as follows:

(1) Beginning in calendar year 2020 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2)(a) For an eligible school district with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district.

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

~~((d) For a school district that meets the criteria in this subsection and is located west of the Cascades in a county that borders another state, the annual local effort assistance funding is equal to the local effort assistance funding authorized under (b) of this subsection and additional local effort assistance funding equal to the following amounts:~~

~~(i) Two hundred forty six dollars per pupil in the 2019-20 school year for a school district with more than twenty five thousand annual full time equivalent students; and~~

~~(ii) Two hundred eighty six dollars per pupil in the 2019-20 school year for a school district with more than twenty thousand annual full time equivalent enrolled students but fewer than twenty five thousand annual full time equivalent enrolled students.)~~

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand

dollars of assessed value in the school district.

(d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed, except as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(e) "State local effort assistance threshold" means one thousand five hundred fifty dollars per student, increased for inflation beginning in calendar year 2020.

(f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1590 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan, McEntire and Senn spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Shewmake, Simmons, Springer, Steele, Stonier, Sullivan, Taylor, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Griffey, Hoff, Jacobsen, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Senn, Slatter, Stokesbary, Sutherland, Thai, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1590, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5488
 SECOND SUBSTITUTE SENATE BILL NO. 5085
 SUBSTITUTE SENATE BILL NO. 5741

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1074
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1181
 HOUSE BILL NO. 1376
 SUBSTITUTE HOUSE BILL NO. 1571
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630
 SUBSTITUTE HOUSE BILL NO. 1644
 SUBSTITUTE HOUSE BILL NO. 1646
 SUBSTITUTE HOUSE BILL NO. 1703
 SUBSTITUTE HOUSE BILL NO. 1725
 SUBSTITUTE HOUSE BILL NO. 1779
 SECOND SUBSTITUTE HOUSE BILL NO. 1173
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357
 SUBSTITUTE HOUSE BILL NO. 1616
 SECOND SUBSTITUTE HOUSE BILL NO. 1664
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1688
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689
 SUBSTITUTE HOUSE BILL NO. 1706
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1723
 SUBSTITUTE HOUSE BILL NO. 1728
 SUBSTITUTE HOUSE BILL NO. 1773
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1812
 HOUSE BILL NO. 1825
 ENGROSSED HOUSE BILL NO. 1851
 SECOND SUBSTITUTE HOUSE BILL NO. 1890
 SUBSTITUTE HOUSE BILL NO. 1893
 SUBSTITUTE HOUSE BILL NO. 1902
 HOUSE BILL NO. 1975
 SECOND SUBSTITUTE HOUSE BILL NO. 2008
 SUBSTITUTE HOUSE BILL NO. 2057
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076
 ENGROSSED SENATE BILL NO. 5017
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5078
 SENATE BILL NO. 5196
 SECOND ENGROSSED SUBSTITUTE SENATE
 BILL NO. 5275
 SENATE BILL NO. 5505
 SENATE BILL NO. 5519
 SUBSTITUTE SENATE BILL NO. 5548
 SUBSTITUTE SENATE BILL NO. 5590
 SENATE BILL NO. 5615
 SENATE BILL NO. 5624
 SUBSTITUTE SENATE BILL NO. 5678
 SECOND SUBSTITUTE SENATE BILL NO. 5736
 SUBSTITUTE SENATE BILL NO. 5745
 SENATE BILL NO. 5750
 SUBSTITUTE SENATE BILL NO. 5756

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5758
 SUBSTITUTE SENATE BILL NO. 5785
 SENATE BILL NO. 5787
 SENATE BILL NO. 5042
 SENATE BILL NO. 5504
 SENATE BILL NO. 5508
 SENATE BILL NO. 5539
 SUBSTITUTE SENATE BILL NO. 5558
 SENATE BILL NO. 5565
 SUBSTITUTE SENATE BILL NO. 5589
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5593
 SECOND SUBSTITUTE SENATE BILL NO. 5616
 SENATE BILL NO. 5715
 SUBSTITUTE SENATE BILL NO. 5765
 SUBSTITUTE SENATE BILL NO. 5791
 SUBSTITUTE SENATE BILL NO. 5814
 SUBSTITUTE SENATE BILL NO. 5838
 SENATE BILL NO. 5854
 SUBSTITUTE SENATE BILL NO. 5862
 SENATE BILL NO. 5895
 SUBSTITUTE SENATE BILL NO. 5933
 SENATE BILL NO. 5972

The Speaker called upon Representative Orwall to
 preside.

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

MESSAGES FROM THE SENATE

March 8, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2024,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5778,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5042,
 SENATE BILL NO. 5504,
 SENATE BILL NO. 5508,
 SENATE BILL NO. 5539,
 SUBSTITUTE SENATE BILL NO. 5558,
 SENATE BILL NO. 5565,
 SUBSTITUTE SENATE BILL NO. 5589,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5593,
 SECOND SUBSTITUTE SENATE BILL NO. 5616,
 SENATE BILL NO. 5715,
 SUBSTITUTE SENATE BILL NO. 5765,
 SUBSTITUTE SENATE BILL NO. 5791,
 SUBSTITUTE SENATE BILL NO. 5814,
 SUBSTITUTE SENATE BILL NO. 5838,
 SENATE BILL NO. 5854,
 SUBSTITUTE SENATE BILL NO. 5862,
 SENATE BILL NO. 5895,
 SUBSTITUTE SENATE BILL NO. 5933,
 SENATE BILL NO. 5972,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099. The President has appointed the following members as Conferees: Short, Van De Wege, Lovelett

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5651, by Senate Committee on Ways & Means (originally sponsored by Frockt)

Concerning the capital budget.

The bill was read the second time.

Representative Tharinger moved the adoption of striking amendment (1374):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in

this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2023, out of the several funds specified in this act.

PART 1

GENERAL GOVERNMENT

Sec. 1001. 2021 c 332 s 1008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

Reappropriation:

Public Works Assistance Account—State
 ((~~\$1,523,000~~))

\$815,000

Prior Biennia (Expenditures)
 ((~~\$32,378,000~~))

\$31,343,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$33,901,000~~))

\$32,158,000

Sec. 1002. 2021 c 332 s 1009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—
 State ((~~\$6,302,000~~))

\$6,350,000

State Taxable Building Construction Account—

State \$2,997,000

Subtotal Reappropriation
 ((~~\$9,299,000~~))
\$9,347,000
 Prior Biennia (Expenditures)
 ((~~\$31,101,000~~))
\$31,053,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$40,400,000

Sec. 1003. 2021 c 332 s 1014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—
 State ((~~\$1,750,000~~))
\$1,763,000
 Prior Biennia (Expenditures)
 ((~~\$9,128,000~~))
\$8,983,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$10,878,000~~))
\$10,746,000

Sec. 1004. 2021 c 332 s 1015 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

(1) The ((reappropriations)) appropriations in this section are subject to the following conditions and limitations: The ((reappropriations)) appropriations are subject to the provisions of section 6001, chapter 356, Laws of 2020, except that subsection (2) of this section supersedes the requirements of section 6001(1)(f)(x), chapter 356, Laws of 2020.

(2) \$7,500,000 is provided solely for grants for high quality low-income

housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$200,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a 25 year period. Amounts provided that are subject to this subsection (2) must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$4,500,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection (2) is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection (2). \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

Reappropriation:

State Building Construction Account—
 State ((~~\$5,716,000~~))
\$6,246,000

State Taxable Building Construction Account—

State \$24,810,000

Washington Housing Trust Account—
 State \$1,578,000

Subtotal Reappropriation
 ((~~\$32,104,000~~))
\$32,634,000

Appropriation:

State Building Construction Account—
 State \$1,500,000

Prior Biennia (Expenditures)
 ((~~\$79,386,000~~))

\$78,856,000

Future Biennia (Projected Costs) \$19,410,000
 \$0
 TOTAL ((~~\$111,490,000~~))
\$112,990,000

Future Biennia (Projected Costs) \$0
 \$0
 TOTAL \$23,500,000

Sec. 1005. 2021 c 332 s 1018 (uncodified) is amended to read as follows:

Sec. 1007. 2021 c 332 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

FOR THE DEPARTMENT OF COMMERCE

2017-19 Building for the Arts Grant Program (30000877)

Clean Energy Funds 3 (30000881)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2018.

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6006, chapter 413, Laws of 2019, except that funding may not be provided for an aluminum smelter restart project in Whatcom county because this project is transitioning to the 2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148) project pursuant to section 1018 of this act.

Reappropriation:

Reappropriation:

State Building Construction Account—State \$1,000,000

Energy Efficiency Account—State \$5,362,000

Prior Biennia (Expenditures) ((~~\$11,000,000~~))
\$10,954,000

State Building Construction Account—State ((~~\$29,402,000~~))
\$27,002,000

Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$12,000,000~~))
\$11,954,000

Subtotal Reappropriation ((~~\$34,764,000~~))
\$32,364,000

Sec. 1006. 2021 c 332 s 1020 (uncodified) is amended to read as follows:

Prior Biennia (Expenditures) \$11,336,000

FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

Future Biennia (Projected Costs) \$0

The reappropriations in this section ((~~is~~)) are subject to the following conditions and limitations: The reappropriations ((~~is~~)) are subject to the provisions of section 1014, chapter 298, Laws of 2018.

TOTAL ((~~\$46,100,000~~))
\$43,700,000

Reappropriation:

Sec. 1008. 2021 c 332 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

State Building Construction Account—State \$222,000

2017-19 Building Communities Fund Grant (30000883)

State Taxable Building Construction Account—

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018.

State ((~~\$376,000~~))
\$3,868,000

Reappropriation:

Subtotal Reappropriation
\$4,090,000

State Building Construction Account—State ((~~\$1,700,000~~))

Prior Biennia (Expenditures) ((~~\$23,124,000~~))

\$1,884,000
 Prior Biennia (Expenditures)
 ((\$26,200,000))
\$25,379,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL ((\$27,900,000))
\$27,263,000

Sec. 1009. 2021 c 332 s 1025
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants
 (40000006)

The reappropriations in this section
 are subject to the following conditions
 and limitations: The reappropriations
 are subject to the provisions of section
 1005, chapter 298, Laws of 2018.

Reappropriation:

Early Learning Facilities Development
 Account—

State \$999,000

Early Learning Facilities Revolving
 Account—

State ((\$3,000,000))

\$3,062,000

Subtotal Reappropriation
 ((\$3,999,000))

\$4,061,000

Prior Biennia (Expenditures)
 ((\$11,501,000))

\$11,404,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((\$15,500,000))

\$15,465,000

Sec. 1010. 2021 c 332 s 1036
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Early Learning Facilities
 (40000044)

The reappropriations in this section
 are subject to the following conditions
 and limitations: The reappropriations
 are subject to the provisions of section
 1006, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—
 State \$8,000,000

Early Learning Facilities Revolving
 Account—

State \$20,000,000

Early Learning Facilities Development
 Account—

State ((\$1,500,000))

\$1,839,000

Subtotal Reappropriation
 ((\$29,500,000))

\$29,839,000

Prior Biennia (Expenditures)
 ((\$5,520,000))

\$5,181,000

Future Biennia (Projected Costs)
 \$0

TOTAL \$35,020,000

Sec. 1011. 2021 c 332 s 1046
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband
 Infrastructure (91000943)

The appropriations in this section are
 subject to the following conditions and
 limitations:

(1) ~~((The appropriation and
 reappropriations are subject to the
 provisions of section 1008, chapter 298,
 Laws of 2018.~~

(2)) The board may make rural
 broadband loans and grants to local
 governments and to federally recognized
 Indian tribes for the purposes of
 financing the cost to build
 infrastructure to provide high-speed,
 open-access broadband service, to rural
 and underserved communities, for the
 purposes of economic development or
 community development. However, no more
 than 50 percent of all financial
 assistance approved by the board in any
 biennium may consist of grants to local
 governments or federally recognized
 Indian tribes.

(2) Application for funding must be
 made in the form and manner as the board
 may prescribe. In making grants or loans
 the board must conform to the following
 requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion;

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state;

(iii) For a project the primary purpose of which is to facilitate or promote gambling;

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe; or

(v) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:

(i) Drive job creation, promote innovation, and expand markets for local businesses;

(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and

(iii) Improve accessibility for underserved communities and populations.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support

from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(3) A responsible official of the local government or the federally recognized Indian tribe must be present during community economic revitalization board deliberations and provide information that the board requests.

(4) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the board.

(5) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

(6) For purposes of this section:

(a) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(b) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

Reappropriation:

Public Works Assistance Account—State
\$3,450,000

State Taxable Building Construction
Account—

State \$6,600,000

Subtotal Reappropriation
\$10,050,000

Appropriation:

Coronavirus Capital Projects Account—
 Federal \$25,000,000
 Prior Biennia (Expenditures)
 \$3,400,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$38,450,000

NEW SECTION. Sec. 1012. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

CERB Rural Broadband (40000250)

The appropriation in this section is subject to the following conditions and limitations: \$25,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal \$25,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$25,000,000

NEW SECTION. Sec. 1013. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Public Works Broadband (40000251)

The appropriation in this section is subject to the following conditions and limitations: \$25,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If

the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal \$25,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$25,000,000

Sec. 1014. 2021 c 332 s 1055 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute
 (40000136)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1009, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—
 State (~~(\$1,105,000)~~)
\$1,106,000

State Taxable Building Construction Account—

State \$175,000
 Subtotal Reappropriation
 (~~(\$1,280,000)~~)
\$1,281,000

Prior Biennia (Expenditures)
 (~~(\$20,000)~~)
\$19,000

Future Biennia (Projected Costs)
 \$0

TOTAL \$1,300,000

Sec. 1015. 2021 c 332 s 1058 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Public Works Assistance Account—Construction (40000141)

Appropriation:

Public Works Assistance Account—State
 (~~(\$129,000,000)~~)
\$249,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$129,000,000~~))
\$249,000,000

Sec. 1016. 2021 c 332 s 1061
(uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 CERB Capital Construction
(40000144)

Appropriation:

Public Facility Construction Loan
Revolving

Account—State \$10,000,000

State Taxable Building Construction
Account—

State \$15,000,000

Capital Community Assistance Account—
State \$40,000,000

Subtotal Appropriation
((~~\$25,000,000~~))

\$65,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$25,000,000~~))

\$65,000,000

Sec. 1017. 2021 c 332 s 1063
(uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Library Capital Improvement
Program (LCIP) Grants (40000147)

The appropriation in this section is
subject to the following conditions and
limitations:

(1) The appropriation in this section
is provided solely for a local library
capital improvement grant program for the
following list of projects:

City of Colville \$264,000

Sno-Isle Regional Inter-County
Libraries (Langley) \$700,000

Stevens County Rural Library District
(Loon Lake) \$649,000

Stevens County Rural Library District
(Chewelah) \$90,000

North Olympic Library System (Sequim)
\$2,000,000

Spokane County Library District
(Spokane Valley) \$2,000,000

Jefferson County Rural Library
District (Port Hadlock) \$285,000

Stevens County Rural Library District
(Northport) \$50,000

North Central Regional Library
(Wenatchee) \$798,000

City of Seattle \$1,889,000

Pend Oreille County Library District
(Metaline Falls) \$40,000

Upper Skagit Library District
(Concrete) \$209,000

City of Cashmere \$14,000

Town of Coulee City \$760,000

Sno-Isle Regional Inter-County
Libraries (Darrington) \$250,000

Fort Vancouver Regional Library
Foundation (Woodland) \$2,000,000

City of Mount Vernon \$2,000,000

~~((Sno-Isle Regional Inter-County
Libraries~~

~~(Lake Stevens) \$1,100,000))~~

Camas Library Improvements (Camas)
\$515,000

Ephrata Public Library (Ephrata)
\$91,000

Lake Stevens Early Learning Library
(Lake Stevens) \$2,000,000

(2) The department must establish a
competitive process to solicit proposals
for and prioritize projects whose primary
objective is to assist libraries operated
by governmental units, as defined in RCW
27.12.010, in acquiring, constructing,
repairing, or rehabilitating facilities.

(3) The department must establish a
committee to develop the grant program
criteria and review proposals. The
committee must be composed of five
members as provided in this subsection.
The committee must include: (a) A
representative from the department of
commerce; (b) a representative from the
department of archaeology and historic
preservation; (c) the state librarian;
(d) a representative from a library
district; and (e) a representative from
a municipal library.

(4) The department must conduct a statewide solicitation of project applications. The department must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2022, for inclusion in the department of commerce's 2023-2025 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed \$2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed \$10,000,000.

(6) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state

appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—	
State ((\$17,704,000))	
	<u>\$16,604,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	((\$47,704,000))
	<u>\$46,604,000</u>

Sec. 1018. 2021 c 332 s 1064 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes and communities with high environmental or energy burdens.

(2) The 2021 state energy strategy must guide the department in the design of programs under this section, using an equity and environmental justice lens for program structure and participation. To the extent practicable, the department must prioritize projects that build upon Washington's existing strengths in communities, aerospace, maritime, information and communications technology (particularly data center infrastructure, artificial intelligence and machine learning), grid modernization, advanced materials, and decarbonizing the built environment.

(3) Subject to the availability of funds, the department must reconvene an advisory committee to support involvement of a broad range of stakeholders in the design and implementation of programs implemented under this section to encourage

collaboration, leverage partners, and engage communities and organizations in improving the equitable distribution of benefits from the program.

(4) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(5) During project solicitation periods for grants funded with this appropriation, the department must maintain a list of applicants by grant program that scored competitively but did not receive a grant award due to lack of available funding. These applicants must be considered for funding during future grant award cycles. If the department submits a 2022 supplemental budget request for this program, the request must include a list of prioritized projects by grant type.

(6)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past 24 months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole

discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(7) The requirements in subsections (4) and (6) of this section must be specified in funding agreements issued by the department.

(8) \$17,594,000 of the state building construction account—state appropriation is provided solely for grid modernization grants.

(a)(i) \$11,000,000 is provided solely for projects that: Advance community resilience, clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources and sustainable microgrids; and support state decarbonization goals pursuant to the clean energy transformation act, including requirements placed upon retail electric utilities.

(ii) Projects must be implemented by community organizations, local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state (retail electric utilities). Projects submitted by applicants other than retail electric utilities must demonstrate partnership with their load serving entity to apply. Priority must be given to:

(A) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and

(B) Projects that demonstrate partnerships between eligible applicants in applying for funding, including utilities, public and private sector research organizations, businesses, tribes, and nonprofit organizations.

(iii) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, develop program guidelines that encourage smaller utilities or consortia of small

utilities to apply for funding. Where suitable, this may include funding for projects consisting solely of planning, predesign and/or predevelopment activities.

(iv) Applications for grants must disclose all sources of public funds invested in a project.

(b) \$3,550,000 of the appropriation in this section is provided solely for a grant to the Public Utility District No. 1 of Lewis county for land acquisition and construction of the Winlock Industrial Park and South County Substation and Transmission facility, located on North Military Road in Winlock.

(c) \$3,044,000 of the appropriation in this section is provided solely for a grant to the Klickitat County Public Hospital District #1 for the Electrical Upgrade and Smart Grid project at the Klickitat Valley Health Hospital in Goldendale.

(9) \$10,830,000 of the state building construction account—state appropriation is provided solely for grants for strategic research and development for new and emerging clean energy technologies. These grants must be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies, focusing on areas that help develop technologies to meet the state's climate goals, offer opportunities for economic and job growth, and strengthen technology supply chains. The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, recycling energy system components, and new renewable energy and energy efficiency technologies.

(a) \$5,000,000 of the appropriation in this section is provided solely for competitive grants.

(b) \$4,800,000 of the appropriation in this section is provided solely for a grant to the Pacific Northwest National Laboratory for a renewable energy platform to support ocean energy research and development testbeds for the Marine and Coastal Research Laboratory in Sequim.

(c) \$1,030,000 of the appropriation in this section is provided solely for a

grant to the Chelan County Public Utility District for the hydroelectric turbine hub project at Rocky Reach dam near Wenatchee.

(10)(a) \$2,500,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households, or for the benefit of households, with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that must provide matching private capital and administer the loan fund. The department shall select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(11) \$5,550,000 of the state building construction account—state appropriation is provided solely for grants to demonstrate innovative approaches to electrification of transportation systems.

(a)(i) \$3,000,000 of the appropriation is provided solely for competitive grants, prioritizing projects that:

(A) Demonstrate meaningful and enduring benefits to communities and populations disproportionately burdened by air pollution, climate change, or lack of transportation investments;

(B) Beneficially integrate load using behavioral, software, hardware, or other demand-side management technologies, such as demand response, time-of-use rates, or behavioral programming;

(C) Accelerate the transportation electrification market in Washington using market transformation principles; or

(D) Develop electric vehicle charging and hydrogen fueling infrastructure along highways, freeways, and other

heavily trafficked corridors across the state to support long-distance travel.

(ii) Projects must be implemented by local governments, federally recognized tribal governments, by public and private electrical utilities that serve retail customers in the state, or state agencies. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department shall consult and coordinate with the Washington state department of transportation on project selection and implementation. The department shall also coordinate with other state agencies that have other electrification programs, in order to determine to optimally accomplish each agency's respective policy and program goals.

(iii) Projects must be related to on-road end-uses and nonmaritime off-road uses.

(iv) Eligible technologies for these projects include, but are not limited to:

(A) Battery electric vehicle supply equipment;

(B) On-site generation or storage, where the technology directly supplies electricity to the electric vehicle supply equipment;

(C) Electric grid distribution system infrastructure upgrades, where the upgrade is needed as a result of the installed electric vehicle supply equipment;

(D) Hydrogen refueling station infrastructure that:

(I) Dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis; and

(II) Aligns with the 2021 state energy strategy's recommended uses of hydrogen in the transportation sector.

(v) \$2,000,000 of the state building construction account–state appropriation is provided solely for federally recognized tribal governments and for local governments in rural communities, for projects aligning with the above objectives and addressing electric vehicle supply infrastructure gaps in rural communities.

(b) \$2,550,000 of the appropriation in this section is provided solely for a grant to the Lewis Public Transportation Benefit Area to construct a hydrogen

fueling station that dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis for electric vehicles at Exit 74 on Interstate 5, near Chehalis.

(12)(a) \$10,000,000 of the state building construction account–state appropriation is provided solely for the purpose of building electrification projects that advance the goals of the 2021 state energy strategy to demonstrate grid-enabled, high-efficiency, all electric buildings.

(b) The program may include, but is not limited to: Shifting from fossil fuels to high-efficiency electric heat pumps and other electric equipment, control systems that enable grid integration or demand control, and on-site renewable generation and efficiency measures that significantly reduce building energy loads.

(c) Preference must be given to projects based on total greenhouse gas emissions reductions, accelerating the path to zero-energy, or that demonstrate early adoption of grid integration technology.

(d) Program funding may be administered to entities also receiving incentives provided according to RCW 19.27A.220 for buildings covered by the state energy performance standard, RCW 19.27A.210.

(e) \$5,000,000 of the appropriation in this section is provided solely for the purpose of supporting the transition of residential and commercial buildings away from fossil fuels through the installation of high-efficiency electric heat pumps and other electric equipment.

(13) \$4,924,000 of the state building construction account–state appropriation is provided solely for maritime electrification grants.

(a) \$4,450,000 of the appropriation in this section is provided solely for a grant to the Northwest Seaport Alliance to upgrade the reefer plug capacity at the Port of Seattle's Terminal 5, located in west Seattle.

(b) \$474,000 of the appropriation in this section is provided solely for a grant to the Skagit County Public Works Department for electric ferry charging infrastructure in Anacortes.

(14) \$4,900,000 of the state building construction account–state appropriation

is provided solely for the department to develop targeted rural clean energy innovation projects as provided in this subsection (14).

(a) \$150,000 of the appropriation is provided solely for the department to develop targeted rural clean energy strategies informed by rural community and business engagement, outreach, and research. The department must convene a rural energy work group to identify investments, programs, and policy changes that align with the 2021 state energy strategy and increase access to clean energy opportunities in rural communities and agricultural and forestry management practices. The group must identify existing federal funding opportunities and strategies to leverage these funds with state capital investment. By June 30, 2022, the department shall report recommendations and findings from the rural energy work group to the office of financial management, the governor, and the appropriate legislative committees and present a strategic plan for state rural clean energy investment.

(b) \$4,750,000 of the appropriation is provided solely for rural clean energy innovation grants.

(i) The department must award at least 40 percent of the funding to projects that enhance the viability of dairy digester bioenergy projects through advanced resource recovery systems that produce renewable natural gas and value-added biofertilizers, reduce greenhouse gas emissions, and improve soil health and air and water quality.

(ii) Grants may also be awarded to other clean energy innovation projects in rural communities, including, but not limited to, projects that enhance energy efficiency, demand response, energy storage, renewable energy, beneficial electrification, resilience, organic waste management, and biological carbon sequestration.

(iii) Grants may fund project predevelopment, research, and development, pilot projects, strategic implementation, field trials, and data dashboards and tools to inform rural project development.

(c) The department is encouraged to make 20 percent of the funds under (b) of this subsection (14) to tribal governments, designated subdivisions, and agencies.

(d) If a grant is awarded to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(15) \$10,072,000 of the state building construction account—state appropriation is provided solely for the first phase of an aluminum smelter restart project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of 750,000 tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county. It is the intent of the legislature that if the appropriation in this subsection is not spent by June 30, 2025, the funding provided in this subsection shall not be reappropriated.

(16) \$10,000,000 of the state building construction account—state appropriation is provided solely for the Grant county public utility district for expenses related to public infrastructure development benefiting a large-scale solar manufacturing facility in central Washington. If the department has not received a signed agreement between the Grant county public utility district and the large-scale solar manufacturer indicating the manufacturer's intent to develop the site in central Washington by December 31, 2025, the funding provided in this subsection shall not be reappropriated.

Appropriation:

State Building Construction Account—		
State ((\$53,798,000))		
	\$73,870,000	
State Taxable Building Construction Account—		
State	\$2,500,000	
Subtotal		Appropriation
	((\$56,298,000))	
	\$76,370,000	
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$100,000,000
TOTAL	((\$156,298,000))	
	\$176,370,000	

Sec. 1019. 2021 c 332 s 1066 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Weatherization Plus Health
(40000150)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department, in collaboration with the Washington State University, shall make recommendations to the appropriate committees of the legislature on strategies to expand and align the weatherization program and the rural rehabilitation loan program. The department shall report the recommendations to the appropriate committees of the legislature and the governor by November 1, 2022. The recommendations must include strategies to:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with non-profit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

(3) If funding from this appropriation is used to purchase heating devices or systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(4) \$69,766,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the weatherization assistance program in section 40551 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

State Building Construction Account—
State \$10,000,000

General Fund—Federal \$69,766,000

Capital Community Assistance Account—
State \$10,000,000

Subtotal Appropriation \$89,766,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$50,000,000

TOTAL ~~(((\$60,000,000))~~

\$139,766,000

Sec. 1020. 2021 c 332 s 1068 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$129,903,000))~~ \$58,347,000 of the state taxable building construction account—state appropriation ~~((and))~~, \$73,606,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$20,000,000 of the state building construction account—state appropriation, and \$96,028,000 of the capital community assistance account—state appropriation are provided solely for production and preservation of affordable housing projects that serve

and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness, people with developmental disabilities, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to allocate at least 30 percent of these funds to projects located in rural areas of the state, as defined by the department.

(a) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2021-2023 fiscal biennium "first-time home buyer" also includes:

(i) A single parent who has only owned a home with a former spouse while married;

(ii) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and who has only owned a home with a spouse;

(iii) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(iv) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(b) \$5,000,000 of the appropriation provided in this subsection (1) is provided solely for housing that serves people with developmental disabilities;

(c)(i) \$20,000,000 of the appropriation in this subsection (1) is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications

and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than 15 years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) \$25,000,000 of the capital community assistance account—state appropriation in subsection (1) of this section is provided to nonprofit agencies for the development of homeownership projects affordable to low-income households throughout the state.

(2) \$10,000,000 of the state building construction account—state appropriation is provided solely for grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness.

(a) \$8,775,000 of the state building construction account—state appropriation is provided solely for competitive grant awards. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers, and other services; and

(vi) A community engagement strategy.

(b) \$1,225,000 of the state building construction account—state appropriation is provided solely for Eagle Haven Cottage Village located in Bellingham.

(3)(a) \$11,500,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

Bellwether Affordable Housing
(Seattle) \$4,000,000

Didgwalic Transitional Housing
(Anacortes) \$4,500,000

Redondo Heights TOD (Federal Way)
\$3,000,000

(b) \$3,497,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

Habitat for Humanity (North Bend)
\$250,000

Manette Affordable Housing Project
(Bremerton) \$515,000

OlyCAP Port Townsend Affordable
Housing and Child
(Port Townsend) \$412,000

Shelton Young Adult Transitional
Housing (Shelton) \$515,000

Willapa Center (Raymond)
\$1,805,000

(4) \$14,922,000 of the capital community assistance account—state appropriation in subsection (1) of this section is provided for the following list of projects:

Boat Street (Lakewood) \$464,000

Heron Park (Langley) \$875,000

Highland Village (Airway Heights)
\$3,000,000

Mary's Place Burien Project Shelter
Replacement

(Burien) \$3,000,000

Oxford Housing Program (Lacey)
\$515,000

Skyway Affordable Housing and Early
Learning (Skyway) \$500,000

Sno Valley Senior Housing (Carnation)
\$309,000

South Park Riverside Affordable
Housing Preservation

(Seattle) \$309,000

Squire Park Plaza Affordable Housing
Preservation

(Seattle) \$3,000,000

Veteran Housing & Resource Ctr
(Raymond) \$2,300,000

Yakima Valley Partners Habitat for
Humanity (Yakima) \$650,000

(5) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

((+5)) (6) The appropriations in this section are subject to the following reporting requirements:

(a) By June 30, 2023, the department must report on its website the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to 80 percent of the area median income, up to 50 percent of the area median income, and up to 30 percent of the area median income, for both homeownership and multifamily rental projects.

(b) Beginning December 1, 2021, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development

costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

~~((6))~~ (7) \$100,000 of the state building construction account—state appropriation is provided solely for the department of social and health services to complete a study of the community-based housing needs of adults with intellectual and developmental disabilities. The department of social and health services shall collaborate with appropriate stakeholders and the department in completing this study and the study shall:

(a) Estimate the number of adults with intellectual and developmental disabilities who are facing housing insecurity;

(b) Make recommendations for how to improve housing stability for adults with intellectual and developmental disabilities who are facing housing insecurity;

(c) Make recommendations for how to increase the capacity of developers to support increasing the supply of housing that meets the needs of the intellectual and developmental disabilities population; and

(d) Be submitted to the appropriate committees of the legislature no later than December 1, 2022.

~~((7))~~ (8) The legislature finds that there are insufficient data sources to identify adults with intellectual and developmental disabilities facing housing insecurity in Washington state and that the absence of reliable data limits the ability for the legislature to make informed decisions that will improve the outcomes of these individuals. The legislature further finds that reliable, current information about the unmet housing needs of this population will position Washington state to leverage community-based partnerships and funding to establish greater housing choice and increased community integration of individuals with intellectual and developmental disabilities.

Appropriation:

State Building Construction Account—
State \$33,597,000

State Taxable Building Construction Account—

State ((~~\$141,403,000~~))

\$69,847,000

Coronavirus State Fiscal Recovery Fund—Federal \$73,606,000

Capital Community Assistance Account—
State \$110,950,000

Subtotal Appropriation
((~~\$175,000,000~~))

\$288,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$620,000,000

TOTAL ((~~\$795,000,000~~))

\$908,000,000

Sec. 1021. 2021 c 332 s 1071 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Rapid Capital Housing Acquisition (40000222)

The appropriations in this section (~~is~~) are subject to the following conditions and limitations:

(1) Except as provided in subsections (7) through ~~((9))~~ (8) of this section, the appropriations in this section (~~is~~) are provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire or rent real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, drop-in center, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. Amounts provided in this section may be also used for renovation and building update costs associated with establishment of the acquired or rented facilities. For youth housing, drop-in centers, and shelter projects, renovation of existing properties is an allowable activity. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with

providing housing, supportive services, or debt service.

(2) Funds may also be used for permanent financing for real estate acquired using other short term acquisition sources. To expand availability of permanent housing, financing of acquisition of unoccupied multifamily housing is a priority. Funds must also be provided specifically for the city of Seattle to move people experiencing unsheltered homelessness into safe spaces, including, but not limited to, tiny homes, hotels, enhanced emergency shelters, or other rapid housing alternatives.

(3) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall establish criteria for the issuance of the grants, (~~which may include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant,~~) during which time the property must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant. The criteria must include:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the beds or units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(4) The department must provide a progress report on its website by December 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(5) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to the city of Seattle and other qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness.

(b) Whether the project has federally funded rental assistance tied to it;

(c) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(d) The program's established funding priorities under RCW 43.185.070(5).

~~(7) ((\$900,000 of the state building construction account state appropriation in this section is provided solely for the public building conversion pilot program. The pilot program must be implemented in Grays Harbor county in collaboration with Community House on Broadway, in partnership with CORE Health.~~

~~(a) The appropriation may be used only for costs related to rehabilitation, retrofitting, and conversion of the publicly owned building for use as housing for homeless persons.~~

~~(b) The appropriation may not be used for staffing or maintaining buildings converted to housing for homeless persons. Costs for staffing and maintenance must be borne by the county or the contractor.~~

~~(c) In the contract for the pilot program, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.~~

~~(d) The pilot program should help inform the development of a public building conversion grant program to encourage counties to convert unused, publicly owned buildings into housing for homeless persons. The department must report to the office of financial management and fiscal committees of the legislature by November 1, 2022, regarding the establishment of the pilot program and any recommendations related to implementation of a public building conversion grant program.~~

~~(8) \$17,800,000)) \$17,500,000 of the state building construction account—state appropriation is provided solely for the following list of projects:~~

\$5,000,000 for the Tacoma Housing Authority affordable housing acquisition;

\$4,000,000 for the Keiro nursing home acquisition in Seattle;

\$1,500,000 for the Parkland/Spanaway homeless shelter;

~~((\$300,000 for the Concord apartments acquisition in Seattle;))~~

\$2,000,000 for the ~~((Eastgate supportive housing))~~ Illahee Affordable Housing project in Bellevue; and

\$5,000,000 for the City of Seattle for the acquisition of the Clay Apartments in partnership with a low-income housing provider.

~~(((9))) (8)(a) ((\$7,903,000 of the coronavirus capital projects account—~~

federal)) \$6,565,000 of the coronavirus state fiscal recovery account—federal appropriation and \$1,338,000 of the state building construction account—state appropriation ((is)) are provided solely for the following list of youth housing projects identified by the office of homeless youth protection and prevention programs:

FYRE's Village: Housing Stability for Young Adults

(Omak) \$3,350,000

NWYS Young Adult Shelter Services (Bellingham) \$438,000

OlyCap Pfeiffer House (Port Townsend) \$127,000

Ryan's House for Youth Campus (Coupeville) \$1,015,000

Shelton Young Adult Transitional Housing (Shelton) \$773,000

Volunteers of America Crosswalk 2.0 (Spokane) \$2,200,000

(b) If funding provided in (a) of this subsection needs to be reallocated, the department shall consult with the office of homeless youth prevention and protection programs to identify other eligible youth housing projects.

(9) The department must ensure compliance with conditions of the federal coronavirus state fiscal recovery fund. All expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be obligated by December 31, 2024.

Appropriation:

State Building Construction Account—State ~~((\$90,000,000))~~

\$90,138,000

~~((Coronavirus Capital Projects Account—~~

~~Federal \$30,435,000))~~

Coronavirus State Fiscal Recovery Fund—Federal \$29,097,000

Subtotal Appropriation ~~((\$120,435,000))~~

\$119,235,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$120,435,000))~~

\$119,235,000

Sec. 1022. 2021 c 332 s 1075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2022 Local & Community Projects (40000230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8)(a) The appropriation is provided solely for the following list of projects:

Adams County Property/Evidence Processing Facility	
(Othello)	\$900,000
Amara 29 Acre Opportunity in Pierce County (Tacoma)	\$246,000
American Lake Park ADA Improvement Project (Lakewood)	\$258,000
American Legion Building Renovation (Goldendale)	\$262,000
American Legion Veterans Housing & Resource Ctr (Raymond)	\$88,000
Arlington Innovation Center (Arlington)	\$372,000
Ashley House (Spokane)	\$552,000
<u>Auburn Resource Center (Auburn)</u>	<u>\$1,500,000</u>
Aurora Commons Acquisition (Seattle)	\$2,500,000
Ballinger Park - Hall Creek Restoration	
(Mountlake Terrace)	\$824,000
Battle Ground HealthCare Free Clinic Relocation	
(Battle Ground)	\$1,000,000
Bellevue High School Automotive Dynamometer Install	
(Bellevue)	\$277,000
Bigelow House Museum Preservation (Olympia)	\$52,000
BIPOC Artist Installation at Kraken Training Center	

(Seattle) \$155,000	(Renton) \$1,339,000
Brewery Park Visitor Center (Tumwater) \$1,200,000	Coupeville Boys & Girls Club (Coupeville) ((\$1,030,000))
Bridges To Home (Shoreline) \$2,000,000	\$1,236,000
Camp Kilworth - YMCA Day Camp/Environmental Educ (Federal Way) \$1,030,000	Cow Skull Creek and Rushingwater Creek Acclimation Ponds (Orting) \$690,000
Campus Towers Roofing Project (Longview) \$301,000	Craft Beverage Lab & Instrumentation (Tumwater) \$773,000
Capitol Theatre Curtains/Soft Goods Replacement (Yakima) \$250,000	Cross Park Trail and Picnic Shelter (Tacoma) \$206,000
Central Klickitat County Parks Improvements (Goldendale) \$25,000	CSML Food Bank Facility (Moses Lake) \$1,900,000
Chehalis Centralia Steam Locomotive Repair/Restore (Chehalis) \$123,000	Cultural Anchor Village (Tukwila) \$1,500,000
<u>Chelan Municipal Airport Extension</u> (Chelan) \$5,700,000	Curran House Museum (University Place) \$85,000
Children's Village Neurodevelopmental Center Expansion (Yakima) \$750,000	Dawson Place Facilities (Everett) \$258,000
City of Wenatchee Community Center (Wenatchee) \$2,500,000	Day/Night House Exhibit Rebuild - Design Phase (Seattle) \$300,000
Civic Park Mika's Playground (Edmonds) \$258,000	Daybreak Star Indian Cultural Center (Seattle) \$2,600,000
Clallam Joint Emergency Services (Port Angeles) ((\$1,200,000)) \$1,700,000	Delridge Wetland Park (Seattle) \$244,000
Class A Biosolids Dryer (Yelm) \$850,000	Des Moines North Marina Bulkhead Replacement Ph II (Des Moines) \$2,000,000
Clemans View Park (Naches) \$442,000	Doris Morrison Learning Center (Greenacres) \$1,030,000
Coastal Community Action Program Service Ctr (Aberdeen) \$500,000	Downtown Puyallup Redevelopment Infrastructure (Puyallup) \$257,000
Communications Tower (Ocean Shores) \$77,000	Downtown Revitalization (Blaine) \$500,000
Community Action Resource and Training Center (Omak) \$400,000	Duffy's Pond Pathway Completion (Kennewick) \$38,000
Community Multi-Use Center (Carnation) \$1,030,000	Early Learning Facility Project for Licensed Childcare (Hoquiam) \$721,000
Cornforth Campbell Demolition & Infrastructure (Puyallup) \$330,000	East County Family Resource Center Renovation (Washougal) \$721,000
Coulee City Medical Clinic (Coulee City) \$846,000	Edmonds Marsh Restoration (Edmonds) \$258,000
Coulon North Water Walk Repair and Enhancement	

Edmonds Waterfront Center (Edmonds) \$250,000	Health Care Kiosk Deployment (Federal Way) \$75,000
Ejido Farm Project (Everson) \$200,000	Historic Downtown Chelan Infrastructure Predesign
Ellensburg Masonic Temple (Ellensburg) \$258,000	(Chelan) \$150,000
Ellensburg Rodeo Grandstands (Ellensburg) \$1,500,000	Immigrant and Refugee Community Hub (Tukwila) \$960,000
Ephrata Rec Center Upgrade (Ephrata) \$621,000	Island County Criminal Justice Renovation (Coupeville) \$600,000
Esther's Home (Pasco) \$1,000,000	IT3 Discovery Center (Ridgefield) \$1,350,000
Ethiopian Community Affordable Housing (Seattle) \$3,000,000	Japanese Gulch Daylighting (Mukilteo) \$206,000
Extruded Curb Improvements (Kirkland) \$515,000	Jim Kaemingk Sr. Trail (Lynden) \$200,000
Family Engagement Center (Seattle) \$1,030,000	Joya Child & Family Development Center (Spokane) \$1,200,000
Felts Field Gateway Project (Spokane) \$400,000	JV Memorial Pool Roof (Oak Harbor) \$250,000
Ferry County Airport Runway Lighting System (Republic) \$450,000	Kitsap Lake Park Renovation & Accessibility (Bremerton) \$258,000
Flag Plaza Redevelopment (Kennewick) \$46,000	Kittitas Valley Healthcare Laboratory Services Reno
FOE Meeting and Dance Hall (Puyallup) \$77,000	(Ellensburg) \$397,000
Fourth Plain Community Commons (Vancouver) \$1,236,000	La Center City Hall Improvements (La Center) \$1,236,000
Franklin Pierce Farm Agricultural Resource Center	Lake Lawrence Fire Station (Yelm) \$515,000
(Tacoma) \$3,900,000	Lake Sacajawea Renovation Project (Longview) \$900,000
Frontier Park - Goat Barn Roof (Graham) \$89,000	Lake Stevens Civic Center Phase 3 (Lake Stevens) \$2,100,000
Frontier Park-Horse Arena Cover (Graham) \$1,811,000	Lakefront Property Acquisition (Lake Forest Park) \$432,000
Garfield Pool Upgrade (Garfield) \$500,000	LASA Client Services Center (Lakewood) \$515,000
Gas Station Park Improvements (Tacoma) \$515,000	Leavenworth Ski Hill ADA Restroom (Leavenworth) \$52,000
Gold Mountain Communications Zone - Upgraded Telecomm	Lewis County Public Safety Radio Infrastructure
(Bremerton) \$835,000	(Chehalis) \$129,000
Granger Historical Society Museum (Granger) \$300,000	Lewis County Youth Services Renovation and Addition
Green Lake Community Boathouse (Seattle) \$100,000	(Chehalis) \$824,000
Grounds Improvement Proposal (Ritzville) \$150,000	LGBTQ-Affirming Senior Center (Seattle) \$1,030,000
	Links to Opportunity (Tacoma) \$2,000,000

Little League Field Improvement (Federal Way) \$200,000	(Gig Harbor) \$170,000
Longview Hospice Care Center Renovation (Longview) \$765,000	North Bend Depot Rehab (North Bend) \$151,000
Lopez Island Swim Center (Lopez Island) \$245,000	North Clear Zone Land Acquisition (Lakewood) \$1,400,000
Lynnwood Neighborhood Center (Lynnwood) \$500,000	North Creek Trail (Bothell) \$618,000
Maddie's Place (Spokane) \$644,000	North Seattle Boys & Girls Club Safety Upgrades (Seattle) \$361,000
Madrona Day Treatment School (Bremerton) \$321,000	Northwest Kidney Centers Clinic (Port Angeles) \$900,000
Magnuson Park Hangar 2 (Seattle) \$1,130,000	Ocean Beach Medical Group - Ilwaco Clinic (Ilwaco) \$309,000
Main Street Phase 2 (Mountlake Terrace) \$1,200,000	Panther Lake Community Park (Kent) \$2,000,000
Mariner Community Campus (Everett) \$1,670,000	Patterson Park Preservation & Upgrade (Republic) \$300,000
Martin Luther King Center Improvements (Pasco) \$1,000,000	Pedestrian Overcrossing Replacement (Kalama) \$2,250,000
Mary's Place Shelter Renovation (Burien) \$352,000	Perfect Passage (Tonasket) \$1,698,000
Marysville Trail Connector (Marysville) \$515,000	Perry Technical Institute Auditorium Renovation (Yakima) \$1,550,000
Mason County Veterans Memorial Hall Refurbishment (Shelton) \$62,000	Peter Kirk Community Center Roof and Retrofitted Emerg (Kirkland) \$773,000
McKinney Center Renovations (Seattle) \$1,000,000	Phase 1 Master Plan - COVID Mitigation (Lake Stevens) \$103,000
Meadowglen Community Park (Spokane) \$77,000	Phase 1 of Trails Plan Improvements (Issaquah) \$251,000
Medical Examiner's Facility Upgrades (Spokane) \$600,000	Planning & Upgrades Edmonds Boys & Girls Club (Edmonds) \$200,000
Miller Park (Yakima) \$642,000	Point Hudson Breakwater (Port Townsend) \$1,000,000
MLK Community Center Roof Replacement (Spokane) \$1,380,000	Police Station Renovations - City of Duvall (Duvall) \$107,000
Moses Lake Business Incubator (Moses Lake) \$1,313,000	Port of Olympia Marine Center (Olympia) \$250,000
Mountain Rescue Center (North Bend) \$222,000	Port of Vancouver Waterfront T1 Building Demo/Deconst (Vancouver) \$1,000,000
Nelson Dam Removal Project (Naches) \$1,325,000	Port Susan Trail (Stanwood) \$742,000
New Ground Kirkland (Kirkland) \$258,000	Port Townsend Affordable Housing Development (Port Townsend) \$1,400,000
Next Chapter Morgan Shelter (Tacoma) \$16,000	
NJROTC/NNDCC Program Peninsula School District	

Proclaim Liberty Affordable Housing
(Spokane) \$2,000,000

Project Chairlift: Lifting Up
Washington State ((Chair
±)) (Mead) \$750,000

Pts of Ilwaco/Chinook Nav
Infrastructure
(Ilwaco & Chinook) \$634,000

Public Pavilion for Shoreline Park
(Shoreline) \$361,000

Puyallup Recreation Center (Puyallup)
\$1,030,000

Puyallup Valley Cultural Heritage
Center (Puyallup) \$335,000

Rainier View Covered Court (Sumner)
\$245,000

Ramstead Regional Park (Everson)
\$1,500,000

Redmond Senior and Community Center
(Redmond) \$1,250,000

Redondo Fishing Pier (Des Moines)
\$900,000

Replacement Hospice House (Richland)
\$900,000

Resource Center Planning (Pasco)
\$250,000

Ridgefield I-5 Pedestrian Screen
(Ridgefield) \$335,000

Ridgefield YMCA (Ridgefield)
\$258,000

Ridgetop DNR Trust Land Purchase
(Silverdale) \$2,050,000

Ritzville Downtown Improvements
(Ritzville) \$105,000

Sargent Oyster House Restoration
(Allyn) \$344,000

School Based Health Care Clinic
(Tacoma) \$750,000

SE 168th St. Bike Lanes/Safe Crossings
(Renton) \$500,000

Seattle Aquarium Expansion (Seattle)
\$2,000,000

Seattle Kraken Multisport Courts
(Seattle) \$103,000

Selah-Moxee Irrigation District
(Moxee) \$300,000

Seminary Hill Natural and Heritage
Trail Project

(Centralia) \$52,000

Sheffield Trail (Fife) \$1,030,000

Shipley Senior Center (Sequim)
\$463,000

Shoreline Parks Restrooms (Shoreline)
\$412,000

SIHB Thunderbird Treatment Center
(Seattle) \$309,000

Silver Crest Park (Mill Creek)
\$90,000

Skabob House Cultural Center Art
Studio (Skokomish) \$500,000

Skagit County Morgue (Mount Vernon)
\$139,000

Sky Valley Teen Center (Sultan)
\$773,000

Sno-Isle Regional Inter-County
Libraries

(Lake Stevens) \$1,100,000

Snohomish County Food and Farming
Center (Everett) \$2,550,000

Snoqualmie Valley Youth Activity
Center (North Bend) \$361,000

Soap Lake City Hall Reactivation (Soap
Lake) \$157,000

SoCo Park (Covington) \$1,300,000

South Bend School Multi-Use Field
Upgrades (South Bend) \$361,000

South Kitsap Community Events Center
(Port Orchard) \$1,236,000

South Kitsap HS Phys Ed Support (Port
Orchard) \$15,000

Southwest Washington Grain Project
(Chehalis) \$1,750,000

Spokane Public Radio (Spokane)
\$1,000,000

Spokane Valley Boys & Girls Club
(Spokane Valley) \$1,030,000

Spokane Valley Fairgrounds Exhibition
Center

(Spokane Valley) \$750,000

Sprinker Recreation Center Outdoor
Improvements

(Tacoma) \$400,000

Squire's Landing Park Waterfront &
Open Space Access Pr

(Kenmore) \$927,000

Steilacoom Tribal Cultural Center
(Steilacoom) \$814,000

Stonehenge Memorial Public Restroom
Project (Maryhill) \$129,000

Sultan Basin Park Design (Sultan)
\$26,000

Sumas Sidewalks and Trails (Sumas)
\$75,000

Teaching & Commercial Kitchen (Kent)
\$515,000

The Campaign for Wesley Des Moines
(Des Moines) \$500,000

The Eli's Park Project (Seattle)
\$900,000

The Ethiopian Village (Seattle)
\$515,000

The Hilltop (Tacoma) \$1,545,000

The Landing (Redmond) \$258,000

The Millworks (Bellingham)
\$1,000,000

The Podium (Spokane) \$774,000

The Way Station (Bellingham)
\$4,050,000

Therapeutic Play Spaces (Spokane)
\$108,000

Tiny (~~Homes~~) House Villages and
Cottages (Seattle) \$2,000,000

Together Center (Redmond)
\$1,030,000

Toppenish Junior Livestock Facility
Planning (Toppenish) \$21,000

Trails End Community Meeting Space
(Tumwater) \$155,000

Treatment Plant Remodel (Duvall)
\$742,000

Turf Field Lighting (Yakima)
\$500,000

Turning Pointe Youth Advocacy Addition
(Shelton) \$82,000

Twisp Civic Center (Twisp)
\$1,500,000

United Way of King County Building
Restoration
(Seattle) \$566,000

University Heights Center Renovation
(Seattle) \$595,000

Upper Kittitas County Medic One -
Station 99 (Cle Elum) \$784,000

Vaughn Library Hall Restoration
(Vaughn) \$103,000

Wards Lake Park Improvement Project
(Lakewood) \$258,000

Water Efficiency Improvements (Royal
City) \$193,000

Wenas Creek Screening, Passage
Engineering Design
(Selah) \$150,000

West Biddle Lake Dam Restoration
(Vancouver) \$1,881,000

Whatcom County Integrated Public
Safety Radio System
(Bellingham) \$400,000

Woodland Scott Hill Park & Sports
Complex (Woodland) \$600,000

Yakima County Fire Communications
Radio Repeaters
(Yakima) \$103,000

Yakima Valley Fair (Grandview)
\$235,000

Yelm Senior Center Repairs (Yelm)
\$36,000

Youth Resource Center (Federal Way)
\$82,000

(b) The funding for the Magnuson Park
Historic Hanger 2 (Seattle) project is
contingent on the contribution of at
least \$6,000,000 for the Magnuson Park
Center For Excellence. If the Magnuson
Park Center For Excellence has not
certified to the department of commerce
that the project has secured at least
\$6,000,000 in total funding for the
capital phase of the project by July 31,
2022, the funds in this subsection (8)(b)
shall lapse. The lapse date of July 31,
2022, must be extended to the same extent
that the city of Seattle grants an
extension, if any, beyond that date for
the same project, provided that no
further extension may be granted past
July 31, 2023. The Magnuson Park Center
For Excellence must ensure that the long-
term lease with Seattle Parks and
Recreation stipulates meaningful public
benefits that prioritize low-income,
black, indigenous, and people of color
youth and families of the Magnuson park
and neighborhood and Northeast Seattle.
The lease must include provisions to
proactively recruit and provide no-cost
access to the residents as well as the
creation of a scholarship fund dedicated
to the residents for the center's events

and programming. Additional public benefits to improve accessibility for Magnuson Park residents must be considered in the lease negotiations.

Appropriation:

State Building Construction Account—
State (~~(\$160,910,000)~~)

\$169,916,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$160,910,000)~~)

\$169,916,000

NEW SECTION. Sec. 1023. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Economic Opportunity Grants Authority
(40000246)

Appropriation:

Rural Washington Loan Account—State
\$903,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$903,000

NEW SECTION. Sec. 1024. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Rapid Capital Housing Acquisition
(40000260)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$207,628,000 of the capital community assistance account—state appropriation in this section is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. The department shall prioritize housing projects that will rapidly move people

experiencing unsheltered homelessness into housing, including, but not limited to, individuals living in unsanctioned encampments, the public rights-of-way, or other public spaces. Amounts provided in this section may also be used for renovation and building update costs associated with establishment of the acquired facilities. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(b) \$20,000,000 of the capital community assistance account—state appropriation in this section is provided solely for housing projects in rural areas as defined by the department under RCW 43.185.050 and underserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, underserved communities.

(c) \$2,000,000 of the capital community assistance account—state appropriation in this section is provided solely for the Woodley Place by Bayside Housing and Services project in Port Hadlock.

(d) \$172,000 of the capital community assistance account—state appropriation in this section is provided solely for Building Transitional Tiny Homes for the Homeless project in Seattle.

(e) \$200,000 of the capital community assistance account—state appropriation in this section is provided solely for the department to contract and work with a professional real estate broker to identify opportunities for rapid acquisition or conversion of properties.

(f) \$10,000,000 of the capital community assistance account—state appropriation in this section is provided solely for unexpected cost increases experienced by projects funded by prior rapid capital appropriations. The department must create a process by which providers that received prior rapid capital awards may request additional funding for unexpected costs of affordable housing projects that are under or ready for construction

(g) When selecting projects, the department shall balance the state's interest in quickly approving and

financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities on a statewide basis, including in rural areas and in geographically diverse parts of the state.

(h) Amounts appropriated under this section may also be used for permanent financing for real estate acquired using other short-term acquisition sources. To expand availability of permanent housing, financing of acquisition of multifamily housing is a priority.

(i) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall use criteria for the issuance of funds that were developed to administer prior rapid capital appropriations, and which must include:

(i) The date upon which the units can be placed in service and occupied by the intended population, or the date any necessary structural modifications would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with placing the beds or units in service; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants.

(j) If the recipient is found to be out of compliance with provisions of the contract, the recipient shall repay to the state general fund the principal amount of the award plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the award.

(k) The department must provide a progress report on its website by December 30, 2023. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(l) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(m) The department shall prioritize proposals that reach the greatest public benefit, as defined by the department. For purposes of this subsection (1)(m), "greatest public benefit" must include, but is not limited to:

(i) The rapid transition of people living unsheltered or chronically homeless, into housing;

(ii) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness;

(iii) Whether the project has local funding commitments and rental assistance;

(iv) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(v) The program's established funding priorities under RCW 43.185.070(5).

(n) The department must strive to allocate all of the amounts appropriated in this section within the 2021-2023 fiscal biennium in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects in (a) of this subsection, the department may allocate funds to (f) of this subsection or to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(2) \$60,000,000 of the apple health and homes account—state appropriation in this section is provided solely for the rapid permanent supportive housing program created under chapter . . . , Laws of 2022 (Engrossed Substitute House Bill No. 1866) and the creation of a housing

dashboard providing permanent supportive housing need and current capacity data. Of the amounts in this subsection, \$1,500,000 is provided solely for the St. Agnes Haven project in Spokane. If Engrossed Substitute House Bill No. 1866 is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Appropriation:

Capital Community Assistance Account—
State \$240,000,000

Apple Health and Homes Account—State
\$60,000,000

Subtotal Appropriation \$300,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$300,000,000

NEW SECTION. Sec. 1025. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Crisis Stabilization Facilities
(92001286)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation in this section is provided solely for the department to issue grants to expand and establish new capacity for 23-hour crisis triage facilities, crisis stabilization facilities with capacity up to 16 beds, and youth residential crisis triage and stabilization facilities, that are not subject to federal funding restrictions that apply to institutions of mental disease. Eligible grantees are limited to nonprofit or for-profit businesses, public entities, and tribes, that are also community hospitals or other community-based behavioral health providers. Facilities of less than 16 beds are permitted, but the department shall consider, as a factor in awards, the economies of scale created by facilities with higher numbers of beds and the operational costs and funding sources available to the applicant.

(b) The department shall work with the department of health, health care authority, and other relevant agencies to ensure that there is equitable distribution of these projects across the state, relative to need, and shall work

affirmatively with all behavioral health administrative services organizations regions, with the goal that all areas of the state are adequately served.

(c) The department shall ascertain the areas of Washington state with the most acute behavioral health crisis needs using emergency department data and other data available including existing and forthcoming committed capacity and shall ensure that these areas receive grants to help facilitate placement and construction of facilities in an expeditious manner.

(2) Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased crisis triage and stabilization capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(3) \$12,000,000 of the appropriation in this section is provided solely for the department to issue grants for at least two residential crisis triage and stabilization facilities for youth. These facilities must increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, depression, suicidality, and interventions for children exhibiting aggressive or depressive behaviors.

(4)(a) \$10,000,000 of the appropriation in this section is provided solely for the King County Crisis Walk-In/Stabilization; and

(b) \$12,000,000 of the appropriation in this section is provided solely for the Lynnwood Community Recovery Center.

(5) The department must provide a progress report to the fiscal committees of the legislature by March 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed

capacity, and anticipated completion date.

Appropriation:

Capital Community Assistance Account—
State \$72,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$72,000,000

NEW SECTION. Sec. 1026. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2023 Local and Community Projects
(40000266)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation provided in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant

and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriation is provided solely for the following list of projects:

57th Avenue Sewer Project (University Place) \$100,000

988 Expansion (Everett) \$300,000

Accessibility and Upgrades for WHO (Vancouver) \$283,000

Allyn Community Center (Allyn) \$300,000

Anacortes Family Center (Anacortes) \$50,000

Ballard Boys & Girls Club Teen Ctr Remodel

& Expansion (Seattle) \$241,000

Black Diamond Community Skatepark (Black Diamond) \$85,000

Boys & Girls Club Fire Safety Upgrade (Federal Way) \$361,000

Bremerton Library Building - HVAC (Bremerton) \$412,000

Burton Water Company Cooperative Conversion (Vashon) \$26,000

Camp Korey Internet & Telemedicine (Mount Vernon) \$330,000

Children's Therapy Center (Tacoma) \$250,000

CHOB Electrical Upgrade to Emergency Shelter (Longview) \$258,000	Frontier Park Goat Barns (Graham) \$70,000
City Hall Preservation Phase II (Enumclaw) \$289,000	GenPride LGBTQ+ Senior Community Center (Seattle) \$530,000
City of Tenino Playground (Tenino) \$515,000	GH Senior Center Office/Education Container (Gig Harbor) \$61,000
City of Yelm Dog Park (Yelm) \$52,000	Goldsborough Switching Station (Shelton) \$103,000
Civil Air Patrol Hangar (Ephrata) \$1,200,000	Granger Historical Society New Museum Project (Granger) \$100,000
Columbia Basin Dive Rescue's New Boat (Richland) \$270,000	Harlequin Productions Theater Renovation (Olympia) \$250,000
Communication Devices for Football Officials (Olympia) \$36,000	Harper Estuary Restoration and Bridge Construction (Port Orchard) \$100,000
Community Boating Center for All - Magnuson Park (Seattle) \$100,000	Historic Neptune Theatre HVAC Upgrade (Seattle) \$100,000
Confluence Health Treatment Center (Moses Lake) \$1,236,000	Historic Newcastle Cemetery (Newcastle) \$75,000
Craft Beverage (Tumwater) \$200,000	Historic Paramount Theatre HVAC Upgrade (Seattle) \$198,000
Darrington Wood Innovation Center (Darrington) \$1,700,000	Howard Bowen Memorial Events Complex (Sumas) \$319,000
Edmonds Boys & Girls Club Feasibility Study (Edmonds) \$206,000	HVAC Upgrade with New System and Heat Pumps (Shelton) \$250,000
Electrical & Safety Upgrades at N Seattle Boys & Girls (Seattle) \$304,000	Illahee Preserve 'Homestead, Ph 1' Acquisition (Bremerton) \$196,000
Eli's Park Project (Seattle) \$200,000	Imagine Children's Museum (Everett) \$250,000
Elks 1450 Roof Replacement (Puyallup) \$381,000	Interfaith Family Shelter (Everett) \$800,000
Felts Field Gateway Project (Spokane) \$200,000	Island County Jail Intake Body Sensor (Coupeville) \$200,000
Ferndale Civic and Community Campus (Ferndale) \$1,500,000	Jim Kaemingk Sr. Trail Missing Link (Lynden) \$300,000
Field Arts and Events Hall \$250,000	Kitsap Humane Society (Silverdale) \$258,000
Fircrest Campus Master Plan (Shoreline) \$300,000	Kiwanis Park Playground Accessibility Upgrades (Bremerton) \$165,000
First Street Downtown Revitalization (Cle Elum) \$465,000	Klickitat County Animal Shelter (Goldendale) \$670,000
Flooring Replacement Kirkland Boys & Girls Club (Kirkland) \$53,000	La Conner Regional Library (La Conner) \$640,000
Foss Waterway Seaport Public Restrooms (Tacoma) \$258,000	Lake Boren Park Fishing Dock and Viewing Platform (Newcastle) \$62,000

Lake Wilderness Lodge Emergency Generator (Maple Valley) \$412,000	Northwest Kidney Centers - Port Angeles Clinic (Port Angeles) \$235,000
Lewis County Regional Tennis and Wrestling Facility (Chehalis) \$875,000	ODMF Multicultural Village (Kent) \$450,000
Library Commons Project (Mount Vernon) \$4,000,000	Old Fort Lake Subarea (DuPont) \$400,000
Logistics Facility (Vancouver) \$160,000	Pacific Co. Fair Three M Project (Raymond) \$412,000
Longview Senior Center Roof and Energy Upgrades (Longview) \$273,000	Pattison Property Redevelopment (Federal Way) \$1,250,000
Luther Burbank Pk Waterfront Activity Center (Mercer Island) \$85,000	Pedestrian Boardwalk May Creek Trail (Renton) \$258,000
Marina View Building Renovation (Olympia) \$103,000	Peshastin Cross Over Siphon Pipe (Peshastin) \$309,000
Marymount/Spana-Park Senior Center Roof (Spanaway) \$103,000	Pilchuck Glass School Ventilation (Stanwood) \$103,000
Mason Co Housing Authority Roof & Electrical (Shelton) \$201,000	Pipe Lake Water Quality Improvement Project (Covington) \$319,000
McKinney Center Minor Works (Seattle) \$560,000	Planning Land Acquisition for Veteran Rites (Tacoma) \$46,000
Mill Creek Library Project (Mill Creek) \$200,000	Port Gamble Forest Restoration (Port Gamble) \$300,000
Mill Creek Parks Master Plan (Mill Creek) \$206,000	Port Marine Transportation Infrastructure (Friday Harbor) \$258,000
Mount Spokane Lodge Renovations (Mead) \$397,000	Port of Mattawa Event Center (Mattawa) \$125,000
Mukai's Fruit Barreling Plant (Vashon, WA) \$50,000	Public Electric Vehicle Infrastructure (Lacey) \$103,000
Naches Rearing Pond (Naches) \$50,000	Pump Station Modernization: Design and Permitting (Mount Vernon) \$100,000
New Beginnings Homes (Puyallup) \$201,000	Rejuvenation Community Day Center & Shower/Laundry (Bremerton) \$250,000
Newman Lake Milfoil Wash Station (Newman Lake) \$100,000	Ridgefield Splashpad (Ridgefield) \$258,000
Non Destructive Weld Testing (Sunnyside) \$30,000	Rimrock Grange Renovation (Washtucna) \$105,000
Nooksack River Integrated Floodplain Mitigation (Whatcom County) \$2,000,000	Rister Stadium Elevator Lift (Kelso) \$33,000
North Creek Trail (Bothell) \$500,000	Roslyn Downtown Association Gazebo (Roslyn) \$171,000
North Trailhead Restroom & Covered Structure (Castle Rock) \$155,000	Rotary Morrow Community Park (Poulsbo) \$50,000
	Salmon Reintroduction in the Upper Columbia (Spokane) \$375,000

Seattle Aquarium Ocean Pavilion (Seattle) \$500,000	Center (Tukwila) \$258,000
Secure Parking for Shelton Police (Shelton) \$206,000	Urban League of Metropolitan Seattle Building (Seattle) \$500,000
Seismic Upgrade and Roof Replacement (Vancouver) \$309,000	Vandercook Park Restroom (Longview) \$309,000
Senior Resources Svc HUB Feasibility Study (Freeland) \$273,000	Veteran Housing at Stratford Apartments (Longview) \$206,000
Serving the Community Through Capital Improvements (Walla Walla) \$336,000	VOA Veteran Transitional Housing Energy Efficiency (Spokane) \$195,000
Skokomish Water Line Extension (Skokomish) \$50,000	Wa Na Wari Capital Improvements (Seattle) \$258,000
Smokey Point Park (Arlington) \$278,000	WA Soldiers Home Cemetery Road Pavement Project (Orting) \$180,000
Snohomish Teen Center Addition (Snohomish) \$515,000	Weld Collaborative Reintegration Resource (Seattle) \$775,000
South Area Commercial Sewer Infrastructure Ext. (Airway Heights) \$300,000	Wenatchee City Pool Repairs (Wenatchee) \$550,000
South Sound Innovation and Education Center (Federal Way) \$300,000	Wenatchee Valley YMCA (Wenatchee) \$515,000
South Whidbey Aquatic Wellness Center (Langley) \$400,000	West Plains Childcare Center (Airway Heights) \$191,000
Starbuck Rodeo Arena Remodel (Dayton) \$98,000	Westport Marina Gear Yard (Westport) \$412,000
Steilacoom Electrical Charging Station Project (Steilacoom) \$50,000	WGC - Accessibility and Education Support (Waitsburg) \$42,000
Sultan-Monroe Commercial Kitchen (Monroe) \$134,000	Whelan Community Building (Pullman) \$153,000
The Tacoma Recovery Cafe Site Acquisition (Tacoma) \$500,000	White Center Food Bank Grow2Give Relocation (Seattle) \$200,000
Titlow Park Bridge Replacement (Tacoma) \$350,000	Wilkeson Water Treatment System (Wilkeson) \$300,000
Toppenish Hospital (Toppenish) \$2,000,000	Willows Road Pedestrian Safety Connection (Kirkland) \$206,000
Town Center to Burke-Gilman Trail Connector (Lake Forest Park) \$103,000	Woodland Community Library Building Project (Woodland) \$515,000
Town of Naches Mobile Stage (Naches) \$250,000	Yakima Canyon Interpretive Center (Ellensburg) \$150,000
Transitions (Spokane) \$103,000	Yakima Greenway Master Plan (Yakima) \$67,000
Tubman Health Clinic (Seattle) \$4,500,000	Yakima YMCA Park Development (Yakima) \$232,000
Tukwila Teen Center and Senior Intergenerational	Youth Achievement Center (Seattle) \$500,000
	YVT Bucket Truck (Yakima) \$70,000
	Total \$53,318,000

Appropriation:

State Building Construction Account—
 State \$53,318,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
 \$0

TOTAL \$53,318,000

NEW SECTION. Sec. 1027. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Ports Infrastructure (40000278)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the

grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in Executive Order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriation in this section is provided solely for the following list of projects:

Dredge River Access (Port of Clarkston)	\$1,550,000
Off Dock Container Yard (Port of Tacoma)	\$2,000,000
Pier 66 Shore Power (Port of Seattle)	\$2,000,000
Point Hudson Breakwater Project (Port Townsend)	\$1,500,000
SE 41st Street Project (Port of Camas-Washougal)	\$2,400,000
Terminal 1 Dock Design and Permitting (Port of Vancouver)	\$1,596,000
Terminal and Warehouse Upgrades (Port of Everett)	\$2,000,000
Trades District (Chelan-Douglas Regional Port)	\$3,000,000

Appropriation:

State Building Construction Account—
 State \$16,046,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
 \$0

TOTAL \$16,046,000

Sec. 1028. 2021 c 332 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (91000582)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 19, Laws of 2013 2nd sess.

Reappropriation:

State Building Construction Account—
State (~~(\$625,000)~~)

\$750,000

Prior Biennia (Expenditures)
(~~(\$35,369,000)~~)

\$35,244,000

Future Biennia (Projected Costs)
\$0

TOTAL \$35,994,000

Sec. 1029. 2021 c 332 s 1048 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Library Capital Improvement Program (91001239)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—
State (~~(\$6,000,000)~~)

\$6,279,000

Prior Biennia (Expenditures)
(~~(\$6,838,000)~~)

\$6,559,000

Future Biennia (Projected Costs)
\$0

TOTAL \$12,838,000

Sec. 1030. 2021 c 332 s 1053 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local & Community Projects 2016 (92000369)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6009, chapter 413, Laws of 2019, except that subsection (2) of this section supersedes the requirements of subsection (7) in section 6009, chapter 413, Laws of 2019.

(2) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of 20 acres of land by Spokane county or the city of Airway Heights for development of affordable housing, the purchase of mobile home parks or mobile homes by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes, and \$70,000 for a pilot project. The pilot project shall include payment of moving costs and down payment or closing costs of up to \$7,000 for 10 individuals or families living in mobile homes located in the accidental potential zone whose mobile homes are purchased and who relocate to affordable housing constructed on the 20 acres of land purchased by Spokane county or the city of Airway Heights through the appropriation in this subsection. There shall be no limitations on the sequence of the purchase of mobile home parks or mobile homes. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within 10 years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks or mobile homes in the Fairchild air force base protection and community empowerment project. The 20 acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base

protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of 10 years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and section 6009(5), chapter 298, Laws of 2019.

Reappropriation:

State Building Construction Account—			
State \$11,000,000			
Prior	Biennia	(Expenditures)	
	\$117,919,000		
Future	Biennia	(Projected Costs)	
	\$0		
TOTAL	\$128,919,000		

Sec. 1031. 2021 c 332 s 1082 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Substance Use Disorder Recovery Housing (91001675)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for an agreement with Catholic Community Services/Catholic Housing Services to fund a master planning process for the development of a family-centered drug treatment and housing program in western Washington that supports families staying together while they recover from addiction and rebuild their lives. Housing developers, service providers, and other stakeholders must be included in this master planning process.

(2) The master planning process under this section must model the project to be developed after Rising Strong in Spokane and must include units for families that are experiencing substance use disorder and that are involved in the child welfare system. The site must include living quarters for families, space for services, play areas for children, and space for child care. The program services located at the site must include, but are not limited to, case management, counseling, substance use disorder treatment, and parenting skills

classes. The site must be located in King County, or located near King county, to provide services to families in the western area of the state.

(3) Phase two of the planning process must: Further define the community needs; work with the department, the health care authority, and the department of children, youth, and families in identifying a sponsoring agency or organization and service partners; make preferred site recommendations; determine the project budget and establish the model and sources for funding the program located in the facility, including the conditions for sustainable funding; and include additional components identified by Catholic Community Services/Catholic Housing Services or its consultants needed to prepare for a 2023-2025 biennium capital budget request.

(4) The master plan developed under this section must be submitted to the appropriate committees of the legislature by December 31, ((2021)) 2022.

Appropriation:

State <u>Taxable</u> Building Construction Account—	
State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

Sec. 1032. 2021 c 332 s 1074 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Grants for Affordable Housing Development Connections (91001685)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The appropriations in this section ~~((is))~~ are provided solely for grants to local governments and public utility districts for system development charges and utility improvements for new affordable housing projects that serve and benefit low-income households. Where applicable, the extension must be consistent with the approved comprehensive plans under the growth management act and must be within the

established boundaries of the urban growth area.

(2) \$7,600,000 of the state building construction account—state appropriation, \$4,500,000 of the capital community assistance account—state appropriation, and \$16,300,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section are provided solely for grants to local governments or public utilities located within a jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii), 82.14.530(1)(b)(i)(B), 82.14.540, or 84.52.105.

(3) \$10,700,000 of the coronavirus state fiscal recovery fund—federal appropriation and \$4,500,000 of the capital community assistance account—state appropriation in this section ~~((is))~~ are provided solely for grants to local governments or public utilities located within:

(a) A city or county with a population of 150,000 or less; and

(b) A jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii) or 82.14.530(1)(b)(i)(B).

(4) The department shall coordinate with the office of financial management and the governor's office to develop a process for project submittal, project selection criteria, review, and monitoring, and tracking the housing development projects that receive affordable housing development connections grants under this section. To be eligible for funding under this section, an applicant must demonstrate, at minimum:

(a) That affordable housing development will begin construction within 24 months of the grant award; and

(b) A strong probability of serving the original target group or income level for a period of at least 25 years.

(5) \$1,700,000 of the state building construction account—state appropriation in this section is provided solely for the Port Townsend Utility Connection Project.

(6) ~~(((\$5,700,000 of the state building construction account—state appropriation in this section is provided~~

~~solely for the Chelan municipal airport extension.~~

~~((7))~~ To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be ~~((incurred))~~ obligated by December 31, 2024.

~~((8))~~ (7) For purposes of this section, the following definitions apply.

(a) "Affordable housing" and has the same meaning as in RCW 43.185A.010.

(b) "Low-income household" has the same meaning as in RCW 43.185A.010.

(c) "System development charges" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility has waived standard fees normally applied to developers for connection charges on affordable housing projects.

(d) "Utility improvements" means drinking water, wastewater, or stormwater utility improvements.

Appropriation:

Coronavirus State Fiscal Recovery

Account—Federal \$27,000,000

State Building Construction Account—
State ~~(((\$15,000,000))~~

\$18,300,000

Subtotal Appropriation
~~(((\$42,000,000))~~

\$45,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ~~(((\$42,000,000))~~

\$45,300,000

Sec. 1033. 2021 c 332 s 1085 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Infrastructure Projects (91001687)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the

department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures of amounts appropriated in this section must be ~~((incurred))~~ obligated by December 31, 2024.

(9) ~~((The))~~ \$12,795,000 of the state building construction account—state appropriation and \$97,926,000 of the coronavirus state fiscal recovery account—federal appropriation in this section ~~((is))~~ are provided solely for the following list of projects:

- Airway Heights Water Resources Replacement (Airway Heights) \$14,950,000
- Anderson Road Project Design (Chelan) \$258,000
- ~~((Belfair Water Reclamation Facility (Belfair) \$500,000))~~
- Boat Haven Stormwater Improvement (Port Townsend) \$2,050,000
- ~~((Centralia School District Gemini & LTE (Centralia) \$1,529,000))~~
- Cheney Purple Pipe Project (Cheney) \$11,050,000
- City of Fircrest Water Meter Replacement (Fircrest) \$171,000
- City of Ilwaco - Drinking Water Source Protection (Ilwaco) \$721,000
- Crusher Canyon Sewer Line (Selah) \$1,000,000
- Dryden Wastewater Improvement Project (Dryden) \$1,030,000
- Fall City Waste Management System (Fall City) \$6,500,000
- Fry Creek Pump Station (Aberdeen) \$8,975,000
- Index Phased Water Line Replacement (Index) \$1,351,000
- Lacamas Lake Management Plan (Camas) \$155,000
- Leach Creek Interceptor Extension (University

Place) \$2,100,000

Louis Thompson Road Tightline
(Sammamish) \$3,000,000

Malaga Industrial Park Waterline
Extension
(Malaga) \$1,545,000

((Malden ~~USDA Water (Malden)~~
~~\$247,000~~))

Mill Creek Flood Control Channel
(Walla Walla) \$1,545,000

NE 92nd Avenue Pump Station & Force
Main (Battle
Ground) \$2,050,000

New Well for the Community of
Peshastin (Peshastin) \$1,100,000

Omak Water Reservoir (Omak)
\$4,300,000

Othello Water Conservation System
(Othello) \$515,000

Packwood Sewer System (Packwood)
\$8,050,000

PFAS Treatment at City of DuPont Water
Wells
(DuPont) \$5,950,000

Port Hadlock Wastewater Facility (Port
Hadlock) \$20,175,000

Port of Mattawa Wastewater
Infrastructure
(Mattawa) \$618,000

Reservoir No. 2, Water Supply &
Distribution
(Bridgeport) \$3,200,000

Shelton: Well 1 Water Main (Shelton)
\$2,050,000

Skamania County Well Installation
(Stevenson) \$52,000

Vader Wastewater Treatment Plant
Improvements
(Vader) \$1,850,000

Wallula Dodd Water System Ph2
(Wallula) \$2,050,000

Wanapum Indian Village Fiber
infrastructure
Project (Mattawa) \$155,000

Water Main Infrastructure Extension
Project
(George) \$155,000

WWTP Reclaimed Water (Shelton)
\$2,050,000

(10) \$25,832,000 of the capital
community assistance account—state
appropriation in this section is provided
solely for the following list of
projects:

223rd Green Street Planning (Des
Moines) \$309,000

4th St. NW Stormwater System Upgrade
(Puyallup) \$800,000

Alger I-5 Waterline Relocation
(Bellingham) \$250,000

Boulevard Park Sanitary Sewer
Extension (Burien) \$2,400,000

City of Brewster Canyon Well House
(Brewster) \$480,000

City of Brewster Sewer Upgrade
(Brewster) \$2,800,000

Curtin Creek Ph. 1 Septic Elimination
(Vancouver) \$800,000

East Blaine Water Pump Station
(Blaine) \$500,000

Lake Chelan EMS Design (Chelan)
\$191,000

Langley Infrastructure (Langley)
\$250,000

Lewis County Fire District #5
(Napavine) \$2,000,000

Lincoln County Fire District 1 Helipad
(Sprague) \$103,000

Port of Allyn Well & Water Pump
Facility (Allyn) \$400,000

Rustlewood Water System Upgrades
(Grapeview) \$550,000

Shelton Water Reclamation Facility
(Shelton) \$3,250,000

Swan Creek Bridge (Tacoma)
\$400,000

Town of Elmer City Fire Station
Improvements
(Elmer City) \$772,000

Wastewater Lift Stations
Improvements/Upgrades
(Concrete) \$550,000

Water System Improvement Project
(Morton) \$6,017,000

WCFD #8 Station 34 Replacement
(Bellingham) \$2,000,000

Western Ranchettes Water Distribution System

(Puyallup) \$1,000,000

Yakima County Fire District 12 (Yakima) \$10,000

(11) \$747,000 of the public works assistance account—state appropriation in this section is provided solely for the following list of projects:

Belfair Water Reclamation Facility (Belfair) \$500,000

Malden USDA Water (Malden) \$247,000

Appropriation:

State Building Construction Account—State \$12,795,000

Public Works Assistance Account—State \$747,000

Coronavirus State Fiscal Recovery Account—Federal ((~~\$112,997,000~~))
\$97,926,000

Capital Community Assistance Account—State \$25,832,000

Subtotal Appropriation \$137,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$112,997,000~~))

\$137,300,000

Sec. 1034. 2021 c 332 s 1084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Food Banks (91001690)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriation in this section is provided solely for the following list of projects:

Chelan Douglas Food Distribution Center (Malaga) \$1,030,000

FISH Community Food Bank and Food
Pantry

(Ellensburg) \$1,545,000

Gig Harbor Peninsula FISH New Facility

Construction (Gig Harbor)
\$2,050,000

Hunger Solution Center Cold Storage
Expansion

(Seattle) \$827,000

Issaquah Food Bank Expansion
(Issaquah) \$1,030,000

La Center Community Center Repairs and
Improvements (La Center)
\$515,000

Northwest Harvest (Yakima)
\$3,200,000

Port Angeles Food Bank (Port Angeles)
\$1,050,000

Puyallup Food Bank Capital Campaign
(Puyallup) \$257,000

Selah Naches Food Bank (Selah)
\$52,000

White Center Food Bank Relocation
(Seattle) \$1,030,000

Appropriation:

State Building Construction Account—
State (~~(\$8,304,000)~~)

\$12,586,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$8,304,000)~~)

\$12,586,000

NEW SECTION. Sec. 1035. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Permanent Supportive Housing Remediation (91002160)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for permanent supportive housing remediation grants to be provided on a first-come, first-served basis. The funding may be provided for building improvements, rehabilitation, clean-up expenses, and temporary relocation costs associated with

property damage, destruction, or contamination of properties providing permanent supportive housing as defined in RCW 36.70A.030. The maximum amount of total funding that the department may provide to any applicant is \$50,000 per biennium.

Appropriation:

State Building Construction Account—
State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$200,000

Sec. 1036. 2021 c 332 s 1091 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Enhanced Shelter Capacity Grants
(92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1022, chapter 356, Laws of 2020, except that no funding may be directed to the Auburn Resource Center.

Reappropriation:

State Building Construction Account—
State (~~(\$6,318,000)~~)

\$4,818,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$6,318,000)~~)

\$4,818,000

Sec. 1037. 2021 c 332 s 1083 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Early Learning Facilities
(91001677)

The appropriations in this section (~~is~~) are subject to the following conditions and limitations:

(1) \$1,089,000 of the state building construction account—state appropriation and \$6,863,000 of the capital community assistance account—state appropriation in this section

~~((is))~~ are provided solely for the following list of early learning facility projects in the following amounts:

Early Learning Classrooms at Logan Elementary

(Spokane) \$1,000,000

Laurel Forest Childcare Center (Bellingham) \$773,000

Learning to Grow (Elma) \$500,000

Monroe ECEAP Facility (Monroe) ((~~\$361,000~~))

\$876,000

Petah Villages Outdoor Preschool (Renton) \$370,000

Rainier Valley Early Learning Center (Seattle) \$4,000,000

Site Study and Predesign for Two ECEAP Classrooms

(Spokane) \$40,000

Walla Walla YMCA ECEAP (Walla Walla) \$75,000

Willapa Center (Raymond) \$318,000

(2) \$23,911,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation and \$23,137,000 of the capital community assistance account—state appropriation in this section ~~((is))~~ are provided solely for the early learning facility grant and loan program, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations. Up to four percent of the funding in this subsection may be used by the department of children, youth, and families to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(3)(a) \$7,500,000 of the Ruth Lecocq Kagi early learning facilities revolving account—state appropriation in this section is provided solely for the Washington early learning loan fund. Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(b) In addition to the reporting requirements in RCW 43.31.573(5), the department must require the contractor to include the following information in the annual reports due to the department:

(i) Audited financial statements or reports independently verified by an accountant showing operating costs, including a clear delineation of the operating costs incurred due to administering grants and loans under this subsection (3);

(ii) Independently verified information regarding the interest rates and terms of all loans provided to early learning facilities under this subsection (3);

(iii) Independently verified or audited information showing all private matching dollars, public matching dollars, and revenues received by the contractor from the repayment of loans, clearly delineating revenues received from the repayment of loans provided under this subsection (3); and

(iv) A forward-looking financial plan that projects the timing and public funding level at which the Washington early learning loan fund will become self-sustaining and will no longer need state matching dollars to provide loans to early learning facilities. The plan must include scenarios based upon a range of state investment in the fund.

(4) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(5) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department pursuant to RCW 43.31.581 must first consider those

areas at risk of not meeting the entitlement specified in RCW 43.216.556.

(6) The department must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(7) When prioritizing applications for projects pursuant to RCW 43.31.581, the department must award priority points to applications from a rural county or from extreme child care deserts as defined by the department of children, youth, and families.

(8) The department shall, in consultation with the department of children, youth, and families, prepare a report to the office of financial management and the fiscal committees of the legislature regarding the geographical diversity of early learning facilities grants. The report must be submitted by December 1, 2022, and must provide the following information:

(a) Geographical disbursement of school district early learning grants, early learning facilities grants to eligible organizations, and early learning loans or grants provided by a nongovernmental private-public partnership contracted by the department, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant;

(b) Disbursement of early learning grants or loans to providers in rural and nonrural counties, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant; and

(c) Disbursement of early learning grants or loans to providers by type of provider, including school district, child care center, licensed family home, or other, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant.

(9) For early learning facilities collocated with affordable or supportive housing developments, the department may remit state funding on a reimbursement basis for 100 percent of eligible project costs, regardless of the project's match amount, once the nonstate share of project costs have been either expended or firmly committed in an amount sufficient to complete the entire project or a distinct phase of the project that is useable to the public as an early learning facility. These projects are not subject to section 7017, chapter 332, Laws of 2021 or RCW 43.88.150.

(10) It is the intent of the legislature to reappropriate funding in the 2023-2025 omnibus capital appropriations act for early learning facilities appropriated in this section.

Appropriation:

State Building Construction Account—	
State	\$1,089,000
Early Learning Facilities Revolving Account—	
State	\$7,500,000
Early Learning Facilities Development Account—	
State	\$23,911,000
Capital Community Assistance Account—	
State	\$30,000,000
Subtotal	Appropriation
	((\$32,500,000))
	<u>\$62,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$32,500,000))
	<u>\$62,500,000</u>

Sec. 1038. 2021 c 332 s 1052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—
State \$1,000,000

Prior Biennia (Expenditures)
((~~\$31,088,000~~))

\$31,045,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$32,088,000~~))

\$32,045,000

Sec. 1039. 2021 c 332 s 1069
(uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Behavioral Health Community
Capacity Grants (40000219)

The appropriations in this section
(~~is~~) are subject to the following
conditions and limitations:

(1) The appropriations in this section
(~~is~~) are provided solely for the
department to issue grants to community
hospitals or other community providers to
expand and establish new capacity for
behavioral health services in
communities. The department must consult
an advisory group consisting of
representatives from the department of
social and health services, the health
care authority, one representative from
a managed care organization, one
representative from an accountable care
organization, and one representative
from the association of county human
services. Amounts provided in this
section may be used for construction and
equipment costs associated with
establishment of the facilities. The
department may approve funding for the
acquisition of a facility if the project
will result in increased behavioral
health capacity. Amounts provided in this
section may not be used for operating
costs associated with the treatment of
patients using these services.

(2) The department must establish
criteria for the issuance of the grants,
which must include:

(a) Evidence that the application was
developed in collaboration with one or
more regional behavioral health entities
that administer the purchasing of
services;

(b) Evidence that the applicant has
assessed and would meet gaps in

geographical behavioral health services
needs in their region;

(c) Evidence that the applicant is
able to meet applicable licensing and
certification requirements in the
facility that will be used to provide
services;

(d) A commitment by applicants to
serve persons who are publicly funded and
persons detained under the involuntary
treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to
maintain and operate the beds or facility
for a time period commensurate to the
state investment, but for at least a 15-
year period;

(f) The date upon which structural
modifications or construction would
begin and the anticipated date of
completion of the project;

(g) A detailed estimate of the costs
associated with opening the beds;

(h) A financial plan demonstrating the
ability to maintain and operate the
facility; and

(i) The applicant's commitment to work
with local courts and prosecutors to
ensure that prosecutors and courts in the
area served by the hospital or facility
will be available to conduct involuntary
commitment hearings and proceedings
under chapter 71.05 RCW.

(3) In awarding funding for projects
in subsection (5) of this section, the
department, in consultation with the
advisory group established in subsection
(1) of this section, must strive for
geographic distribution and allocate
funding based on population and service
needs of an area. The department must
consider current services available,
anticipated services available based on
projects underway, and the service
delivery needs of an area.

(4) The department must prioritize
projects that increase capacity in
unserved and underserved areas of the
state.

(5) \$71,400,000 of the state building
construction account—state
appropriation in this section is provided
solely for a competitive process for each
category listed and is subject to the
criteria in subsections (1), (2), (3),
and (4) of this section:

(a) \$11,600,000 of the state building construction account—state appropriation in this section is provided solely for at least six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 of the state building construction account—state appropriation in this section is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one facility with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one crisis triage and stabilization facility that is not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$12,000,000 of the state building construction account—state appropriation in this section is provided solely for two 16-bed crisis triage and stabilization facilities in the King county region(~~(, one within the city of Seattle and one in south King county,)~~) consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.*, No. 15-35462, and that are not subject to federal funding restrictions that apply to institutions of mental disease;

(f) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least two mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(g) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(h) \$2,400,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs;

(i) \$9,400,000 of the state building construction account—state appropriation in this section is provided solely for at least three intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(j) \$2,000,000 of the state building construction account—state appropriation in this section is provided

solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6)(a) \$15,648,000 of the state building construction account—state appropriation and \$8,748,000 of the capital community assistance account—state appropriation in this section ((is)) are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

Astria Toppenish Hospital (Toppenish)
\$1,648,000

Compass Health Broadway (Everett)
\$14,000,000

Evergreen Recovery Residential Treatment (Everett) \$1,000,000

EvergreenHealth Monroe (Monroe)
\$4,275,000

NE Spokane Community Behavioral Health Center

(Spokane) \$700,000

Red Road Clean and Sober Housing (Renton) \$773,000

Seattle Clinic at Evergreen Treatment (Seattle) \$2,000,000

(b) \$8,116,000 of the state building construction account—state appropriation and \$17,575,000 of the capital community assistance account—state appropriation in this section ((is)) are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

Cascade Hall (Seattle) \$6,000,000

Comprehensive Health Care - Goldendale Facility

(Goldendale) \$1,030,000

Jamestown S'Klallam (Sequim)
\$3,250,000

Lummi Nation Healing Wellness Center (Bellingham) \$1,250,000

Maplewood Enhanced Services Facility (Bellingham) \$1,500,000

SIHB Thunderbird Treatment Center (Seattle) \$3,000,000

Family Solutions (Vancouver)
\$2,050,000

Renovation Youth Evaluation & Treatment Facility (Bremerton) \$316,000

Sound Enhanced Services Facility (Auburn) \$3,000,000

Three Rivers Behavioral Health Recovery Center (Kennewick) ((~~\$2,750,000~~))
\$4,295,000

(7) The department must notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

(9) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category of projects under subsection (5) of this section, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects under subsections (5)(a), (g), and (i) of

this section. Underserved areas of the state may also be considered.

(10) The department must provide a progress report by November 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—
State \$95,164,000

Capital Community Assistance Account—
State \$26,323,000

Subtotal Appropriation \$121,487,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$120,000,000

TOTAL ((~~\$215,164,000~~))

\$241,487,000

Sec. 1040. 2021 c 332 s 1078 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Response Community Preservation Pilot Program (91001278)

Reappropriation:

State Building Construction Account—
State \$1,518,000

Appropriation:

Capital Community Assistance Account—
State \$2,000,000

Prior Biennia (Expenditures)
\$482,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$2,000,000~~))

\$4,000,000

Sec. 1041. 2021 c 332 s 1086 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Broadband Office (92000953)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The appropriations in this section are provided solely to the statewide broadband office for qualifying broadband infrastructure projects.

(b) Unless otherwise stated, eligible applicants for grants awarded under subsections (2) and (3) of this section are:

(i) Local governments, including ports and public utility districts;

(ii) Federally recognized tribes;

(iii) Nonprofit organizations;

(iv) Nonprofit cooperative organizations; and

(v) Multiparty entities comprised of a combination of public entity members or private entity members. A multiparty entity cannot be solely comprised of private entities.

(c) The department must prioritize eligible applications where the lead applicant is a public entity.

(d) Projects receiving grants under this section must:

(i) Demonstrate that the project site is under the applicant's control for a minimum of 25 years, either through ownership or a long-term lease; and

(ii) Commit to using the infrastructure funded by the grant for the purposes of providing broadband connectivity for a minimum of 25 years.

~~((d))~~ (e) Unless otherwise stated, priority must be given to projects:

(i) Located in unserved areas of the state, which for the purposes of this section means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload;

(ii) Located in geographic areas of greatest priority for the deployment of

broadband infrastructure to achieve the state's broadband goals, as provided in RCW 43.330.536, identified with department and board mapping tools; or

(iii) That construct last mile infrastructure, as defined in RCW 43.330.530.

~~((e))~~ (f) Unless otherwise stated, appropriations may not be used for projects where a broadband provider currently provides, or has begun construction to provide, broadband service, as defined in RCW 43.330.530, to end users in the proposed project area ~~((at speeds equal to or greater than the state speed goals provided in RCW 43.330.536))~~.

~~((f))~~ (g) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

~~((g))~~ (h)(i) The statewide broadband office must act as fiscal agent for the grants authorized in subsections (2) and (3) of this section.

(ii) No more than 1.5 percent of the funds appropriated for the program may be expended by the statewide broadband office for administration purposes.

(i) The statewide broadband office must impose grant or contract conditions to help ensure that any project funded under this section will result in an enduring public benefit, where feasible, for at least 25 years.

(2)(a) \$50,000,000 of the state building construction account—state appropriation is provided solely to the statewide broadband office to award as grants to eligible applicants as match funds to leverage federal broadband infrastructure program funding.

(b)(i) For the purposes of this subsection (2), "state broadband infrastructure funders" are the state broadband office, the public works board, and the community economic revitalization board.

(ii) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment. The project evaluation process must help determine whether a project is a strong candidate for a known

federal funding opportunity and if a project can be packaged as part of a regional or other coordinated federal grant proposal. The state broadband infrastructure funders are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a coordinated funding strategy across these entities.

(3)(a) ~~((\$260,003,000))~~ \$150,996,000 of the coronavirus state fiscal recovery fund—federal appropriation ~~((and \$16,000,000))~~, \$124,749,000 of the coronavirus capital projects account—federal appropriation, and \$258,000 of the state building construction account—state appropriation are provided solely for grants to eligible applicants for qualifying broadband infrastructure projects.

(b)(i) Projects that receive grant funding under this subsection (3) must be eligible for funds under section 9901 of the American rescue plan act.

(ii) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund and coronavirus capital projects account, all expenditures of amounts appropriated in this subsection (3) must be ~~((incurred))~~ obligated by December 31, 2024.

(c)(i) \$5,000,000 of the appropriation in this subsection is provided for broadband equity and affordability grants.

(ii) Grants must be provided to eligible applicants located in areas:

(A) With existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and

(B) Where the state broadband office, in consultation with the department of equity, determine that access to existing broadband service is not affordable or equitable.

(iii) Eligible applicants for grants awarded under this subsection (3)(c) are:

(A) Local governments, including ports and public utility districts;

(B) Federally recognized tribes;

(C) Public school districts;

(D) Nonprofit organizations; and

(E) Multiparty entities comprised of public entity members to fund broadband deployment.

(d) \$258,000 of the ((~~coronavirus capital projects account—federal~~)) state building construction account—state appropriation in this subsection is provided solely for the Precision Agriculture and Broadband pilot project.

(e) \$225,000 of the coronavirus capital projects account—federal appropriation in this subsection is provided solely for the Point Roberts rural broadband project.

(4) By January 30, 2022, and January 30, 2023, the statewide broadband office must develop and submit a report regarding the grants established in subsections (2) and (3) of this section to the office of financial management and appropriate fiscal committees of the legislature. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of projects approved for grant funding in the preceding fiscal year;

(c) The total amount of grant funding that was disbursed during the preceding fiscal year;

(d) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year; and

(e) For projects funded in the prior biennium, the outcomes achieved by the approved projects.

(5) For eligible applicants providing service outside of their jurisdictional boundary, no more than three percent of the award amount may be expended for administration purposes.

Appropriation:

State Building Construction Account—
State (~~(\$50,000,000)~~)

\$50,258,000

Coronavirus State Fiscal Recovery

Account—Federal (~~(\$260,003,000)~~)

\$150,996,000

Coronavirus Capital Projects Account—
Federal (~~(\$16,000,000)~~)

\$124,749,000

Subtotal Appropriation \$326,003,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$326,003,000

NEW SECTION. Sec. 1042. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Broadband Office (92001178)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.

Appropriation:

General Fund—Federal \$50,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$50,000,000

Sec. 1043. 2021 c 332 s 1081 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Dental Capacity Grants
(91001660)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding provided in this section must be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a 10-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(2) (~~(\$5,355,000 of the)~~) The amount provided in this section is provided

solely for the following list of projects:

Dental Expansion for Maple Street Clinic (Spokane) \$309,000
 HealthPoint (Auburn) \$721,000
 HealthPoint (Renton) \$309,000
 ICHS Holly Park (Seattle) \$106,000
 ICHS International District (Seattle) \$106,000
 International Community Health Services (Bellevue) \$106,000
 International Community Health Services (Shoreline) \$106,000
 NEW Health CHC Dental Expansion (Newport) \$1,900,000
 Peninsula Community Health Services (Gig Harbor) \$490,000
 Sea Mar Community Health Center (Kent) \$1,042,000
 Yakima Valley Farm Workers Clinic (Kennewick) \$1,030,000

Appropriation:

State Building Construction Account—State \$6,225,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,225,000

Sec. 1044. 2021 c 332 s 1087 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021-23 Community Relief (92000957)

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ((~~\$500,000~~)) \$300,000 of the state taxable building construction account—state appropriation is provided solely for the department to contract with the Communities of Concern Commission for development of a list of community-led capital projects that serve underserved communities. Eligible expenses include costs incurred by the Communities of Concern Commission in conducting outreach, developing an application process, providing technical assistance, assisting project proponents with project readiness, and assisting the

department with identifying barriers faced in accessing capital grant programs. The department must present the list prepared by the Communities of Concern Commission to the fiscal committees of the legislature for consideration for funding in the 2022 supplemental capital budget with the list of identified projects. ~~((~~\$2,500,000~~ of the appropriation in this subsection (1) shall remain in unallotted status for purposes of legislative review of the joint list prepared by the Communities of Concern Commission and the department until the legislature appropriates funds for these projects in the budget process. The legislature retains the right to review and consider all such funding as it does with other requests for project funding.))~~ Following the development and submission of the list of community-led capital projects, the Communities of Concern Commission, in consultation with the department, may use up to \$250,000 of the appropriation in this section to fund predevelopment designs leading to the development of community-led capital projects that serve underserved communities. The intent of the legislature is to only provide funding in the 2021-2023 fiscal biennium in order to inform the department's comprehensive equity review required in the operating budget and allow the opportunity for the department to implement the steps necessary to improve equitable delivery of all of their capital grant programs. The department must submit an interim report to the legislature by December 31, 2021, on the barriers identified and lessons learned through projects identified through this section and in section 1093 of this act and the connection to the equity review required in the operating budget.

(2)(a) ~~((The))~~ \$2,500,000 of the state building construction account—state appropriation is provided solely for the following list of Communities of Concern Commission projects:

Community to Community, Ejidos Cooperative Farm
(Everson) \$250,000
Foundation for Homeless & Poverty Management, Community
Rejuvenation Center (Bremerton)
\$1,200,000
Northwest Native Canoe Center (Seattle) \$800,000

FAME/Equity Alliance Washington, FAME Plaza (Seattle) \$25,000

Lummi Stepping Stones/Lhaq'temish Foundation, Eagle

Haven Cottage Village (Bellingham)
\$225,000

(b) \$11,950,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

?al?al (means "Home" in Lushootseed) (Seattle) \$900,000

Asberry Historic Home Site Acquisition (Tacoma) \$919,000

Be'er Sheva Park Improvements and Shoreline Restoration (Seattle) \$500,000

Cham Community Center (CCC) (Seattle) \$515,000

~~((Communities of Concern Commission (Seattle) \$3,000,000))~~

Elevate Youngstown Capital Project (Seattle) \$515,000

Feast Collective Capital Request (Spokane) \$103,000

Feeding Change Campaign (Seattle) \$1,000,000

Khmer Community Center & Cultural Hub (Seattle) \$309,000

Martin Luther King Jr. Park Community Pool

(Yakima) \$1,000,000

North Seattle Social Services Hub (Seattle) \$300,000

Neighborhood House Early Learning Facilities

(Seattle) \$2,050,000

Shiloh Baptist Housing Development Project (Tacoma) \$2,100,000

Skyway Resource Center Renovation Project (Seattle) \$400,000

Wadajir Residences & Souq (Tukwila) \$1,339,000

~~((b))~~ (c) For the Asberry Historic Home Site Acquisition, the department must work with the department of archaeology and historic preservation and the grantee to develop a historic preservation easement. The easement must be held through the department of

archaeology and historic preservation and must be placed on the title in perpetuity.

Appropriation:

State Building Construction Account—State (~~(\$13,150,000)~~)

\$14,450,000

State Taxable Building Construction Account—

State (~~(\$500,000)~~)

\$300,000

Subtotal Appropriation
(~~(\$13,650,000)~~)

\$14,750,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$13,650,000)~~)

\$14,750,000

Sec. 1045. 2021 c 332 s 1089 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Child Care Minor Renovation Grants (92001109)

The appropriation in this section is subject to the following conditions and limitations:

~~(\$10,000,000)~~ \$28,522,000 of the appropriation is provided solely for the department to provide grants to childcare providers for minor renovations and small capital purchases and projects. The grants are intended to support childcare providers so that they may maintain operations or expand operations during and after the COVID-19 public health emergency.

(1) The department shall collaborate with the department of children, youth, and families to conduct outreach to licensed family homes to ensure they are made aware of the grant opportunity.

(2) The department shall give priority to projects that make minor renovations without adding capacity and are therefore ineligible for the early learning facilities program.

(3) All grants provided in this section must be awarded by September 30, (~~2022~~) 2023.

(4) Of the amounts provided in this section, no more than four percent may be retained by the department for administrative purposes.

Appropriation:

General	Fund—Federal
((\$10,000,000))	
<u>\$28,522,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$10,000,000))
<u>\$28,522,000</u>	

Sec. 1046. 2021 c 332 s 1092 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Work, Education, Health Monitoring Projects (91001686)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high-performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) \$926,000 of the ~~((coronavirus capital projects account—federal))~~ state building construction account—state appropriation is provided solely for the following list of projects:

Camp Waskowitz Restrooms (North Bend)	\$250,000
Mary's Place Burien Shelter COVID Updates	
(Seattle)	\$550,000
Nordic Heritage Museum HVAC Renovation	
(Seattle)	\$26,000
Sherwood COVID Mitigation (Lake Stevens)	\$100,000

Appropriation:

((Coronavirus Capital Projects Account—	
Federal	\$926,000))
<u>State Building Construction Account—</u>	<u>State</u>
<u>\$926,000</u>	
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)
\$0

TOTAL \$926,000

Sec. 1047. 2021 c 332 s 1094 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning COVID-19 Renovation Grants (91001681)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,500,000 of the (~~coronavirus capital projects account federal~~) coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington early learning loan fund to provide grants to early learning facilities for emergency renovation and remodeling changes in response to the public health emergency with respect to the coronavirus disease.

(2) The grants may not be used for operating expenditures, but must be used for capital needs to:

(a) Support increased social distancing requirements;

(b) Support increased health and safety measures;

(c) Provide increased outdoor space; or

(d) Increase or preserve early learning slots within a facility or community.

(3) Grant recipients must meet the requirements in RCW 43.31.575.

(4) Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

Appropriation:

(~~Coronavirus Capital Projects Account—~~

~~Federal \$8,500,000~~)

Coronavirus State Fiscal Recovery Fund—Federal \$8,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$8,500,000

NEW SECTION. Sec. 1048. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Homeless Youth Facilities (91001991)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Access to Our Community (Tukwila)
\$250,000

Communities of Color Coalition (Everett) \$3,400,000

Community Youth Services (Olympia)
\$100,000

Friends of Youth (Redmond)
\$2,500,000

HopeSource (Ellensburg) \$3,300,000

Northwest Youth Services (Burlington)
\$100,000

Skagit Valley Family YMCA (Mt. Vernon)
\$495,000

Transitional Youth Housing and Services (Seattle) \$750,000

YouthCare Workforce Development Center (Seattle) \$4,000,000

Appropriation:

Capital Community Assistance Account—State \$14,895,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$14,895,000

NEW SECTION. Sec. 1049. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Dental Capacity Grants (92001175)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding in this section is provided solely for the construction and equipment directly associated with dental facilities that provide capacity to address unmet patient need and increased efficiency in dental access. Projects funded in this section must

maintain dental services for a period of at least 10 years.

(2) The appropriation in this section is provided solely for the following list of projects:

Battle Ground HealthCare Dental Expansion

(Battle Ground) \$283,000

Community Health Care (Puyallup) \$1,500,000

Family Health Center (Omak) \$2,500,000

NEW Health CHC Dental Capital Expansion (Newport) \$555,000

Peninsula Community Health Services (Bremerton) \$463,000

Yakima Valley Farmworkers Clinic (Kennewick) \$500,000

Appropriation:

State Building Construction Account—State \$5,801,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,801,000

NEW SECTION. Sec. 1050. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Dig-Once Pilot Program (91002171)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department, in coordination with the system improvement team, to implement a dig-once pilot program to identify opportunities to dig once and bury fiber optic cables and conduits, repair water or sewer pipes, and repair roads, bridges, and sidewalks at the same time. The goals of the pilot program include minimizing local disruption, maximizing efficiencies, and demonstrating the ability to achieve cost savings to state and local governments. The pilot program must be implemented in Lewis county in collaboration with the department of transportation and the economic alliance of Lewis county.

(1) The department of transportation and local governments must collaborate with the department to identify and

coordinate projects in Lewis county that require excavation work on public property, such as projects improving fish passage barriers, roads, broadband, water, wastewater, or stormwater infrastructure.

(2) The department must report to the office of financial management and fiscal committees of the legislature by December 1, 2022, regarding the implementation and potential cost savings of the dig-once pilot program and any recommendations related to implementation of a statewide dig-once policy.

Appropriation:

State Building Construction Account—State \$40,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$40,000

NEW SECTION. Sec. 1051. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency Revolving Loan Fund Capitalization Program (92001179)

The appropriation in this section is subject to the following conditions and limitations: \$1,869,000 of the energy efficiency revolving loan capital account—state appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the energy efficiency revolving loan fund capitalization program in section 40502 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

Energy Efficiency Revolving Loan Capital

Account—State \$1,869,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,869,000

Sec. 1052. 2021 c 332 s 1024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6002, chapter 356, Laws of 2020, except that no funding may be directed to the Sunnyside Community Hospital (Sunnyside) as this project is transitioning to Toppenish Hospital (Toppenish) pursuant to section 1026 of this act.

Reappropriation:

State Building Construction Account—
State (~~(\$42,896,000)~~)

\$40,896,000

Prior Biennia (Expenditures)
\$87,441,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$130,337,000)~~)

\$128,337,000

Sec. 1053. 2021 c 332 s 1095 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to contract with Cowlitz county to acquire land and rights of way along the Cowlitz river for the United States army corps of engineers to dredge. The land is necessary for dredged material deposit sites for the Mt. St. Helen's flood protection project.

Reappropriation:

State Building Construction Account—
State \$800,000

Appropriation:

State Building Construction Account—
State \$1,200,000

Prior Biennia (Expenditures)
\$700,000

Future Biennia (Projected Costs)
\$0

TOTAL \$2,700,000

Sec. 1054. 2021 c 332 s 1096 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing and support costs of the facilities oversight team.

Appropriation:

Thurston County Capital Facilities—
State \$2,610,000

Prior Biennia (Expenditures)
\$4,769,000

Future Biennia (Projected Costs)
\$10,440,000

TOTAL \$17,819,000

Sec. 1055. 2021 c 332 s 1097 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

OFM Capital Budget Staff (30000040)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing and support costs of the capital budget team.

Appropriation:

Thurston County Capital Facilities—
State \$1,315,000

Prior Biennia (Expenditures)
\$2,469,000

Future Biennia (Projected Costs)
\$5,260,000

TOTAL \$9,044,000

NEW SECTION. Sec. 1056. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Inflation and Contingency Fund (92001124)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for inflationary cost increases of materials for state agency projects funded in an omnibus capital appropriations act that are currently active in the construction phase. Projects in the design phase are not eligible and must submit a budget decision package for the 2023 legislative session. The office of financial management shall allocate funds based on project necessity.

(2) To be eligible for funds from this inflation and contingency fund, a request letter signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include:

(a) A statement describing the unexpected costs;

(b) The ways the agency has already mitigated project costs; and

(c) The identification of other funding that may be applied to the project.

(3) For requests during a legislative session, an agency must notify the legislative fiscal committees before requesting these funds from the office of financial management.

(4) The office of financial management must notify the legislative evaluation and accountability program committee and the fiscal committees of the legislature as inflation and contingency funds are approved, including the approved funding level by fund type, and a copy of all the materials submitted in subsection (2) of this section.

(5) The office of financial management must report quarterly, beginning October 1, 2022, on the funding approved by agency, by project number, and type of funds authorized, to the fiscal committees of the legislature.

Appropriation:

Capital Community Assistance Account—
State \$8,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$8,000,000

Sec. 1057. 2021 c 332 s 1101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The appropriations in this section are subject to the following conditions and limitations: The appropriations and reappropriation are subject to the provisions of section 1026, chapter 356, Laws of 2020, except that the final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to the legislative fiscal committees by October 31, 2022.

Reappropriation:

General Fund—Private/Local
\$156,000

State Building Construction Account—
State \$1,663,000

Subtotal Reappropriation
\$1,819,000

Appropriation:

State Building Construction Account—
State \$715,000

Thurston County Capital Facilities—
State \$150,000

Subtotal Appropriation \$865,000

Prior Biennia (Expenditures)
\$4,165,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$6,699,000~~))

\$6,849,000

Sec. 1058. 2021 c 332 s 1104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation Projects (30000825)

Reappropriation:

State Building Construction Account—
State \$170,000

Prior Biennia (Expenditures)
((~~\$3,416,000~~))

\$2,983,000

Future	Biennia	(Projected	Costs)	
				\$0
TOTAL				((\$3,586,000))
				<u>\$3,153,000</u>

Sec. 1059. 2021 c 332 s 1111 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Campus Modernization (92000020)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 6024 of this act.

(2) The department must consult with the senate facilities and operations committee or its designee(s) and the house of representatives executive rules committee or its designee(s) at least every other month.

(3) \$11,585,000 of the Thurston county capital facilities account—state appropriation is provided solely for the global legislative campus modernization subproject, which includes, but is not limited to, modular building leases or purchases and associated costs, site development work on campus to include Columbia street, stakeholder outreach, and historic mitigation for the project.

(4) \$69,037,000 of the amount provided in this section is provided solely for Irv Newhouse building replacement design and construction subproject on opportunity site six.

(a) The department must:

(i) Have a design contractor selected by September 1, 2021;

(ii) Start design validation by October 1, 2021; and

(iii) Start design by December 1, 2021.

(b) The design and construction must result in:

(i) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(ii) Sufficient program space required to support senate offices and support functions;

(iii) A building façade similar to the American neoclassical style with a base, shaft, and capitol expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iv) Member offices of similar size as member offices in the John A. Cherberg building;

(v) Demolition of the buildings located on opportunity site six;

(vi) Consultation with the leadership of the senate, or their designee(s), at least every month, effective July 1, 2021; and

(vii) Ensure the subproject meets legislative intent to complete design by April 30, 2023, and start construction by September 1, 2023.

(5) \$8,538,000 of the amount provided in this section is provided solely for the Pritchard building and the John L. O'Brien renovation design subproject. The design contractor must be selected by ~~((January 1, 2023))~~ September 1, 2022, and the design must result in:

(a) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(b) Sufficient program space required to support house of representatives offices and support functions; and

(c) Additional office space in the Pritchard building necessary to offset house of representatives members and staff office space that ~~((may))~~ will be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building.

(6) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(7) The state capitol committee, in consultation with capitol campus design advisory committee, may review architectural design proposals for continuity with the 2006 master plan for the capitol of the state of Washington and 2009 west capitol campus historic

landscape preservation and vegetation management plan. As part of planning efforts, the state capitol committee may conduct a review of current design criteria and standards.

(8) The Irv Newhouse building replacement and Pritchard building designs should include an analysis of comprehensive impacts to the campus and the surrounding neighborhood, an evaluation of future workforce projections and an analysis of traffic impacts, parking needs, visual buffers, and campus aesthetics. The designs should include a public engagement process including the capitol campus design advisory committee and state capitol committee.

(9) \$180,000 of the appropriation in this section is provided solely for the department to conduct a preservation study of the Pritchard building as a continuation of the predesign in section 6024 of this act. The study must include an analysis of seismic, geotechnical, building codes, constructability, and costs associated with renovation and expansion of the Pritchard building to accommodate tenant space needs. The department shall contract with a third-party historic preservation specialist to ensure the study is in compliance with the secretary of the interior's standards and any other applicable standards for historic rehabilitation. The study must include a public engagement process including the capitol campus design advisory committee and state capitol committee. The study is subject to review and approval by the state capitol committee by March 31, 2022, to inform the design of a renovation, expansion, or replacement of the Pritchard building.

(10) The department may sell by auction the Ayers and Carlyon houses, known as the press houses, separate and apart from the underlying land, subject to the following conditions:

(a) The purchaser, at its sole cost and expense, must remove the houses by December 31, 2021;

(b) The state is not responsible for any costs or expenses associated with the sale, removal, or relocation of the buildings from opportunity site six; and

(c) Any sale proceeds must be deposited into the Thurston county capital facilities account.

(11) Implementation of subsections (7) through (10) of this section is not intended to delay the design and construction of any of the subprojects included in the legislative campus modernization project.

(12) If the department receives information that projected costs for any of the subprojects in subsections (3), (4), or (5) of this section will exceed the amount provided in the respective subsections and the future biennia projected costs, the department must provide that information to the project executive team committee. The department must provide at least two options to reduce subproject costs to stay within the amount provided for that subproject and to stay on schedule. Before proceeding with a reduced cost option, the department must consult with the project executive team committee. The project executive team must reach majority consensus to either move forward with a lower cost option or to request additional capital budget funding.

Reappropriation:

State Building Construction Account—
State \$9,900,000

Appropriation:

State Building Construction Account—
State \$67,855,000

Thurston County Capital Facilities
Account—State
\$11,585,000

Subtotal Appropriation \$79,440,000

Prior Biennia (Expenditures)
\$596,000

Future Biennia (Projected Costs)
~~((\$90,812,000))~~
\$130,034,000

TOTAL ~~((\$180,748,000))~~

\$219,970,000

Sec. 1060. 2021 c 332 s 1114 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Temple of Justice HVAC, Lighting & Water Systems (92000040)

The appropriation(~~s~~) in this section (~~are~~) is subject to the following conditions and limitations:

(1)(a) To assist in funding this project, the department must work with the office of financial management to access federal funding for the total project cost.

(b) If the agency receives more than \$26,000,000 in federal funds, an amount of the state building construction account—state appropriation equal to the additional federal funds must be placed in unallotted status.

(c) For purposes of this subsection, "additional federal funds" means the difference between the total amount of federal funds received under (a) of this subsection and \$26,000,000.

(2) The department must:

(a) Submit the final predesign to the office of financial management by June 1, 2021;

(b) Submit the final energy services proposal to the senate ways and means committee and the house capital budget committee prior to the department starting the design phase; and

(c) Start design by August 31, 2021.

Appropriation:

State Building Construction Account—
State ((~~\$4,000,000~~))

\$30,000,000

((~~Coronavirus Capital Projects Account~~—

Federal \$26,000,000

Subtotal Appropriation \$30,000,000))

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$30,000,000

NEW SECTION. Sec. 1061. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE MILITARY DEPARTMENT**

Thurston County Readiness Center (30000594)

Reappropriation:

Military Department Capital Account—
State \$65,000

Prior Biennia (Expenditures) \$47,887,000

Future Biennia (Projected Costs) \$0

TOTAL \$47,952,000

Sec. 1062. 2021 c 332 s 1120 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Snohomish Readiness Center (30000930)

Appropriation:

General Fund—Federal ((~~\$3,562,000~~))

\$4,349,000

State Building Construction Account—
State ((~~\$1,188,000~~))

\$1,566,000

Subtotal Appropriation ((~~\$4,750,000~~))

\$5,915,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$4,750,000~~))

\$5,915,000

Sec. 1063. 2021 c 332 s 1121 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Anacortes Readiness Center Major Renovation (40000004)

Reappropriation:

Military Department Capital Account—
State \$75,000

Appropriation:

General Fund—Federal \$3,551,000

State Building Construction Account—
State \$3,551,000

Subtotal Appropriation \$7,102,000

Prior Biennia (Expenditures) ((~~\$75,000~~))

\$74,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$7,252,000~~))

\$7,251,000

Sec. 1064. 2021 c 332 s 1123 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program 2019-21 Biennium (40000037)

Reappropriation:

General Fund—Federal \$20,000,000

State Building Construction Account—State ((~~\$2,200,000~~))

\$2,243,000

Military Department Capital Account—State \$109,000

Subtotal Reappropriation ((~~\$22,309,000~~))

\$22,352,000

Prior Biennia (Expenditures) ((~~\$691,000~~))

\$648,000

Future Biennia (Projected Costs) \$0

TOTAL \$23,000,000

PART 2

HUMAN SERVICES

NEW SECTION. Sec. 2001. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (40000014)

Appropriation:

State Building Construction Account—State \$735,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$735,000

Sec. 2002. 2021 c 332 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State ((~~\$425,000~~))

\$612,000

Medical Aid Account—State ((~~\$425,000~~))

\$612,000

Subtotal Reappropriation ((~~\$850,000~~))

\$1,224,000

Prior Biennia (Expenditures) ((~~\$3,084,000~~))

\$2,710,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,934,000

Sec. 2003. 2021 c 332 s 2006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State ((~~\$2,358,000~~))

\$2,441,000

Prior Biennia (Expenditures) ((~~\$27,832,000~~))

\$27,749,000

Future Biennia (Projected Costs) \$0

TOTAL \$30,190,000

Sec. 2004. 2021 c 332 s 2012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Nursing Facilities: Replacement (30002755)

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Rucklshaus center to redesign the intermediate care facility of the

Fircrest Residential Habilitation Center to function as short-term crisis stabilization and intervention. It is also the intent of the legislature to concentrate the footprint of the Fircrest Residential Habilitation Center on the northern portion of the property. As a result, \$7,750,000 of the appropriation in this section is provided solely for design of a 120-bed nursing facility.

(2) \$2,243,000 of the appropriation is provided solely to relocate the adult training program to a different location on the Fircrest Rehabilitation Center campus. The department must consider the proposal to redesign the facility as a short-term crisis stabilization and intervention when devising options for relocation of the adult training program and submit a report of these options to the legislature no later than December 1, 2022.

(3) The department must seek input from individuals with intellectual and developmental disabilities, including the residents at Fircrest and their families or guardians, in design of a nursing facility.

Reappropriation:

State Building Construction Account—
State \$58,000

Appropriation:

State Building Construction Account—
State \$9,993,000

Prior	Biennia	(Expenditures)
		((\$242,000))

\$184,000

Future	Biennia	(Projected Costs)
		\$0

TOTAL \$10,235,000

Sec. 2005. 2021 c 332 s 2014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Reappropriation:

State Building Construction Account—
State \$1,227,000

Appropriation:

((~~Coronavirus Capital Projects~~
~~Account~~—

~~Federal \$1,450,000))~~

State Building Construction Account—
State \$1,450,000

Prior	Biennia	(Expenditures)
		\$1,173,000

Future	Biennia	(Projected Costs)
		\$0

TOTAL \$3,850,000

Sec. 2006. 2021 c 332 s 2016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-
Infrastructure: Repairs & Upgrades
(30003211)

Reappropriation:

State Building Construction Account—
State \$1,234,000

Appropriation:

State Building Construction Account—
State \$685,000

Prior	Biennia	(Expenditures)
		\$36,000

Future	Biennia	(Projected Costs)
		\$0

TOTAL ((~~\$1,270,000~~))

\$1,955,000

Sec. 2007. 2021 c 332 s 2028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are subject to the provisions of section 2012, chapter 298, Laws of 2018.

(2) The department shall collaborate with the city of Shoreline on the future siting of three 16-bed behavioral health facilities on the northeast corner of the campus and a 120-bed nursing facility on the northwest portion of the campus.

(3) The department shall collaborate with the city to rezone portions of the Fircrest campus that are under used and

not necessary for department operations, including the southwest corner, for long-term, revenue-generating opportunities.

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State
\$102,000

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State
\$125,000

State Building Construction Account—State \$168,000

Subtotal Appropriation \$293,000

Prior Biennia (Expenditures)
\$98,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$325,000~~))

\$493,000

Sec. 2008. 2021 c 332 s 2047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2021-23 (40000571)

Appropriation:

State Building Construction Account—State ((~~\$6,950,000~~))

\$9,745,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State
\$1,845,000

Subtotal Appropriation
((~~\$8,795,000~~))

\$11,590,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$21,000,000

TOTAL ((~~\$29,795,000~~))

\$32,590,000

Sec. 2009. 2021 c 332 s 2048 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Transitional Care Center—Main Building: Patient Rooms Cooling (40000574)

Appropriation:

((~~Coronavirus Capital Projects Account—~~

~~Federal \$2,335,000~~))

Coronavirus State Fiscal Recovery Fund—Federal \$2,335,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$2,335,000

Sec. 2010. 2021 c 332 s 2050 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital—Building 29: Roofing Replacement (40000589)

Appropriation:

State Building Construction Account—State ((~~\$2,285,000~~))

\$5,035,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$2,285,000~~))

\$5,035,000

NEW SECTION. **Sec. 2011.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School—ICF Cottages: HVAC and Water Heater Improvements (40000946)

Appropriation:

State Building Construction Account—State \$5,780,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$5,780,000

NEW SECTION. Sec. 2012. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 29: CMS Certification (40000948)

Appropriation:

State Building Construction Account—State \$220,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$220,000

Sec. 2013. 2021 c 332 s 2056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000077)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2054, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State \$18,235,000

Appropriation:

State Building Construction Account—State (~~(\$37,700,000)~~)

\$38,125,000

Prior Biennia (Expenditures) \$1,765,000

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$57,700,000)~~)

\$58,125,000

Sec. 2014. 2021 c 332 s 2062 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Preconstruction Loans (30000334)

Reappropriation:

Drinking Water Assistance Account—State (~~(\$5,115,000)~~)

\$5,415,000

Prior Biennia (Expenditures) \$585,000

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$5,700,000)~~)

\$6,000,000

Sec. 2015. 2021 c 332 s 2063 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Public Health Lab South Laboratory Addition (30000379)

Appropriation:

(~~(Coronavirus Capital Projects Account—~~

~~Federal \$4,933,000)~~)

State Building Construction Account—State \$4,933,000

Prior Biennia (Expenditures) \$196,000

Future Biennia (Projected Costs) \$66,519,000

TOTAL \$71,648,000

Sec. 2016. 2021 c 332 s 2065 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Construction Loans (30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.

Reappropriation:

Drinking Water Assistance Account—State (~~(\$38,529,000)~~)

\$48,390,000

Prior Biennia (Expenditures) (~~(\$69,609,000)~~)

\$69,610,000

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$108,138,000)~~)

\$118,000,000

Sec. 2017. 2021 c 332 s 2066 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water System Repairs and Consolidation (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—
State ((~~\$1,000,000~~))

\$1,462,000

Prior Biennia (Expenditures)
((~~\$2,858,000~~))

\$3,538,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$3,858,000~~))

\$5,000,000

Sec. 2018. 2021 c 332 s 2068 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water Assistance Program (40000025)

Reappropriation:

Drinking Water Assistance Account—
Federal ((~~\$31,000,000~~))

\$33,697,000

Prior Biennia (Expenditures)
((~~\$4,000,000~~))

\$1,303,000

Future Biennia (Projected Costs)
\$0

TOTAL \$35,000,000

Sec. 2019. 2021 c 332 s 2069 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water System Repairs and Consolidation (40000027)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is

subject to the provisions of section 2068, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—
State ((~~\$750,000~~))

\$1,380,000

Prior Biennia (Expenditures)
((~~\$21,000~~))

\$120,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$771,000~~))

\$1,500,000

Sec. 2020. 2021 c 332 s 2070 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Small & Disadvantaged Communities DW (40000031)

The appropriation in this section is subject to the following conditions and limitations: \$20,063,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for assistance to small and disadvantaged communities in section 50104 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal ((~~\$743,000~~))

\$20,806,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$743,000~~))

\$20,806,000

Sec. 2021. 2021 c 332 s 2071 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

E-wing Remodel to a Molecular Laboratory (40000032)

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$216,000))~~

State Building Construction Account—
State \$216,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$14,179,000

TOTAL \$14,395,000

Sec. 2022. 2021 c 332 s 2072 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Replace Air Handling Unit (AHU) in A/Q-wings (40000034)

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$1,894,000))~~

Coronavirus State Fiscal Recovery Fund—Federal \$1,894,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,894,000

Sec. 2023. 2021 c 332 s 2075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

2021-23 Drinking Water Assistance Program (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs

operated by the United States department of agriculture rural development.

(3) \$78,900,000 of the drinking water assistance account—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the drinking water state revolving fund program in section 50102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.

Appropriation:

Drinking Water Assistance Account—
Federal ((\$34,000,000))

\$112,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (\$34,000,000)

\$112,900,000

Sec. 2024. 2021 c 332 s 2076 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

2021-23 Drinking Water Construction Loans - State Match (40000051)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of health must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Drinking Water Assistance Account—
State (~~(\$11,000,000)~~)

\$20,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$11,000,000)~~)

\$20,400,000

NEW SECTION. Sec. 2025. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF HEALTH**

Generator for New Central Boiler Plant (40000053)

Appropriation:

State Building Construction Account—
State \$1,837,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,837,000

NEW SECTION. Sec. 2026. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF HEALTH**

Improve Critical Water Infrastructure (40000058)

Appropriation:

Drinking Water Assistance Account—
State \$20,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$70,000,000

TOTAL \$90,000,000

NEW SECTION. Sec. 2027. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF HEALTH**

2023 DWSRF Preconstruction Loans (40000059)

Appropriation:

Drinking Water Assistance Account—
State \$400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$5,600,000

TOTAL \$6,000,000

Sec. 2028. 2021 c 332 s 2080 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

WVH HVAC Retrofit (40000006)

Reappropriation:

State Building Construction Account—
State (~~(\$250,000)~~)

\$441,000

Prior Biennia (Expenditures)
(~~(\$162,000)~~)

\$309,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$412,000)~~)

\$750,000

NEW SECTION. Sec. 2029. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Transitional Housing Capital Improvements (40000066)

Appropriation:

General Fund—Federal \$2,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$2,400,000

Sec. 2030. 2021 c 332 s 2082 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

DVA ARPA Federal Funds & State Match (91000013)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is granted federal expenditure authority in anticipation of the receipt of federal competitive grant funding for which it is eligible to apply under section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(2) Funding appropriated in this section must be used for projects in the following priority order:

(a) The WVH HVAC Retrofit project (40000006); and

(b) Minor works projects that meet the requirements set forth in section 8004 of the American rescue plan act of 2021, P.L. 117-2.

~~((3) The state building construction account state appropriation in this section must be used as state match funds to leverage the federal funding described in subsection (1) of this section. Any amount that exceeds the level of state match funds required to maximize the federal funding opportunity must be placed in unallotted status.))~~

Appropriation:

General Fund—Federal \$24,515,000

State Building Construction Account—
State ~~((8,584,000))~~

\$10,884,000

Subtotal Appropriation
~~((33,099,000))~~

\$35,399,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL ~~((33,099,000))~~

\$35,399,000

Sec. 2031. 2021 c 332 s 2084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

Reappropriation:

State Building Construction Account—
State ~~((7,000,000))~~

\$9,174,000

Prior Biennia (Expenditures)
~~((2,600,000))~~

\$426,000

Future Biennia (Projected Costs)
\$0

TOTAL \$9,600,000

Sec. 2032. 2021 c 332 s 2085 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Recreation Building: Replacement (30003237)

Reappropriation:

State Building Construction Account—
State \$181,000

Appropriation:

State Building Construction Account—
State \$29,962,000

Prior Biennia (Expenditures)
~~((1,800,000))~~

\$1,619,000

Future Biennia (Projected Costs)
\$0

TOTAL \$31,762,000

Sec. 2033. 2021 c 332 s 2086 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Reappropriation:

State Building Construction Account—
State \$750,000

Prior Biennia (Expenditures)
~~((2,250,000))~~

\$1,690,000

Future Biennia (Projected Costs)
\$0

TOTAL ~~((3,000,000))~~

\$2,440,000

NEW SECTION. Sec. 2034. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Paint and Repair 300,000 Gallon Water Storage Tank (30000697)

Appropriation:

State Building Construction Account—
State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$500,000

NEW SECTION. Sec. 2035. A new section is added to 2021 c 332 (uncodified) to

read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

ECWR: Foundation and Siding Repair
(40000067)

Appropriation:

State Building Construction Account—
State \$850,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$850,000

Sec. 2036. 2021 c 332 s 2105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Preservation Projects
(40000187)

Reappropriation:

State Building Construction Account—
State (~~(\$3,500,000)~~)

\$1,856,000

Prior Biennia (Expenditures)
(~~(\$2,973,000)~~)

\$9,812,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$6,473,000)~~)

\$11,668,000

NEW SECTION. Sec. 2037. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Interim Mental Health Building
(40000260)

Appropriation:

State Building Construction Account—
State \$1,275,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,275,000

Sec. 2038. 2021 c 332 s 2095 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: TRU Support Building HVAC Replacement (40000379)

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$4,646,000))~~

Coronavirus State Fiscal Recovery Fund—Federal \$4,646,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$4,646,000

Sec. 2039. 2021 c 332 s 2104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: Sewer System HABU (Highest and Best Use) (40000185)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2103, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—
State (~~(\$500,000)~~)

\$720,000

Prior Biennia (Expenditures)
(~~(\$300,000)~~)

\$80,000

Future Biennia (Projected Costs)
\$0

TOTAL \$800,000

Sec. 2040. 2021 c 332 s 2102 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Preservation Projects
(40000254)

Appropriation:

State Building Construction Account—
State (~~(\$11,800,000)~~)

\$10,323,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$60,833,000

TOTAL (~~(\$72,633,000)~~)

\$71,156,000

NEW SECTION. Sec. 2041. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

Inpatient Psychiatric Unit (40000413)

Appropriation:

State Building Construction Account—
State \$350,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$350,000

NEW SECTION. Sec. 2042. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Sage Unit Move to AHCC
(40000414)

Appropriation:

State Building Construction Account—
State \$1,050,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,050,000

NEW SECTION. Sec. 2043. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

AHCC: Modular Building for Health
Service Staff (40000415)

Appropriation:

State Building Construction Account—
State \$791,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$791,000

NEW SECTION. Sec. 2044. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Modular Building for Health
Service Staff (40000416)

Appropriation:

State Building Construction Account—
State \$777,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$777,000

NEW SECTION. Sec. 2045. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Utilidor Mechanical and
Electrical System Repair (91000432)

Appropriation:

State Building Construction Account—
State \$2,977,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$2,977,000

Sec. 2046. 2021 c 332 s 2106
(uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF CORRECTIONS

WSP: Unit Six Roof Replacement
(92000037)

Reappropriation:

State Building Construction Account—
State (~~\$650,000~~)

\$786,000

Prior Biennia (Expenditures)
(~~\$277,000~~)

\$141,000

Future Biennia (Projected Costs)
\$0

TOTAL \$927,000

Sec. 2047. 2021 c 332 s 2107
(uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF CORRECTIONS

WCCW: AC for MSU (92000039)

Reappropriation:

State Building Construction Account—
State \$1,250,000

Appropriation:

State Building Construction Account—
State \$160,000

Prior Biennia (Expenditures)
(~~\$46,000~~)

\$99,000

Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$1,296,000~~))
\$1,509,000

NEW SECTION. Sec. 2048. The following acts or parts of acts are each repealed:

- (1) 2021 c 332 s 2054 (uncodified); and
- (2) 2021 c 332 s 2093 (uncodified).

PART 3

NATURAL RESOURCES

Sec. 3001. 2021 c 332 s 3016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000334)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3020, chapter 413, Laws of 2019.

(2) \$400,000 of the reappropriation in this section is provided solely for the department to provide to the city of Tacoma to reimburse the developer of the former ASARCO smelter site for costs incurred by the site developer in cleanup and remediation of the former Ruston Way tunnel, including cleanup and remediation costs that occurred prior to June 30, 2019. Before the city of Tacoma may issue the reimbursement, the city must verify that the city and the site developer have properly documented the cleanup costs and that the site developer has released all affected public entities for liability for an amount at least equal to the amount provided in this subsection.

Reappropriation:

Cleanup Settlement Account—State
 \$1,273,000
 Prior Biennia (Expenditures)
 \$34,987,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$36,260,000

Sec. 3002. 2021 c 332 s 3071 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Streamflow Restoration Program (40000177)

Reappropriation:

Watershed Restoration and Enhancement Bond

Account—State ((~~\$31,504,000~~))
\$31,542,000

Prior Biennia (Expenditures)
 ((~~\$8,496,000~~))
\$8,458,000

Future Biennia (Projected Costs)
 \$0
 TOTAL \$40,000,000

Sec. 3003. 2021 c 332 s 3084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Pollution Control Revolving Program (40000337)

The appropriations in this section are subject to the following conditions and limitations: \$33,000,000 of the water pollution control revolving—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the clean water state revolving fund program in section 50210 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this section is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

Water Pollution Control Revolving Fund—State \$225,000,000

Water Pollution Control Revolving Fund—Federal ((~~\$75,000,000~~))
\$108,000,000

Subtotal Appropriation
 ((~~\$300,000,000~~))
\$333,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
 \$1,200,000,000

TOTAL ((~~\$1,500,000,000~~))
\$1,533,000,000

Sec. 3004. 2021 c 332 s 3086 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 State Match - Water Pollution Control Revolving Program (40000339)

Appropriation:

Water Pollution Control Revolving Fund—State ((~~\$15,000,000~~))

\$18,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$60,000,000

TOTAL ((~~\$75,000,000~~))

\$78,000,000

NEW SECTION. Sec. 3005. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Pacific Wood Treating Site Cleanup - Cleanup Settlement Account (40000464)

Appropriation:

Cleanup Settlement Account—State \$2,326,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,326,000

NEW SECTION. Sec. 3006. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Clean Up Toxic Sites - Puget Sound (40000465)

Appropriation:

Model Toxics Control Capital Account—State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

NEW SECTION. Sec. 3007. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Failing Main Electrical Service Panel (40000467)

Appropriation:

State Building Construction Account—State \$663,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$663,000

NEW SECTION. Sec. 3008. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Community-Based Public-Private Stormwater Partnership (40000470)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to establish a community-based public-private partnership stormwater pilot program, using the Washington state stormwater community-based public-private partnership feasibility assessment as a guide. The department must work with partner agencies to develop local capacity and attract private investment.

Appropriation:

Model Toxics Control Stormwater Account—State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$28,000,000

TOTAL \$29,000,000

NEW SECTION. Sec. 3009. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Water Pollution Control Revolving Program (40000473)

Appropriation:

Water Pollution Control Revolving Fund—State \$200,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000,000

Sec. 3010. 2021 c 332 s 3112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2021-23 Water Banking (91000373)

The appropriations in this section (~~is~~) are subject to the following conditions and limitations:

(1)(a) The appropriations in this section are provided solely for the department to administer a pilot grant program for water banking strategies to meet local water needs.

(b) \$2,000,000 is provided solely for qualified applicants located within the Methow River Basin.

(2)(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For applicants located outside of the Methow River Basin, grant awards may only be used for the development of water banks in rural counties that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. For purposes of this section, "major watershed" has the same meaning as shoreline of statewide significance in RCW 90.58.030(2)(f)(v) (A) and (B).

(3) Grant awards may not exceed \$2,000,000 per applicant.

(4) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include, but are not limited to, agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(5) To be eligible to receive a grant under this section, an applicant must:

(a) Be a public entity or a participant in a public-private partnership with a public entity;

(b) Exhibit sufficient expertise and capacity to develop and maintain a water

bank consistent with the purposes of this appropriation;

(c) Secure a valid interest to purchase a water right;

(d) Show that the water rights appear to be adequate for the intended use; and

(e) Agree to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife.

(6) If the amounts provided in subsection (1)(b) of this section are not obligated by June 30, 2023, the water banking pilot program established in this section is null and void, and funding is not reappropriated.

Appropriation:

State Building Construction Account—
State \$5,000,000

State Drought Preparedness and Response

Account—State \$9,000,000

Subtotal Appropriation \$14,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$5,000,000~~))

\$14,000,000

NEW SECTION. Sec. 3011. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Stormwater Projects (92000195)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Urban Stormwater Partnership-I5 Ship Canal Bridge Pilot

(Seattle) \$4,000,000

Port of Port Angeles Stormwater Project

(Port Angeles) \$855,000

Appropriation:

Model Toxics Control Stormwater
Account—State \$4,855,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$4,855,000

Sec. 3012. 2021 c 332 s 3129
 (uncodified) is amended to read as
 follows:

**FOR THE STATE PARKS AND RECREATION
 COMMISSION**

Steamboat Rock Build Dunes Campground
 (30000729)

Reappropriation:

State Building Construction Account—
 State \$200,000

Prior Biennia (Expenditures)
 ((~~\$4,137,000~~))
\$4,026,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$4,337,000~~))
\$4,226,000

Sec. 3013. 2021 c 332 s 3130
 (uncodified) is amended to read as
 follows:

**FOR THE STATE PARKS AND RECREATION
 COMMISSION**

Kopachuck Day Use Development
 (30000820)

Reappropriation:

State Building Construction Account—
 State \$4,914,000

Appropriation:

State Building Construction Account—
State \$2,070,000

Prior Biennia (Expenditures)
 \$1,024,000

Future Biennia (Projected Costs)
 ((~~\$0~~))
\$1,035,000

TOTAL ((~~\$5,938,000~~))
\$9,043,000

Sec. 3014. 2021 c 332 s 3133
 (uncodified) is amended to read as
 follows:

**FOR THE STATE PARKS AND RECREATION
 COMMISSION**

Lake Sammamish Dock Grant Match
 (30000872)

Reappropriation:

State Building Construction Account—
 State \$938,000

Prior Biennia (Expenditures)
 ((~~\$142,000~~))
\$128,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$1,080,000~~))
\$1,066,000

Sec. 3015. 2021 c 332 s 3134
 (uncodified) is amended to read as
 follows:

**FOR THE STATE PARKS AND RECREATION
 COMMISSION**

Birch Bay - Repair Failing Bridge
 (30000876)

Reappropriation:

State Building Construction Account—
 State \$55,000

Prior Biennia (Expenditures)
 ((~~\$193,000~~))
\$191,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$248,000~~))
\$246,000

Sec. 3016. 2021 c 332 s 3136
 (uncodified) is amended to read as
 follows:

**FOR THE STATE PARKS AND RECREATION
 COMMISSION**

Field Spring Replace Failed Sewage
 Syst & Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—
 State \$1,023,000

Appropriation:

State Building Construction Account—
State \$480,000

Prior Biennia (Expenditures)
 \$245,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$1,268,000~~))

\$1,748,000

Sec. 3017. 2021 c 332 s 3138 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State
((~~\$2,000,000~~))

\$2,500,000

Prior Biennia (Expenditures)
\$2,245,000

Future Biennia (Projected Costs)
\$8,000,000

TOTAL ((~~\$12,245,000~~))

\$12,745,000

Sec. 3018. 2021 c 332 s 3143 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation (30001016)

Reappropriation:

State Building Construction Account—
State \$103,000

Prior Biennia (Expenditures)
((~~\$397,000~~))

\$392,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$500,000~~))

\$495,000

Sec. 3019. 2021 c 332 s 3147 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)

Reappropriation:

State Building Construction Account—
State ((~~\$1,605,000~~))

\$1,718,000

Prior Biennia (Expenditures)
((~~\$300,000~~))

\$187,000

Future Biennia (Projected Costs)
\$0

TOTAL \$1,905,000

Sec. 3020. 2021 c 332 s 3149 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Preservation Minor Works 2019-21 (40000151)

Reappropriation:

State Building Construction Account—
State ((~~\$1,139,000~~))

\$1,196,000

Prior Biennia (Expenditures)
((~~\$3,308,000~~))

\$3,251,000

Future Biennia (Projected Costs)
\$0

TOTAL \$4,447,000

Sec. 3021. 2021 c 332 s 3151 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse to Cascade Trail - Crab Creek Trestle Replacement (40000162)

Reappropriation:

State Building Construction Account—
State \$79,000

Appropriation:

State Building Construction Account—
State \$2,031,000

Prior Biennia (Expenditures)
\$171,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$250,000~~))

\$2,281,000

Sec. 3022. 2021 c 332 s 3154 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Saint Edward Maintenance Facility (40000218)

Appropriation:

State Building Construction Account—
 State ((~~\$2,199,000~~))
\$2,524,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$2,199,000~~))
\$2,524,000

NEW SECTION. Sec. 3023. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Anderson Lake - New Day Use Facilities and Trail Development (91000441)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the design of new day use facilities and trail development at Anderson Lake State Park.

Appropriation:

State Building Construction Account—
 State \$335,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$335,000

Sec. 3024. 2021 c 332 s 3161 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

State Parks Capital Preservation Pool (92000014)

Reappropriation:

State Building Construction Account—
 State ((~~\$11,239,000~~))
\$10,204,000
 Prior Biennia (Expenditures)
 \$19,761,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$31,000,000~~))
\$29,965,000

Sec. 3025. 2021 c 332 s 3163 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

2021-23 State Parks Capital Preservation Pool (92000017)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a pool of eligible projects owned by the state parks and recreation commission.

(2) The following projects are the only projects eligible for funding in this section:

- (a) Larrabee Water System Replacement;
- (b) Cape Disappointment - Welcome Center and Entrance Improvements;
- (c) Blake Island Marine Facilities Improvements;
- (d) Cape Disappointment: Campground Access Road Culverts;
- (e) Twenty-Five Mile Creek - Replace Moorage Floats;
- (f) Maryhill Parkwide Septic System Overhaul;
- (g) Palouse to Cascade Trail - Crab Creek Trestle Replacement;
- (h) Mount Spokane - Maintenance Facility Relocation from Harms Way;
- (i) Sun Lakes Replace Primary Lift Station;
- (j) Lyons Ferry Campground Reestablishment;
- (k) Pearrygin Lake West Campground Development;
- (l) Palouse Falls Day Use Area Renovation;
- (m) Birch Bay - Repair Failing Bridge;
- (n) Centennial Trail Paving Repair and Overlay;
- (o) Deception Pass - Bowman Bay Pier Replacement;
- (p) Ike Kinswa: Main Campground Loop Utility Upgrades;
- (q) South Whidbey - Campground to Day Use Conversion;
- (r) Wallace Falls Water System Replacement;
- (s) Willapa Hills Trail: Bridge 48 and Trail Relocation;

(t) Statewide - Facility & Infrastructure Backlog Reduction 2021-23;

(u) Statewide - ADA Compliance 2021-23;

(v) Statewide - Code/Regulatory Compliance 2021-23;

(w) Statewide - Marine Facilities Rehabilitation 2021-23;

(x) Palouse to Cascades Trail - Repair Trestles and Trail Access;

(y) Electrical, Water and Sewer Infrastructure Preservation 2021-23;

(z) Statewide Park Paving Projects 2021-23;

(aa) Statewide Park Comfort Station Replacements 2021-23;

(bb) Wallace Falls Parking Expansion;

(cc) Lake Wenatchee-Pedestrian Bridge; and

(dd) Twanoh-Shoreline Restoration.

(3) The commission shall report to the governor and the appropriate committees of the legislature the list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2022.

Appropriation:

State Building Construction Account—State ((~~\$39,500,000~~))

\$40,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$39,500,000~~))

\$40,250,000

Sec. 3026. 2021 c 332 s 3164 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:

Outdoor Recreation Account—State ((~~\$637,000~~))

\$785,000

Prior Biennia (Expenditures) ((~~\$41,363,000~~))

\$41,215,000

Future Biennia (Projected Costs) \$0

TOTAL \$42,000,000

Sec. 3027. 2021 c 332 s 3165 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000205)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3161, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Farm and Forest Account—State ((~~\$616,000~~))

\$843,000

Habitat Conservation Account—State ((~~\$132,000~~))

\$464,000

Outdoor Recreation Account—State ((~~\$2,189,000~~))

\$2,647,000

Riparian Protection Account—State ((~~\$470,000~~))

\$494,000

Subtotal Reappropriation ((~~\$3,407,000~~))

\$4,448,000

Prior Biennia (Expenditures) ((~~\$61,593,000~~))

\$60,552,000

Future Biennia (Projected Costs) \$0

TOTAL \$65,000,000

Sec. 3028. 2021 c 332 s 3168 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (3000211)

Reappropriation:

State Building Construction Account—State (~~(\$903,000)~~)

\$3,657,000

Prior Biennia (Expenditures) (~~(\$69,097,000)~~)

\$66,343,000

Future Biennia (Projected Costs) \$0

TOTAL \$70,000,000

Sec. 3029. 2021 c 332 s 3171 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (3000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2015-1, developed June 30, 2015.

Reappropriation:

Farm and Forest Account—State (~~(\$1,181,000)~~)

\$1,563,000

Habitat Conservation Account—State (~~(\$2,910,000)~~)

\$2,814,000

Outdoor Recreation Account—State (~~(\$3,268,000)~~)

\$3,085,000

Riparian Protection Account—State (~~(\$1,345,000)~~)

\$117,000

Subtotal Reappropriation (~~(\$8,704,000)~~)

\$7,579,000

Prior Biennia (Expenditures) (~~(\$46,619,000)~~)

\$47,744,000

Future Biennia (Projected Costs) \$0

TOTAL \$55,323,000

Sec. 3030. 2021 c 332 s 3173 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Boating Facilities Program (3000222)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Recreation Resources Account—State (~~(\$49,000)~~)

\$137,000

Prior Biennia (Expenditures) (~~(\$14,161,000)~~)

\$14,073,000

Future Biennia (Projected Costs) \$0

TOTAL \$14,210,000

Sec. 3031. 2021 c 332 s 3178 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (3000227)

Reappropriation:

State Building Construction Account—State (~~(\$82,000)~~)

\$670,000

Prior Biennia (Expenditures) (~~(\$7,918,000)~~)

\$7,330,000

Future Biennia (Projected Costs) \$0

TOTAL \$8,000,000

Sec. 3032. 2021 c 332 s 3183 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Family Forest Fish Passage Program
(30000233)

Reappropriation:

State Building Construction Account—
State (~~(\$160,000)~~)

\$204,000

Prior Biennia (Expenditures)
(~~(\$4,840,000)~~)

\$4,796,000

Future Biennia (Projected Costs)
\$0

TOTAL \$5,000,000

Sec. 3033. 2021 c 332 s 3184
(uncodified) is amended to read as
follows:

**FOR THE RECREATION AND CONSERVATION
OFFICE**

Salmon Recovery Funding Board Programs
(30000408)

The reappropriations in this section
are subject to the following conditions
and limitations: The reappropriations
are subject to the provisions of section
3070, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal \$32,369,000

State Building Construction Account—
State (~~(\$1,642,000)~~)

\$6,231,000

Subtotal Reappropriation
(~~(\$34,011,000)~~)

\$38,600,000

Prior Biennia (Expenditures)
(~~(\$32,202,000)~~)

\$27,613,000

Future Biennia (Projected Costs)
\$0

TOTAL \$66,213,000

Sec. 3034. 2021 c 332 s 3185
(uncodified) is amended to read as
follows:

**FOR THE RECREATION AND CONSERVATION
OFFICE**

2017-19 Washington Wildlife Recreation
Grants (30000409)

The reappropriations in this section
are subject to the following conditions
and limitations: The reappropriations in

this section are provided solely for the
list of projects in LEAP capital document
No. 2017-42, developed July 20, 2017, and
LEAP capital document No. 2018-6H,
developed January 3, 2018.

Reappropriation:

Farm and Forest Account—State
(~~(\$5,860,000)~~)

\$5,002,000

Habitat Conservation Account—State
(~~(\$12,592,000)~~)

\$12,878,000

Outdoor Recreation Account—State
(~~(\$12,474,000)~~)

\$14,248,000

Subtotal Reappropriation
(~~(\$30,926,000)~~)

\$32,128,000

Prior Biennia (Expenditures)
(~~(\$49,074,000)~~)

\$47,872,000

Future Biennia (Projected Costs)
\$0

TOTAL \$80,000,000

Sec. 3035. 2021 c 332 s 3187
(uncodified) is amended to read as
follows:

**FOR THE RECREATION AND CONSERVATION
OFFICE**

Nonhighway Off-Road Vehicle Activities
(30000411)

Reappropriation:

NOVA Program Account—State
(~~(\$895,000)~~)

\$2,991,000

Prior Biennia (Expenditures)
(~~(\$12,300,000)~~)

\$10,204,000

Future Biennia (Projected Costs)
\$0

TOTAL \$13,195,000

Sec. 3036. 2021 c 332 s 3188
(uncodified) is amended to read as
follows:

**FOR THE RECREATION AND CONSERVATION
OFFICE**

Youth Athletic Facilities (30000412)

Reappropriation:

State Building Construction Account—
State (~~(\$1,302,000)~~)

\$1,522,000

Prior Biennia (Expenditures)
(~~(\$2,775,000)~~)

\$2,555,000

Future Biennia (Projected Costs)
\$0

TOTAL \$4,077,000

Sec. 3037. 2021 c 332 s 3189
(uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account
(30000413)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Reappropriation:

Aquatic Lands Enhancement Account—
State \$884,000

State Building Construction Account—
State (~~(\$2,732,000)~~)

\$4,013,000

Subtotal Reappropriation
(~~(\$3,616,000)~~)

\$4,897,000

Prior Biennia (Expenditures)
(~~(\$8,669,000)~~)

\$7,388,000

Future Biennia (Projected Costs)
\$0

TOTAL \$12,285,000

Sec. 3038. 2021 c 332 s 3190
(uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and
Restoration (30000414)

Reappropriation:

State Building Construction Account—
State (~~(\$16,640,000)~~)

\$20,763,000

Prior Biennia (Expenditures)
(~~(\$23,360,000)~~)

\$19,237,000

Future Biennia (Projected Costs)
\$0

TOTAL \$40,000,000

Sec. 3039. 2021 c 332 s 3195
(uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Washington Coastal Restoration
Initiative (30000420)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—
State (~~(\$5,769,000)~~)

\$5,790,000

Prior Biennia (Expenditures)
(~~(\$6,731,000)~~)

\$6,710,000

Future Biennia (Projected Costs)
\$0

TOTAL \$12,500,000

Sec. 3040. 2021 c 332 s 3197
(uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Washington Wildlife
Recreation Grants (40000002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3200, chapter 413, Laws of 2019.

Reappropriation:

Farm and Forest Account—State
(~~(\$6,880,000)~~)

\$6,687,000

Habitat Conservation Account—State
(~~(\$20,349,000)~~)

\$25,791,000

Outdoor Recreation Account—State
 ((~~\$28,025,000~~))
\$24,390,000
 Subtotal Reappropriation
 ((~~\$55,254,000~~))
\$56,868,000
 Prior Biennia (Expenditures)
 ((~~\$29,746,000~~))
\$28,132,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$85,000,000

Sec. 3041. 2021 c 332 s 3201 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Youth Athletic Facilities (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The amounts reappropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed February 25, 2020, and No. 2020-467-HB, developed February 14, 2020.

Reappropriation:

State Building Construction Account—State ((~~\$7,597,000~~))
\$7,833,000
 Prior Biennia (Expenditures)
 ((~~\$4,403,000~~))
\$4,167,000
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$12,000,000

Sec. 3042. 2021 c 332 s 3214 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2021-23 - Salmon Recovery Funding Board Programs (40000021)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the state building construction account—state appropriation is provided solely to maintain the lead entity program as described in chapter 77.85 RCW.

(2) \$640,000 of the state building construction account—state appropriation is provided solely for regional fisheries enhancement groups created in RCW 77.95.060.

(3) \$15,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the recreation and conservation office for the pacific coastal salmon recovery fund in P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.

Appropriation:

General	Fund—Federal
((\$50,000,000))	
<u>\$65,000,000</u>	
State Building Construction Account—State	\$30,000,000
Subtotal	Appropriation
((\$80,000,000))	
<u>\$95,000,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	((\$480,000,000))
<u>\$495,000,000</u>	

Sec. 3043. 2021 c 332 s 3221 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2021-23 - Brian Abbott Fish Barrier Removal Board (40000035)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. ((~~RCO 5 HB 2021~~))

RCO-5.1-HB-2022, developed ((April 15, 2021)) February 3, 2022.

(2) The recreation and conservation funding board may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funds retained for administration may not exceed three percent of the appropriation.

(3) The department of fish and wildlife may retain a portion of the funds appropriated in this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration. The portion of the funds retained for technical assistance may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—
State \$26,795,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$107,180,000

TOTAL \$133,975,000

Sec. 3044. 2021 c 332 s 3229 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—
State ((~~\$152,000~~))

\$622,000

Prior Biennia (Expenditures)
((~~\$11,033,000~~))

\$10,563,000

Future Biennia (Projected Costs)
\$0

TOTAL \$11,185,000

Sec. 3045. 2021 c 332 s 3230 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Upper Quinault River Restoration Project (91000958)

Reappropriation:

State Building Construction Account—
State \$1,359,000

Appropriation:

State Building Construction Account—
State ((~~\$1,000,000~~))

\$2,000,000

Prior Biennia (Expenditures)
\$641,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$3,000,000~~))

\$4,000,000

NEW SECTION. Sec. 3046. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**

Fish Barrier Removal Projects in Skagit County (91001662)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a direct payment to Skagit county for the design of 11 high priority fish barrier removal projects located on the county's roads. Skagit county must ensure that the projects designed with funding from this section meet applicable state and federal grant program standards to facilitate the county's application to such programs for the purpose of receiving capital funding for the projects' construction.

Appropriation:

State Building Construction Account—
State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,000,000

Sec. 3047. 2021 c 332 s 3232 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Recreation & Conservation Office
Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 356, Laws of 2020.

Reappropriation:

Outdoor Recreation Account—State
~~((\$132,000))~~

\$497,000

State Building Construction Account—
State ~~((\$5,859,000))~~

\$8,050,000

Subtotal Reappropriation
~~((\$5,991,000))~~

\$8,547,000

Prior Biennia (Expenditures)
~~((\$28,790,000))~~

\$26,234,000

Future Biennia (Projected Costs)
\$0

TOTAL \$34,781,000

Sec. 3048. 2021 c 332 s 3218 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2021-23 - Aquatic Lands Enhancement Account (40000029)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The state building construction account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3.1-HB-2021, developed April 15, 2021.

(2) The aquatic lands enhancement account—state appropriation in this section is provided solely for the following project:

Dash Point Park and Pier (Tacoma)
\$418,000

Appropriation:

Aquatic Lands Enhancement Account—
State \$418,000

State Building Construction Account—
State \$9,100,000

Subtotal Appropriation \$9,518,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$36,400,000

TOTAL ~~((\$45,500,000))~~

\$45,918,000

NEW SECTION. Sec. 3049. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**

Springwood Ranch in Kittitas County (91001663)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the acquisition of the Springwood Ranch in Kittitas county for the Kittitas County Riparian Protection and Water Storage Facility Project, which must include the following elements: Protection of riparian habitat; conservation of agricultural lands; provision of public recreational access; and siting of a water storage facility to improve Yakima river instream flows. If title to the real property purchased under this section is not held by the state, the recreation and conservation office shall enter into appropriate agreements to protect the public investment pursuant to the appropriation in this section. The agency may use up to one percent of the appropriation, if necessary, to recover its administrative costs.

Appropriation:

State Building Construction Account—
State \$10,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$12,000,000

TOTAL \$22,000,000

NEW SECTION. Sec. 3050. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE STATE CONSERVATION COMMISSION**

2021-2023 Farmland Protection and Land Access (40000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is

provided solely for the state conservation commission to implement and administer the farmland protection and land access program. In administering this program, the state conservation commission shall support opportunities for all producers but shall prioritize: (a) Conservation of high priority agricultural land at imminent risk of development; and (b) grants for the purchase of agricultural easements to historically underserved producers, as defined in 7 C.F.R. Sec. 1470.3 (2022), including young and beginning farmers, people of color, and veterans.

(2) In contracts for grants authorized under this section, the state conservation commission must include provisions that require that easements be held by the grantee for a specified period, appropriate to protect the public investment and to the conservation purpose of the grant. If the state conservation commission finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account—
State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$2,000,000

TOTAL \$4,000,000

Sec. 3051. 2021 c 332 s 3253 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

CREP PIP Loan Program 2017-19 (92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6019, chapter 413, Laws of 2019.

Reappropriation:

Conservation Assistance Revolving
Account—State (~~(\$350,000)~~)
\$270,000

Prior Biennia (Expenditures)
\$50,000

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$400,000)~~)
\$320,000

NEW SECTION. Sec. 3052. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE STATE CONSERVATION COMMISSION**

Voluntary Stewardship Program (92000016)

Appropriation:

State Building Construction Account—
State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$3,000,000

Sec. 3053. 2021 c 332 s 3254 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (20062008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3063, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—
State \$2,387,000

Appropriation:

State Building Construction Account—
State \$2,200,000

Prior Biennia (Expenditures)
(~~(\$13,108,000)~~)
\$13,191,000

Future Biennia (Projected Costs)
(~~(\$36,000,000)~~)
\$48,616,000

TOTAL (~~(\$51,495,000)~~)
\$66,394,000

Sec. 3054. 2021 c 332 s 3255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (20082045)

~~((Reappropriation-~~

~~Limited Fish and Wildlife Account—
State \$350,000))~~

Appropriation:

Limited Fish and Wildlife Account—
State ~~((~~\$600,000))

\$752,000

Prior Biennia (Expenditures)
~~((~~\$1,923,000))

\$2,336,000

Future Biennia (Projected Costs)
\$1,800,000

TOTAL ~~((~~\$4,673,000))

\$4,888,000

NEW SECTION. Sec. 3055. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Beaver Creek Hatchery - Renovation (30000680)

Appropriation:

State Building Construction Account—
State \$135,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$22,337,000

TOTAL \$22,472,000

Sec. 3056. 2021 c 332 s 3273 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—
State \$200,000

Appropriation:

State Building Construction Account—
State \$11,894,000

Prior Biennia (Expenditures)
~~((~~\$577,000))

\$504,000

Future Biennia (Projected Costs)
\$0

TOTAL ~~((~~\$12,671,000))

\$12,598,000

Sec. 3057. 2021 c 332 s 3274 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—
State \$300,000

Prior Biennia (Expenditures)
~~((~~\$3,606,000))

\$3,102,000

Future Biennia (Projected Costs)
\$0

TOTAL ~~((~~\$3,906,000))

\$3,402,000

Sec. 3058. 2021 c 332 s 3281 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Toutle River Fish Collection Facility - Match (40000021)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for the department to purchase fee-title and/or easements as ((part of)) necessary for sediment abatement, fish release and collection sites, and for project obligations related to the state's participation in design review and design cost share of the fish collection facility.

(2) The appropriation in this section is provided solely for project obligations related to modular housing replacement.

Reappropriation:

State Building Construction Account—
State ~~((~~\$6,371,000))

\$2,066,000

Appropriation:

State Building Construction Account—
 State \$239,000

Prior Biennia (Expenditures) \$404,000

Future Biennia (Projected Costs) \$4,312,000

TOTAL ((~~\$11,326,000~~))
\$7,021,000

NEW SECTION. Sec. 3059. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Klickitat WLA - Simcoe Fencing (40000161)

Appropriation:

State Building Construction Account—
 State \$450,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$450,000

NEW SECTION. Sec. 3060. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Taneum Creek Property Acquisition Post Closing Activities (40000162)

Appropriation:

State Building Construction Account—
 State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

NEW SECTION. Sec. 3061. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Western Pond Turtle Nest Hill Restoration (91000161)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the restoration of the western pond turtle nest hill at the Pierce county recovery site.

Appropriation:

State Building Construction Account—
 State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

NEW SECTION. Sec. 3062. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Kalama Creek Hatchery (91000160)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to provide a grant to the Nisqually Tribe for the Kalama Creek Hatchery project.

Appropriation:

State Building Construction Account—
 State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

Sec. 3063. 2021 c 332 s 3292 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Leque Island Highway 532 Road Protection (92000019)

Reappropriation:

State Building Construction Account—
 State \$160,000

Prior Biennia (Expenditures) ((~~\$520,000~~))
\$519,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$680,000~~))
\$679,000

NEW SECTION. Sec. 3064. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Fishing Access on the Grande Ronde River (92000051)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to develop or establish an alternative recreational access point for anglers along the Grande Ronde river with the express purpose of alleviating tensions between property owners who own river frontage and the general public who may interfere with the owners' private enjoyment of their property. The department may not develop access requiring expenditure of state moneys that interferes with an owner's private property rights and may not develop access to easement 106165 or easement 113860 in Anatone, Washington, commonly referred to as the Dreamz Road easements.

Appropriation:

State Building Construction Account—
State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$500,000

NEW SECTION. Sec. 3065. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upper Indian Creek Fish Screen Removal (92001248)

Appropriation:

State Building Construction Account—
State \$65,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$65,000

Sec. 3066. 2021 c 332 s 3298 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Structurally Deficient Bridges (40000086)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided solely for the following projects: (a) The Naked Falls/Stebbins Creek bridge replacement in Skamania

county; (b) the Shale Creek timber bridge repair in Jefferson county; ~~((and))~~ (c) the Coal Creek bridge replacement in Clallam county; (d) the Shale Creek concrete bridge repair in Jefferson county; (e) the 5970 #1 bridge replacement in Pacific county; (f) the Rock Creek bridge replacement in Skamania county; (g) the EF Dickey River bridge design in Clallam county; (h) the Steep Creek bridge replacement in Skamania county; (i) the Sollecks High bridge repair in Jefferson county; (j) the 5973 bridge replacement in Pacific county; (k) the Cedar Creek bridge repair in Grays Harbor county; (l) the Arvid Creek bridge replacement in Jefferson county; (m) the Susie Creek bridge repair in Jefferson county; (n) the YR-Jones bridge replacement in Yakima county; (o) the Middle Creek railcar bridge replacement in Pend Oreille county; and (p) the Butler Mill bridge replacement in Grays Harbor county.

Appropriation:

State Building Construction Account—
State \$1,050,000

Access Road Revolving Account—State
\$2,250,000

Subtotal Appropriation \$3,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$10,000,000

TOTAL ~~((~~\$11,050,000))

\$13,300,000

Sec. 3067. 2021 c 332 s 3305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Omak Consolidation, Expansion and Relocation (40000033)

Reappropriation:

State Building Construction Account—
State ~~((~~\$107,000))

\$108,000

Prior Biennia (Expenditures)
~~((~~\$1,000))

\$0

Future Biennia (Projected Costs)
\$0

TOTAL \$108,000

Sec. 3068. 2021 c 332 s 3306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (40000034)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3281, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State (~~(\$1,675,000)~~)

\$1,696,000

Prior Biennia (Expenditures) (~~(\$4,725,000)~~)

\$4,704,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,400,000

Sec. 3069. 2021 c 332 s 3308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway (40000038)

Reappropriation:

State Building Construction Account—State (~~(\$1,220,000)~~)

\$1,305,000

Prior Biennia (Expenditures) (~~(\$636,000)~~)

\$551,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,856,000

Sec. 3070. 2021 c 332 s 3313 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities 2019-21 (40000046)

Reappropriation:

State Building Construction Account—State (~~(\$295,000)~~)

\$527,000

Prior Biennia (Expenditures) (~~(\$1,705,000)~~)

\$1,473,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

Sec. 3071. 2021 c 332 s 3317 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Reappropriation:

State Building Construction Account—State (~~(\$3,210,000)~~)

\$3,217,000

Appropriation:

State Building Construction Account—State \$1,730,000

Prior Biennia (Expenditures) (~~(\$35,000)~~)

\$28,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,975,000

Sec. 3072. 2021 c 332 s 3319 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

2021-23 Minor Works Preservation (40000070)

The appropriation in this section is subject to the following conditions and limitations: \$205,000 of the appropriation in this section is provided solely for communication site preservation and repairs.

Appropriation:

State Building Construction Account—State (~~(\$2,183,000)~~)

\$3,122,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$2,183,000~~))

\$3,122,000

Sec. 3073. 2021 c 332 s 3328 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Rural Broadband Investment (40000082)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 of the appropriation in this section is provided solely for installation of new communication towers at Ellis Peak, Striped Peak, and Paradise Peak.

(2) \$400,000 of the appropriation in this section is provided solely for communication tower upgrades at Blyn Mountain and Capitol Peak.

(3) \$20,000 of the appropriation in this section is provided solely for a new generator in Okanogan county.

(4) \$5,000 of the appropriation in this section is provided solely for a utility connection project in Clallam county.

Appropriation:

~~((Coronavirus Capital Projects Account~~

~~Federal \$2,000,000))~~

State Building Construction Account—
State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

Sec. 3074. 2021 c 332 s 3332 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

DNR and Camp Colman Collaboration (92000037)

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$100,000)~~) \$20,000 is provided solely for the department to contract with a third party facilitator for the purpose of collaborating with the YMCA of

greater Seattle, Camp Colman, on finding solutions for maintaining a high-quality camp experience while establishing a barrier free passage for migrating fish species at Whiteman cove.

(2) \$500,000 is provided solely for the department to grant to the YMCA of greater Seattle to retain expertise to scope, plan, and advance the future of the Camp Colman experience given the restoration of the Whiteman cove estuary. The planning process should be inclusive of tribal input, with an open invitation for their participation, and must include department technical experts, participation from the departments of ecology and fish and wildlife, and any other resources needed. The plan should include a vision for how the cove can be returned to a fully functioning estuary, benefiting native flora and fauna, as well as serve as an environmental outdoor educational opportunity that will serve youth and families, especially those from historically marginalized and underrepresented communities, and include educational opportunities for youth and families to learn of native cultural heritage unique and specific to the natural and human history of the site. The plan must identify specific projects and estimated costs, given estuary restoration, for physical improvements for the camp, such as water access structures or swimming facilities, with recommendations for funding. The department, on behalf of the YMCA, must submit the plan in a report to the fiscal committees of the legislature by December 31, 2021.

(3) (~~(\$300,000)~~) \$450,000 is provided solely for the department to design the fish blockage removal and predesign enhancements for a new bridge and roadway across Whiteman cove that are part of the fish blockage removal project and necessary as part of maintaining the route as access to the camp. The predesign must take into consideration the means to maintain continuous road access to Camp Colman for campers and camp staff without disruption, ensure the continuation, mitigation and innovation of Camp Colman's recreational, water safety, and environmental education programs in the salt water estuary, and maintain the critical outdoor experiences for historically marginalized and underrepresented communities.

Appropriation:

State Building Construction Account—
 State (~~(\$900,000)~~)
\$970,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL (~~(\$900,000)~~)
\$970,000

NEW SECTION. Sec. 3075. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Camp Colman Cabin Preservation and Upgrades (92000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a grant for the YMCA Camp Colman cabin preservation and system upgrades at Whiteman Cove.

Appropriation:

State Building Construction Account—
 State \$1,400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$1,400,000

PART 4

TRANSPORTATION

NEW SECTION. Sec. 4001. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE WASHINGTON STATE PATROL**

Crime Laboratory I-5 Corridor Consolidated Facility (30000290)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for a predesign.

(2) The predesign must include:

(a) An assessment of current forensic services operations, including volumes processed by sample type (e.g., DNA, material analysis, firearms, latent prints), locations from which evidentiary samples and materials were sent to the lab, how samples are processed, how results are delivered, and other duties conducted by forensic

services staff as part of their operations that impact availability for forensic analysis including, but not limited to, evidence collection and testimony;

(b) An evaluation of a consolidated lab model compared to distributed lab models, including an examination of advantages and disadvantages associated with each model, which model is preferred, and why. The evaluation should include an analysis on the impacts of the factors listed in subsection (2)(a) of this section, including the impacts on the delivery of samples and materials to the lab and staffing impacts, including for responsibilities such as testimony and evidence collection;

(c) An evaluation of state-owned compared to leased lab approach, including costs associated with each approach, the anticipated source of funds for each option, which approach is preferred, and why; and

(d) A projected volume of evidentiary samples able to be processed in the preferred alternative and a comparison to the current processing model.

(3) The predesign must align with the most recent master plan.

Appropriation:

State Building Construction Account—
 State \$333,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)
 \$0
 TOTAL \$333,000

PART 5

EDUCATION

Sec. 5001. 2021 c 332 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2013-15 School Construction Assistance Program - Maintenance (30000145)

Reappropriation:

State Building Construction Account—
 State \$1,529,000
 Prior Biennia (Expenditures)
 (~~(\$385,701,000)~~)
\$385,645,000

Future Biennia (Projected Costs)
 \$0
 TOTAL ((~~\$387,230,000~~))
\$387,174,000

Sec. 5002. 2021 c 332 s 5005 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skill Centers - Minor Works (30000187)
 Reappropriation:

School Construction and Skill Centers Building

Account—Bonds—State ((~~\$521,000~~))
\$512,000

Prior Biennia (Expenditures)
 \$2,479,000

Future Biennia (Projected Costs)
 \$0

TOTAL ((~~\$3,000,000~~))
\$2,991,000

Sec. 5003. 2021 c 332 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

West Sound Technical Skills Center Modernization (40000015)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: ~~((The reappropriation is subject to provisions of section 5002, chapter 356, Laws of 2020.))~~

(1) The appropriations in this section are provided solely for grant funding to the Bremerton school district to complete design and begin construction of a new career and technical education facility at the West Sound technical skills center in Bremerton.

(2) In coordination with the office of the superintendent of public instruction, the Bremerton school district's West Sound technical skills center must: (a) Ensure the career and technical programs planned for in the design of the skills center support high-demand and high-wage sector program needs; (b) ensure that space needs are reasonable and appropriate for the programs planned and enrollment

projections; (c) evaluate the proposed project budget using value engineering and life-cycle cost analysis techniques; and (d) use this information to inform the proposed design.

(3) The office of the superintendent of public instruction must approve the skill center programs, design, and budget before requesting allotment of construction phase funding.

Reappropriation:

State Building Construction Account—
 State \$274,000

Appropriation:

State Building Construction Account—
 State \$10,900,000

Prior Biennia (Expenditures)
 \$226,000

Future Biennia (Projected Costs)
 ((~~\$0~~))
\$39,443,000

TOTAL ((~~\$500,000~~))
\$50,843,000

Sec. 5004. 2021 c 332 s 5015 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 School Construction Assistance Program (40000034)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((~~\$727,780,000~~))~~ \$537,824,000 of the appropriation in this section is provided solely for school construction assistance grants for qualifying public school construction projects.

(2) \$2,836,000 of the appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

(3) \$20,000 of the appropriations in this section is provided solely for the Sunnyside School District for the transfer of the Yakima Valley Technical Skills Center Sunnyside Satellite Campus and its related property and equipment.

Appropriation:

State Building Construction Account—
State (~~(\$702,657,000)~~)

\$505,306,000

Common School Construction Account—
State (~~(\$24,959,000)~~)

\$29,374,000

Common School Construction Account—
Federal (~~(\$3,000,000)~~)

\$6,000,000

Subtotal Appropriation
(~~(\$730,616,000)~~)

\$540,680,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$3,899,490,000

TOTAL (~~(\$4,630,106,000)~~)

\$4,440,170,000

Sec. 5005. 2021 c 332 s 5018
(uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Small District and Tribal Compact Schools Modernization (40000039)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the state building construction account—state appropriation in this section is provided solely for a modernization grant to the Mount Adams school district to complete the replacement of Harrah Elementary School.

(2)(a) (~~(\$21,795,000)~~) \$33,795,000 of the state building construction account—state appropriation (~~(and \$12,000,000 of the coronavirus capital projects account federal appropriation in this section are)~~) is provided solely for modernization grants for small school districts with total enrollments of 1,000 students or less with significant building system deficiencies and limited financial capacity as approved by the superintendent of public instruction's small district modernization grant advisory committee.

(b) The superintendent of public instruction must submit a list of small school district modernization projects, as prioritized by the advisory committee,

to the legislature by January 15, 2023. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed \$5,000,000; (iii) estimated total project costs; and (iv) local funding resources.

(3) \$1,100,000 of the state building construction account—state appropriation in this section is provided solely for planning grants for small school districts with enrollments of 1,000 students or less interested in seeking modernization grants. The superintendent of public instruction may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed \$50,000 per district. Planning grants may only be awarded to school districts with an estimated total project cost of \$5,000,000 or less.

(4)(a) \$4,218,000 of the state building construction account—state appropriation in this section is provided solely for planning grants and modernization grants to state tribal compact schools. The superintendent may prioritize planning grants for state tribal compact schools with the most serious building deficiencies and the most limited financial capacity.

(b) The superintendent of public instruction must submit a prioritized list of state-tribal compact school modernization projects to the legislature by January 15, 2023. The list must include: (i) A description of the project; (ii) the planning grant amount; and (iii) estimated total project costs.

(5) The appropriated funds in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital document No. OSPI-1.1-CD-2021, developed April 15, 2021.

Appropriation:

State Building Construction Account—
State (~~(\$30,113,000)~~)

\$42,113,000

(~~(Coronavirus Capital Projects Account—~~

Federal \$12,000,000

~~Subtotal Appropriation \$42,113,000)~~

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$290,592,000

TOTAL \$332,705,000

Sec. 5006. 2021 c 332 s 5019 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Skills Centers Minor Works (40000040)

The appropriations in this section are subject to the following conditions and limitations: In addition to the conditions and limitations specified in section 7019 of this act, no skill center shall receive funding for more than two minor works projects within the 2021-2023 fiscal biennium.

Appropriation:

State Building Construction Account—State ((~~\$1,556,000~~))

\$3,388,000

((~~Coronavirus Capital Projects Account~~—

~~Federal \$1,832,000~~

~~Subtotal Appropriation \$3,388,000~~))

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$3,388,000

Sec. 5007. 2021 c 332 s 5023 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 School District Health and Safety (40000052)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$643,000 of the common school construction account—state appropriation and ((~~\$1,357,000~~)) \$3,057,000 of the state building construction account—state appropriation in this section are provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the

maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) \$965,000 of the common school construction account—state appropriation((~~,—\$2,035,000~~)) and \$3,228,000 of the state building construction account—state appropriation((~~,—and \$1,193,000 of the coronavirus capital projects account—federal appropriation~~)) in this section are provided solely for urgent repair grants to address nonrecurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed \$200,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but

are not limited to: Repair or replacement of failing building systems, abatement of potentially hazardous materials, and safety-related structural improvements.

(3) \$322,000 of the common school construction account—state appropriation and \$678,000 of the state building construction account—state appropriation in this section are provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed \$100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

Appropriation:

((Coronavirus Capital Projects Account—	
Federal	\$1,193,000))
Common School Construction Account—	
State	\$1,930,000
State Building Construction Account—	
State	((4,070,000))
	<u>\$6,963,000</u>
Subtotal	Appropriation
	((7,193,000))
	<u>\$8,893,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$52,000,000
TOTAL	((59,193,000))
	<u>\$60,893,000</u>

NEW SECTION. Sec. 5008. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Seismic Safety Grant Program (5933) (92000923)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the appropriation in this section is provided solely for the implementation of Substitute Senate Bill No. 5933 (school seismic safety grant program).

(2) In addition to grants awarded under Substitute Senate Bill No. 5933 (school seismic safety grant program), the office of the superintendent of public instruction may award school seismic safety grant funding appropriated in this section to the following projects that were previously identified as having very high seismic risk: (a) North Beach, Pacific Beach Elementary; (b) South Bend, South Bend Junior/Senior High School; (c) Boistfort, Boistfort Elementary; (d) Cosmopolis, Cosmopolis Elementary; and (e) Marysville, Totem Middle School. The total amount awarded under subsection (2) of this section may not exceed \$8,561,000.

(3) If Substitute Senate Bill No. 5933 is not enacted by June 30, 2022, \$91,439,000 of the amount provided in this section shall lapse.

Appropriation:

State Building Construction Account—
State \$100,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$400,000,000

TOTAL \$500,000,000

NEW SECTION. Sec. 5009. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Healthy Kids / Healthy Schools - T-12 Lighting (91000483)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the appropriation in this section is provided solely for grants to public schools, including charter schools and state-tribal education compact schools, for the removal, disposal, and replacement of T-12 lighting fixtures and ballasts manufactured in or before 1979 with energy-efficient LED lighting. State grant funding provided under this section may be used for all school district, state-tribal education compact, and charter school buildings, but must be prioritized for buildings that are not under contract to be replaced or modernized. State grant funding provided under this section may only be expended after all applicable funding from utility company rebate programs available to schools in the state has been exhausted.

(2) The office of the superintendent of public instruction must provide information to state grant applicants under this section related to identifying the year of T-12 lighting fixture and ballast manufacture, which may include pertinent information developed by the United States environmental protection agency. In order to receive a state grant under this section, grant applicants must provide, as determined by the office of the superintendent of public instruction, supporting documentation that includes: (a) The number of T-12 lighting fixtures and ballasts manufactured before 1979 and after 1979 in their facilities; and (b) the age and primary use of each facility where the T-12 lighting fixtures and ballasts under (a) of this subsection are located. The office of the superintendent of public

instruction may adopt rules to administer this section.

Appropriation:

State Building Construction Account—
State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,500,000

Sec. 5010. 2021 c 332 s 5038 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2021-23 Distressed Schools (92000917)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,000,000 of the appropriation in this section is provided solely for a 12-classroom addition at Green Lake Elementary School in Seattle public schools.

(2) \$940,000 of the appropriation in this section is provided solely for the Healthy Schools pilot to reduce exposure to air pollution and improve air quality in schools.

(3) \$772,000 of the appropriation in this section is provided solely for a school-based health center at Spanaway Middle School.

(4) \$12,993,000 of the appropriation in this section is provided solely for the Almira school district to replace the Almira elementary school destroyed by fire. The appropriation must be combined with insurance proceeds to meet the project costs. The office of the superintendent of public instruction must expedite allocation and distribution of state funding under this section for this use.

(5) \$2,850,000 of the appropriation in this section is provided solely for the Republic school district to complete design and renovation projects at Republic junior high school and Republic senior high school.

(6) \$2,600,000 of the appropriation in this section is provided solely for the completion of a two-classroom early learning addition at the John Muir

Elementary School in Seattle public schools.

(7) \$2,000,000 of the appropriation in this section is provided solely for the Nooksack valley school district for facilities improvements responding to flood damage and future flood risks. State funding provided under this subsection must be repaid to the office of the superintendent of public instruction to the extent that the Nooksack valley school district receives an insurance settlement or federal emergency management agency funding for flood damage and future flood risks.

(8) \$750,000 of the appropriation in this section is provided for a roof replacement project at Oakview Elementary School in the Centralia school district.

(9) \$515,000 of the appropriation in this section is provided solely for a facilities accessibility and security improvement project in the Wahkiakum school district.

Appropriation:

State Building Construction Account—
State (~~(\$8,712,000)~~)

\$30,420,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL (~~(\$8,712,000)~~)

\$30,420,000

NEW SECTION. Sec. 5011. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2022 Small District and Tribal Compact Schools Modernization (92000925)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

SD Brewster School District
\$933,000

SD Creston School District
\$5,018,000

SD Oroville School District
\$1,661,000

Appropriation:

State Building Construction Account—
State \$7,612,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$7,612,000

NEW SECTION. Sec. 5012. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce College at New Bethel High School (92000036)

The appropriation in this section is subject to the following conditions and limitations: \$1,600,000 of the state building construction account—state appropriation in this section is provided solely for Bethel school district to begin construction on four classrooms and an office for operations by Pierce College within the new Bethel High School. If Pierce College does not occupy this space and offer college credit classes to the community at large as well as Running Start opportunities for Bethel High School students by June 30, 2025, any funds expended under this appropriation must be repaid to the state of Washington.

Appropriation:

State Building Construction Account—
State \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$1,600,000

TOTAL \$3,200,000

Sec. 5013. 2021 c 332 s 5044 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Reappropriation:

University of Washington Building
Account—State \$7,000,000

Appropriation:

University of Washington Building
Account—State \$8,000,000

State Building Construction Account—
State \$2,000,000

Subtotal Appropriation \$10,000,000

Prior Biennia (Expenditures)
 \$25,500,000
 Future Biennia (Projected Costs)
 (~~(\$24,300,000)~~)
\$32,300,000
 TOTAL \$74,800,000

Sec. 5014. 2021 c 332 s 5046 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Facility (40000038)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 6042 of this act.

Reappropriation:

State Building Construction Account—State \$6,000,000

Appropriation:

State Building Construction Account—State \$200,750,000

Capital Community Assistance Account—State \$10,000,000

Subtotal Appropriation \$210,750,000

Prior Biennia (Expenditures)
 \$27,250,000

Future Biennia (Projected Costs)
 \$0

TOTAL (~~(\$234,000,000)~~)

\$244,000,000

NEW SECTION. Sec. 5015. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE UNIVERSITY OF WASHINGTON**

UW Clean Energy Testbeds (40000098)

The appropriation in this section is subject to the following conditions and limitations: \$7,500,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for battery and energy research, development, and demonstration projects under P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this section is contingent on the receipt of this grant funding. If the

department does not receive grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal \$7,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
 \$0

TOTAL \$7,500,000

Sec. 5016. 2021 c 332 s 5051 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—State (~~(\$15,000,000)~~)

\$15,076,000

Prior Biennia (Expenditures)
 (~~(\$13,988,000)~~)

\$13,912,000

Future Biennia (Projected Costs)
 \$0

TOTAL \$28,988,000

Sec. 5017. 2021 c 332 s 5054 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Soil Remediation (92000002)

Reappropriation:

Model Toxics Control Capital Account—State (~~(\$600,000)~~)

\$1,142,000

Appropriation:

Model Toxics Control Capital Account—State \$2,000,000

Prior Biennia (Expenditures)
 (~~(\$7,658,000)~~)

\$7,116,000

Future Biennia (Projected Costs)
 \$8,000,000

TOTAL \$18,258,000

NEW SECTION. Sec. 5018. A new section is added to 2021 c 332 (uncodified) to

read as follows: **FOR WASHINGTON STATE UNIVERSITY**

Pullman Student Success Center Phase 1
(40000339)

Appropriation:

State Building Construction Account—
State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$2,000,000

Sec. 5019. 2021 c 332 s 5070
(uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Interdisciplinary Science Center
(30000001)

Reappropriation:

State Building Construction Account—
State \$3,000,000

Prior Biennia (Expenditures)
~~((\$69,200,000))~~

\$66,690,000

Future Biennia (Projected Costs)
\$0

TOTAL ~~((\$72,200,000))~~

\$69,690,000

Sec. 5020. 2021 c 332 s 5083
(uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Health Education (40000009)

Reappropriation:

State Building Construction Account—
State \$1,800,000

Appropriation:

State Building Construction Account—
State ~~((\$55,505,000))~~

\$57,205,000

Prior Biennia (Expenditures)
\$3,200,000

Future Biennia (Projected Costs)
\$0

TOTAL ~~((\$60,505,000))~~

\$62,205,000

NEW SECTION. Sec. 5021. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR CENTRAL WASHINGTON UNIVERSITY**

Electrical Grid Security (40000121)

Appropriation:

State Building Construction Account—
State \$754,000

Central Washington University Capital
Projects

Account—State \$754,000

Subtotal Appropriation \$1,508,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,508,000

NEW SECTION. Sec. 5022. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE EVERGREEN STATE COLLEGE**

Health and Counseling Center
(30000614)

Reappropriation:

State Building Construction Account—
State \$380,000

Prior Biennia (Expenditures)
\$5,362,000

Future Biennia (Projected Costs)
\$0

TOTAL \$5,742,000

Sec. 5023. 2021 c 332 s 5093
(uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation (40000034)

Appropriation:

The Evergreen State College Capital
Projects

Account—State ~~((\$3,580,000))~~

\$2,580,000

State Building Construction Account—
State ~~((\$1,945,000))~~

\$2,945,000

Subtotal Appropriation \$5,525,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$77,500,000

TOTAL \$83,025,000

Sec. 5024. 2021 c 332 s 5094 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Lab II HVAC Upgrades (40000047)

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$4,000,000))~~

Coronavirus State Fiscal Recovery Fund—Federal \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$4,000,000

NEW SECTION. Sec. 5025. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Recreation and Athletic Center Critical Repairs (40000082)

Appropriation:

State Building Construction Account—
State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,000,000

NEW SECTION. Sec. 5026. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Emergency Dispatch & Communication System Replacement (40000084)

Appropriation:

The Evergreen State College Capital Projects

Account—State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$0

TOTAL \$1,000,000

Sec. 5027. 2021 c 332 s 5096 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Minor Works - Preservation: 2019-21 (91000031)

Reappropriation:

The Evergreen State College Capital Projects

Account—State \$900,000

State Building Construction Account—
State \$107,000

Subtotal Reappropriation
\$1,007,000

Prior Biennia (Expenditures)
((~~\$4,966,000~~))

\$4,859,000

Future Biennia (Projected Costs)
\$0

TOTAL \$5,866,000

Sec. 5028. 2021 c 332 s 5101 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Electrical Engineering/Computer Science Building (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 5089, chapter 413, Laws of 2019.

(2) The University may pursue the living building challenge petal certification for this project instead of the LEED silver certification required by RCW 39.35D.030.

Reappropriation:

State Building Construction Account—
State \$500,000

Appropriation:

State Building Construction Account—
State \$51,000,000

Western Washington University Capital Projects

Account—State \$1,500,000

Subtotal Appropriation \$52,500,000

Prior Biennia (Expenditures)
\$1,500,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$53,000,000~~))
\$54,500,000

Sec. 5029. 2021 c 332 s 5107 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program 2021-2023 (30000918)

Appropriation:

Western Washington University Capital Projects

Account—State \$1,000,000

State Building Construction Account—State \$557,000

Subtotal Appropriation \$1,557,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$7,000,000

TOTAL ((~~\$8,000,000~~))
\$8,557,000

Sec. 5030. 2021 c 332 s 5104 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

2021-23 Classroom & Lab Upgrades (30000911)

Appropriation:

State Building Construction Account—State ((~~\$2,500,000~~))

\$3,850,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)
\$10,500,000

TOTAL ((~~\$13,000,000~~))
\$14,350,000

Sec. 5031. 2021 c 332 s 5111 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grants Projects (30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$1,800,000

Prior Biennia (Expenditures)
((~~\$7,186,000~~))

\$6,579,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$8,986,000~~))
\$8,379,000

Sec. 5032. 2021 c 332 s 5112 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects: 2019-21 (40000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State \$4,400,000

Prior Biennia (Expenditures)
((~~\$4,777,000~~))

\$4,731,000

Future Biennia (Projected Costs)
\$0

TOTAL ((~~\$9,177,000~~))
\$9,131,000

Sec. 5033. 2021 c 332 s 5115 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Preservation - Minor Works 2021-23 (40000136)

Appropriation:

State Building Construction Account—State ((~~\$2,500,000~~))

\$4,697,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$8,298,000
 TOTAL ((~~\$10,798,000~~))
\$12,995,000

\$32,587,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$38,527,000~~))
\$38,040,000

NEW SECTION. Sec. 5034. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Complete HVAC Controls Replacement (40000052)

Appropriation:

State Building Construction Account—State \$290,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$290,000

NEW SECTION. Sec. 5035. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Garage and Emergency Exit Concrete Remediation (40000053)

Appropriation:

State Building Construction Account—State \$901,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$901,000

Sec. 5036. 2021 c 332 s 5153 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (40000169)

Reappropriation:

Community and Technical College Capital Projects

Account—State \$2,826,000

State Building Construction Account—State \$2,627,000

Subtotal Reappropriation \$5,453,000

Prior Biennia (Expenditures) ((~~\$33,074,000~~))

NEW SECTION. Sec. 5037. A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure (40000431)

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the state building construction account—state appropriation in this section is provided solely for the following list of projects:

Yakima Valley Community College Gas Meter Replacement \$31,000

Yakima Valley Community College Potable Water Meter

Replacement \$25,000

Appropriation:

State Building Construction Account—State \$8,517,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,517,000

NEW SECTION. Sec. 5038. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Olympic South Asbestos Abatement and Restoration (40000516)

Appropriation:

State Building Construction Account—State \$13,159,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$13,159,000

Sec. 5039. 2021 c 332 s 5170 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

Yakima Sun Dome Reflectors (92000002)

Reappropriation:

State Building Construction Account—
State \$14,000

Appropriation:

State Building Construction Account—
 State \$508,000

Prior	Biennia	(Expenditures)
	(\$80,000)	

\$66,000

Future	Biennia	(Projected Costs)
	\$0	

TOTAL \$588,000

NEW SECTION. **Sec. 5040.** 2021 c 332 s 5024 (uncodified) is repealed.

PART 6

RESERVED

PART 7

MISCELLANEOUS PROVISIONS

Sec. 7001. 2021 c 332 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ~~((\$46,768,901))~~ \$46,810,631 for the 2021-2023 biennium, ~~((\$314,662,796))~~ \$324,599,260 for the 2023-2025 biennium, and ~~((\$447,088,148))~~ 466,702,535 for the 2025-2027 biennium.

Sec. 7002. 2021 c 332 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes

before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,706,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to \$115,700,000 plus costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a nursing facility on the fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of

this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Grays Harbor College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student services and instructional building.

(b) Enter into a financing contract on behalf of Shoreline Community College for up to \$3,128,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an allied health, science, and manufacturing replacement building.

(c) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a health education building.

(d) Enter into a financing contract on behalf of Bates Technical College for up to \$1,350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and facilities.

(7) The department of ecology: ~~((Submit a financing contract proposal to fully fund the Lacey headquarters parking garage preservation project, including financing expenses and required reserves pursuant to chapter 39.94 RCW, in the department's 2022 supplemental capital budget request))~~ Enter into a financing contract for up to \$3,797,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lacey headquarters parking garage preservation project.

Sec. 7003. 2021 c 332 s 7012 (uncodified) is amended to read as follows:

Executive Order No. 21-02, archaeological and cultural resources, was issued effective ~~((November 10, 2005))~~ April 7, 2021. Agencies shall comply with the requirements set forth in this executive order and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of projects on cultural resources and historic properties proposed in state-

funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated early in the project planning process, prior to construction or taking title.

NEW SECTION. Sec. 7004. A new section is added to 2021 c 332 (uncodified) to read as follows:

The public works board created in RCW 43.155.030 shall develop recommendations for a program design and administration, including but not limited to, prioritization and selection criteria, operation, and funding structure and levels for the types of innovative infrastructure projects that conserve water and energy, reduce greenhouse gas emissions, or reduce pollution and waste with a focus on those projects that achieve multiple benefits. In developing recommendations, the public works board shall, at a minimum, collaborate with the interagency, multijurisdictional system improvement team established by RCW 43.155.150, the department of commerce's state energy office, the industrial waste coordination program established by RCW 43.31.625, and local governments to evaluate barriers and gaps in incentives and funding for advancing innovative systems and technologies in public infrastructure that promote community and ecosystem resilience. Examples of innovative project types that should be addressed by the program include water reuse or reclaimed water systems, projects that integrate energy generation or water collection from waste products, and projects that reduce pollution discharges, treat or store water through green, or nature-based, infrastructure. The public works board shall provide recommendations to the governor's office, office of financial management, the senate ways and means committee and the house capital budget committee by October 1, 2022.

Sec. 7005. RCW 43.63A.125 and 2019 c 413 s 7030 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of

nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms

of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c)(i) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed (~~twenty-five~~) 25 percent of the total cost of the project, except (~~under~~) as provided in (c)(ii) and (iii) of this subsection (2).

(ii) For project lists submitted during the 2021-2023 fiscal biennium, grant assistance under this section may not exceed:

(A) One hundred percent of the total cost for projects up to \$100,000;

(B) Seventy-five percent of the total cost for projects that exceed \$100,000, up to \$250,000;

(C) Fifty percent of the total cost for projects that exceed \$250,000, up to \$500,000.

(iii) Under exceptional circumstances, the department may reduce the amount of nonstate match required. However, during the 2019-2021 biennium, the legislature may waive the match required for the projects specified in section 1009, chapter 413, Laws of 2019. No more than (~~ten~~) 10 percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For project lists submitted during the 2021-2023 fiscal biennium, there is no limit to the total granted amount awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a fire or an unanticipated loss of a lease where services are currently provided; or a delay that could result in a threat to

public health or safety. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(d) The department may not set a monetary limit to funding requests.

(3) The department shall submit biennially to the governor and the legislature in the department's capital budget request a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the biennial list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to ~~((three million dollars))~~ \$3,000,000 may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant

and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 7006. 2021 c 332 s 7020 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

(1) Public Works Assistance Account:
For

transfer to the drinking water assistance account,

up to \$5,500,000 for fiscal year 2022 and up to

~~((\$5,500,000))~~ \$14,900,000 for fiscal year 2023 ~~((\$11,000,000))~~

\$20,400,000

(2) Public Works Assistance Account:
For

transfer to the water pollution control revolving

account, up to \$7,500,000 for fiscal year 2022 and

up to ~~((\$7,500,000))~~ \$10,500,000 for fiscal year

2023 ~~((\$15,000,000))~~

\$18,000,000

(3) Public Works Assistance Account:
For

transfer to the statewide broadband account, up to

\$7,000,000 for fiscal year 2022 and up to \$7,000,000

for fiscal year 2023 \$14,000,000

(4) Capital Community Assistance Account: For

transfer to the apple health and homes account,

\$60,000,000 for fiscal year 2023
\$60,000,000

Sec. 7007. 2021 c 332 s 7041 (uncodified) is amended to read as follows:

(1) The department of enterprise services shall convene a construction industry work group to recommend how to apply successful carbon reduction strategies, incorporate necessary parameters of design and construction considerations, and allow for efficient and cost effective state construction projects. The work group must be comprised of construction industry professionals as recommended by a leading association on Washington business in design, specification, construction, and material supply and construction professionals that have successfully realized real and measurable results. The work group must also include a representative from the department of enterprise services, representatives from environmental groups, and someone of applicable expertise from the Washington academy of sciences.

(2) The work group shall identify and recommend carbon reduction strategies and environmental product declaration principles to successfully apply in state construction projects and:

(a) Clarify the definition of environmental product declaration to ensure that environmental product declarations (EPD) are applied properly, consistently, and as intended and provide a baseline of understanding based on accepted metrics to obtain measurable results for state construction projects;

(b) Suggest a pilot project or project review to apply construction industry recommendations and create an education and standards brief that accompanies the report required under subsection (3) of this section;

(c) Outline the environmental project review data collection process in functional detail and use existing data gathering resources such as EC3; and

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities using industry average environmental product declarations.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by (~~January 1, 2022~~) June 30, 2022.

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities

using industry average environmental product declarations; and

(e) Identify sustainable and low-carbon emitting building materials, including but not limited to, aggregate and recycled concrete materials, as described in subsection (4) of this section.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by January 1, 2022.

(4)(a) The legislature continues to prioritize Washington state's sustainability goals and reaffirms its determination that recyclable construction aggregate and recycled concrete materials are too valuable to be wasted and landfilled. The legislature further finds that the reuse of construction aggregate and recycled concrete materials into construction projects is known to:

(i) Reduce the need for consumption of new construction aggregate materials and conserves existing aggregate resources;

(ii) Encourages reuse and recycling, reduces waste, and discourages landfilling of readily available natural resources;

(iii) Reduces truck trips and related transportation emissions; and

(iv) Reduces greenhouse gases related to the construction of state funded construction projects, reduce embodied energy, and improve and advance the sustainable principles and practices of Washington state.

(b) These recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, as a commodity substantially meets widely recognized international, national, and local standards and specifications, and are managed as an item of commercial value.

Sec. 7008. RCW 43.83B.430 and 2020 c 168 s 6 are each amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the

account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. Moneys in the account may be spent only after appropriation. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the account for activities related to water banking.

Sec. 7009. RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s 7031 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of

moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for projects identified in section 1033 of this act.

NEW SECTION. Sec. 7010. The energy efficiency revolving loan capitalization account is created in the state treasury. All moneys received by the state from the energy efficiency revolving loan fund capitalization grant program created in section 40502 of P.L. 117-58 (infrastructure investment and jobs act) must be deposited into the account. The account may also receive legislative transfers and appropriations and all other revenues directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to make grants or loans, and to provide technical assistance, to conduct energy audits and to implement audit strategies to increase the energy efficiency of residential and commercial buildings and facilities.

Sec. 7011. RCW 43.19.501 and 2021 c 332 s 7013 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county.

During the 2019-2021 and 2021-2023 fiscal biennia, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities. During the 2021-2023 fiscal biennium, the Thurston county capital facilities account may be appropriated for activities related to Capitol Lake long-term management planning, as provided in section 1057 of this act.

NEW SECTION. Sec. 7012. The state board for community and technical

colleges was tasked by the legislature in section 7038, chapter 332, Laws of 2021 to report on alternative methods of prioritizing and presenting the list of requested capital projects for community and technical colleges in the 2023-2025 fiscal biennium. The state board for community and technical colleges shall implement for the 2023-2025 fiscal biennium the report's option of a single prioritized request with minor projects above major projects and with all of the funding needed for design and construction included in a single biennium. However, in recognition of the transition to this new prioritized request method, projects that received funding for design only in the 2019-2021 or 2021-2023 fiscal biennia must receive priority over new major project requests in the 2023-2025 fiscal biennium request.

NEW SECTION. **Sec. 7013.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7014.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and Steele spoke in favor of the adoption of the striking amendment.

Striking amendment (1374) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger, Abbarno, Callan, McEntire, Steele and Hackney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5651, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5651, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody,

Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5651, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Transportation (originally sponsored by Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.)

Completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project. Revised for 1st Substitute: Concerning state contributions in support of the Tacoma Narrows toll bridge.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 57, March 7, 2022).

Representative Young moved the adoption of amendment (1375) to the committee striking amendment:

On page 1, line 20 of the striking amendment, after "bridge;" strike "and"

On page 1, line 25 of the striking amendment, after "subsection" strike "is \$130,000,000" and insert "(f) is \$130,000,000; and"

(g) By the last day of July 2027, the state treasurer shall transfer \$57,593,000 from the general fund as an additional contribution to the account"

On page 4, after line 6 of the striking amendment, insert the following:

"NEW SECTION. Sec. 3. In the 2027-2029 biennium, the legislature shall appropriate \$57,593,000, or as much thereof as may be necessary, from the Tacoma Narrows toll bridge account to the department of transportation for the purpose of making full payment of deferred sales taxes under RCW 47.46.060 regarding construction of the Tacoma

Narrows public-private initiative project under chapter 47.46 RCW.

NEW SECTION. **Sec. 4.** (1) The legislature recognizes the following facts with respect to making additional contributions for the payment of deferred sales taxes pursuant to section 2 of this act regarding the Tacoma Narrows toll bridge project under RCW 47.56.165:

(a) Washington state sales tax may not be forgiven due to federal rules and must therefore be paid;

(b) Though the Tacoma Narrows toll bridge project may not be paid off early due to its unique financing structure, including noncallable bonds, the state portion of the deferred sales taxes may be paid off early without penalty;

(c) While the state is, in effect, both taxing itself in transportation budget appropriations and paying itself in the omnibus operating appropriations act, should the omnibus operating appropriations act transfer money back to the Tacoma Narrows toll bridge account following payment of the deferred sales tax through transportation budget appropriations, the following would be achieved:

- (i) Satisfaction of federal rules;
- (ii) Forgiveness of the deferred sales tax; and
- (iii) Imposition of a net zero fiscal impact to the state.

(2) The legislature finds that by planning the transaction beyond the budgetary cumulative forecast required under RCW 43.88A.020, the transaction is secured with a more technically accurate fiscal impact of zero cost, that:

(a) Directs taxes generated by transportation projects toward funding transportation projects; and

(b) Directs Tacoma Narrows toll bridge revenue toward Tacoma Narrows toll bridge payments for debt service.

(3) The legislature also finds that paying the state portion of the deferred sales taxes earlier than required under RCW 47.46.060 brings another level of equity to a toll payer project that received no upfront state investments, unlike other state tolling projects that received substantial state support of approximately 30 percent of project costs, and therefore:

(a) Makes an additional contribution to correct a wrong; and

(b) Prudently pays off the deferred sales tax toll debt earlier than scheduled."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1375) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1372) to the committee striking amendment:

On page 3, line 30 of the striking amendment, after "47.46.100" insert "with the intended goal of maintaining two-axle toll rates at no more than 75 cents lower than the toll rates in effect as of January 1, 2020"

On page 3, line 33 of the striking amendment, after "repaid." insert "The legislature acknowledges that the fiscal year 2022 increase in rates by 25 cents would diminish the relief otherwise intended, and so a true 75 cent reduction recognizes the toll rate prior to the fiscal year 2022 increase. In addition, the intent in this subsection shall not be construed to mean that toll rates for vehicles with three or more axles should be reduced."

On page 4, beginning on line 13 of the striking amendment, after "maintain" strike all material through "~~maintaining~~)" on line 15 and insert "~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022, while also maintaining"

On page 4, beginning on line 23 of the striking amendment, after "loans" strike all material through "~~level~~)" on line 25 and insert "while maintaining ~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022"

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1372) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1373) to the committee striking amendment:

On page 3, line 30 of the striking amendment, after "47.46.100" insert "with the requirement that two-axle toll rates be no more than 75 cents lower than the toll rates in effect as of October 1, 2021"

On page 3, line 33 of the striking amendment, after "repaid." insert "The intent in this subsection shall not be construed to mean that toll rates for vehicles with three or more axles should be reduced."

On page 4, beginning on line 13 of the striking amendment, after "maintain" strike all material through "~~maintaining~~)" on line 15 and insert "~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022, while also maintaining"

On page 4, beginning on line 23 of the striking amendment, after "loans" strike all material through "~~level))~~" on line 25 and insert "while maintaining ~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022"

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1373) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Bronoske, Caldier and Young spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5488, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5488, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Cody, Corry, Dent, Dufault, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5488, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)

Modifying certain alternative fuel vehicles fees. Revised for 2nd Substitute: Modifying the alternative fuel vehicle fee for electric motorcycles.

The bill was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5085.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5085, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and McCaslin.

Excused: Representative Klippert.

SECOND SUBSTITUTE SENATE BILL NO. 5085, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5898, by Senators Lias, King and Saldaña

Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds.

The bill was read the second time.

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

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5898.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5898, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-

Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Goehner, Griffey, Harris, Jacobsen, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Steele, Sutherland, Vick and Walsh.

Excused: Representative Klippert.

SENATE BILL NO. 5898, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5741, by Senate Committee on Transportation (originally sponsored by Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.)

Creating Patches pal special license plates.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 48, February 26, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5741, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, MacEwen, McCaslin, Robertson, Rude, Steele, Stokesbary, Sutherland, Volz and Young.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1430 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.13.060 and 2016 c 109 s 3 are each amended to read as follows:

(1) State lands may be leased not to exceed ten years with the following exceptions:

(a) The lands may be leased for agricultural purposes not to exceed twenty-five years, except:

(i) Leases that authorize tree fruit or grape production may be for up to fifty-five years;

(ii) Share crop leases may not exceed ten years;

(b) The lands may be leased for commercial, industrial, business, or recreational purposes not to exceed fifty-five years, except:

(i) Leases for commercial, industrial, or business purposes may extend to 99 years;

(ii) All leases for commercial, industrial, or business purposes that extend beyond 55 years must provide for periodic rental reevaluation and adjustment, except leases with rentals based on a percentage of income;

(iii) All leases for commercial, industrial, or business purposes that extend terms beyond 55 years must be reported to the office of financial management and the appropriate committees of the legislature within 30

days of the date of execution of the lease. The report must include a financial analysis that justifies the financial benefit for the added term and the schedule for periodic rental adjustments;

(c) The lands may be leased for public school, college, or university purposes not to exceed seventy-five years;

(d) The lands may be leased for residential purposes not to exceed ninety-nine years; and

(e) The lands and development rights on state lands held for the benefit of the common schools may be leased to public agencies, as defined in RCW 79.17.200, not to exceed ninety-nine years. The leases may include provisions for renewal of lease terms.

(2) No lessee of state lands may remain in possession of the land after the termination or expiration of the lease without the written consent of the department.

(a) The department may authorize a lease extension for a specific period beyond the term of the lease for cropping improvements for the purpose of crop rotation. These improvements shall be deemed authorized improvements under RCW 79.13.030.

(b) Upon expiration of the lease term, the department may allow the lessee to continue to hold the land for a period not exceeding one year upon such rent, terms, and conditions as the department may prescribe, if the leased land is not otherwise utilized.

(c) Upon expiration of the one-year lease extension, the department may issue a temporary permit to the lessee upon terms and conditions it prescribes if the department has not yet determined the disposition of the land for other purposes.

(d) The temporary permit shall not extend beyond a five-year period.

(3) If during the term of the lease of any state lands for agricultural, grazing, commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of the lease. The sum total of the original lease term and any extension

thereof shall not exceed the limits provided in this section.

(4) The department must include in the text of any grazing leases language that explains the right of access, and associated assumption of liability, created in RCW 76.04.021."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 79.13.060."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1430 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1430, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Klippert.

HOUSE BILL NO. 1430, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1655 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Commercial motor vehicle parking shortages are a national safety concern. Washington state has exacerbated the problem in the fall of 2021 by the closure of many state-owned and operated safety rest areas. All vehicle drivers need safe places to stop when they are tired to prevent serious and fatal injuries. Washington's target zero plan reports that drowsy driving was a factor in 44 deaths and 236 serious injuries from 2015-2017. One of the ways Washington's target zero plan addresses this issue is having available rest areas. The closure of state-owned safety rest areas is contrary to state policy to have zero deaths on the roadways.

In addition, commercial truck drivers are required to take federally mandated rest breaks that leads to the need for there to be parking available in many locations throughout the highway system. Safety rest areas are important for supply line integrity and the use by the traveling public. The legislature believes it is essential for this public service to be restored and maintained in the future as quickly as possible.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.38 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department is directed to reconfigure its maintenance operations to assure that its owned and operated safety rest areas are open for use except for seasonal closures or cleaning, maintenance, and repairs.

(2) The department may initiate a strategic planning process that addresses the maintenance, operation, and safety of its owned and operated safety rest areas. At a minimum, this plan shall evaluate operations, maintenance, safety, and commercial motor vehicle parking at safety rest areas. The department must engage members

from the freight community and other stakeholders for recommendations and solutions. The department must also coordinate with the office of intergovernmental coordination on public right-of-way homeless encampments established in Engrossed Second Substitute Senate Bill No. 5662 (right-of-way camping/housing). The plan must identify strategies that the department can employ to ensure commercial motor vehicle parking is available at state-owned and operated safety rest areas. The department shall prioritize the planning effort to conclude by the end of the 2021-2023 biennium.

(3) The department must report to the transportation committees of the legislature the changes that have been made to or are planned to be made to operation of the safety rest areas by January 15, 2023, including recommendations related to commercial vehicle parking."

On page 1, line 2 of the title, after "possible;" strike the remainder of the title and insert "adding a new section to chapter 47.38 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1655 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Griffey and Wicks spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1655, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 with the following amendment:

On page 9, line 8, after "exceed" strike "five" and insert "15"

On page 9, line 18, after "exceed" strike "15" and insert "25"

On page 10, line 4, after "certificate." insert "It is in the interest of the state to issue and manage certificates of financial responsibility in a manner that does not create or contribute to delays in commerce for vessels and facilities subject to the requirements of this chapter. The department is directed to adopt rules to implement this chapter accordingly."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1691, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1691, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Dent, Harris, Hoff, Kraft, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1748 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.805 and 2020 c 322 s 1 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Have been determined to be eligible for the pregnant women assistance program under RCW 74.62.030 or are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as

evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or are victims of human trafficking as defined in RCW 74.04.005;

(c)(i) Have furnished the department with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d)(i) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) Recipients of pregnant women assistance program benefits who meet other eligibility requirements in this section are eligible for referral for essential needs and housing support services, within funds appropriated for the department of commerce, for twenty-four consecutive months from the date the department determines pregnant women assistance program eligibility.

(4) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(b) Persons who refuse or fail without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(5) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(6) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program,

persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(7) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 2. RCW 74.62.030 and 2018 c 48 s 2 are each amended to read as follows:

(1)(a) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to ((~~alcohol or drug addiction~~)) a substance use disorder. These persons shall be referred to appropriate assessment, treatment, or shelter ((~~, or supplemental security income referral services as authorized under chapter 74.50 RCW~~)) services. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to ((~~alcoholics and drug addicts~~)) persons with a substance use disorder who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility based on age, blindness, or disability for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program,

but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or be a victim of human trafficking as defined in RCW 74.04.005;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c) (i) Have furnished the department ((his or her)) with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) Not have refused or failed without good cause to participate in ((~~drug or alcohol~~)) substance use treatment if an assessment by a certified ((~~chemical dependency counselor~~)) substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ((~~drug or alcohol dependency~~)) substance use treatment, when needed outpatient ((~~drug or alcohol~~)) treatment is not available to the person in the county of ((his or her)) their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Referrals for essential needs and housing support under RCW 43.185C.220

shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

NEW SECTION. Sec. 3. This act takes effect July 1, 2022."

On page 1, line 2 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 74.04.805 and 74.62.030; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1748 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Entenman and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1748, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1748, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

HOUSE BILL NO. 1748, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1751 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.900 and 1993 c 514 s 1 are each amended to read as follows:

As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any ~~((method of))~~ act committed as part of a person's recruitment, initiation ((into)), pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious ((mental)) psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic

events or other similar contests or competitions.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each public and private institution of higher education shall prohibit in its code of conduct hazing off campus as well as on campus.

(2) Beginning with the 2022 fall term, each public and private institution of higher education shall provide students with an educational program on hazing and the dangers of and prohibition on hazing, which shall include information regarding hazing awareness, prevention, intervention, and the institution's policy on hazing. The educational program may be offered in person or electronically. The institution must incorporate the educational program as part of new student orientation sessions. The educational program must be posted on each institution's public website for parents, legal guardians, and volunteers to view.

(3) Institutional materials on student rights and responsibilities given to student organizations, athletic teams, or living groups, either electronically or in hard copy form, shall include a statement on the institution's antihazing policy and on the dangers of hazing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

Each public institution of higher education shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members including a designated chair appointed by the president of the institution. Fifty percent of the committee positions shall include students currently attending the higher education institution with at least one position filled by a student from a student organization, athletic team, or living group. The other fifty percent of the committee positions shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. Student input shall be considered for committee membership. A student who is a member of a student organization, athletic team, or living group that was affiliated with a finding of a hazing violation within the last

twelve months may not participate in or be a member of the hazing prevention committee.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning with the 2022-23 academic year, each public and private institution of higher education shall maintain and publicly report actual findings of violations by any student organization, athletic team, or living group of the public or private institution of higher education's code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.

(2) The report shall include the following:

(a) The name of the student organization, athletic team, or living group;

(b) The date the investigation was initiated;

(c) The date on which the investigation ended with a finding that a violation occurred;

(d) A description of the incident or incidents, including the date of the initial violation, and the violations, findings, and sanctions placed on the student organization, athletic team, or living group;

(e) The details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

(f) The date the student organization, athletic team, or living group was charged with a violation.

(3) Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members and shall be subject to the requirements of the federal family education rights and privacy act of 1974, 20 U.S.C. Sec. 1232g.

(4) Public and private institutions of higher education shall make reports under this section available on their websites in a prominent location clearly labeled

and easily accessible from the institution's website.

(5) Each public and private institution of higher education shall maintain reports as they are updated for five years and shall post them on their respective websites at least 45 calendar days before the start of each fall academic term and at least 10 days before the start of all other academic terms.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning in the 2022 fall academic term, each public and private institution of higher education shall provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

(2) If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

(3) "Reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.

(4) A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing unless the person is directly engaged in the planning, directing, or act of hazing reported.

(5) Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

(6) As used in this section, "employee" means a person who is

receiving wages from the institution of higher education and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Social fraternity and sorority organizations shall notify the public or private institution of higher education before chartering, rechartering, opening, or reopening a local chapter or operating at the public or private institution of higher education.

(2) Social fraternity and sorority organizations shall notify the public or private institution of higher education when the organization instigates an investigation of a local chapter at the public or private institution of higher education for hazing or other activity that includes an element of hazing, such as furnishing alcohol to minors. The organization shall provide the results of such investigation and a copy of the full findings report to the public or private institution of higher education's student conduct office.

(3) Beginning in the 2022 fall academic term, any local social fraternity or sorority chapter seeking to obtain or maintain registration with any public or private institution of higher education in the state must certify in writing and provide weblinks to that institution showing that the landing pages of all websites owned or maintained by the local chapter contain a full list for the previous five years of all findings of violations of antihazing policies, state or federal laws relating to hazing, alcohol, drugs, sexual assault, or physical assault, or the institution's code of conduct against the local chapter.

(4) Failure of a social fraternity or sorority organization to comply with subsections (1) through (3) of this section shall result in automatic loss of recognition until such time that the organization comes into compliance with those subsections.

NEW SECTION. **Sec. 7.** This act may be known and cited as the Sam's law act.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1751 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Leavitt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1751, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1751, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1751, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that landfills are a significant source of emissions of methane, a potent greenhouse gas. Among other economic and environmental benefits, the diversion of organic materials to productive uses will reduce methane emissions.

(2) In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of interventions to support productive uses of organic material wastes, including by:

(a) Requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities and reduce the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills;

(b) Requiring local governments to consider state organic material management goals and requirements in the development of their local solid waste plans;

(c) Requiring some businesses to manage their organic material wastes in a manner that does not involve landfilling them, in order to address one significant source of organic materials that currently frequently end up in landfills;

(d) Reducing legal liability risk barriers to the donation of edible food in order to encourage the recovery of foods that might otherwise be landfilled;

(e) Establishing the Washington center for sustainable food management within the department of ecology in order to coordinate and improve statewide food waste reduction and diversion efforts;

(f) Establishing various new funding and financial incentives intended to increase composting and other forms of productive organic materials management, helping to make the responsible management of organic materials more cost-competitive with landfilling of organic material wastes;

(g) Facilitating the siting of organic material management facilities in order to ensure that adequate capacity exists to process organic materials at the volumes necessary to achieve state organic material diversion goals;

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products, and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

(i) Amending standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste streams handled by compost and organic material management facilities and improve the economic viability of those responsible organic material management options.

PART 1

State Targets and Organic Material Waste Collection Requirements

NEW SECTION. Sec. 101. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) The state establishes a goal for the landfill disposal of organic materials at a level representing a 75 percent reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.

(b) The state establishes a goal that no less than 20 percent of the volume of edible food that was disposed of as of

2015 be recovered for human consumption by 2025.

(2) The provisions of subsection (1) of this section are in addition to the food waste reduction goals of RCW 70A.205.715(1).

NEW SECTION. Sec. 102. A new section is added to chapter 70A.205 RCW to read as follows:

(1) Beginning January 1, 2027, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) Source-separated organic solid waste collection services must be provided at least every other week or at least 26 weeks annually to:

(i) All residents; and

(ii) Nonresidential customers that generate more than .25 cubic yard per week of organic materials for management; and

(b) All organic solid waste collected from residents and businesses under (a) of this subsection must be managed through organic materials management.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available;

(ii) The jurisdiction has a total population of less than 25,000 people; or

(iii) The jurisdiction has a total population between 25,000 and 50,000 people and curbside organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in

unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; and

(ii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in section 101(1) of this act have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

Sec. 103. RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and

plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for ((~~composting or anaerobic digestion~~)) organic materials management; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for ((~~composting or anaerobic digestion~~)) organic materials management;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

(3)(a) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after July 1, 2024, each local comprehensive solid waste management plan must consider the transition to the requirements of section 102 of this act, and each comprehensive solid waste management plan implemented by a county must identify:

(i) The priority areas within the county for the establishment of organic materials management facilities. Priority areas must be in industrial zones, agricultural zones, or rural zones, and may not be located in overburdened communities identified by the department of ecology under chapter 70A.02 RCW. Priority areas should be designated with an attempt to minimize incompatible uses and potential impacts on residential areas; and

(ii) Organic materials management facility volumetric capacity required to manage the county's organic materials in a manner consistent with the goals of section 101 of this act.

(b) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive solid waste management plan must be consistent with the requirements of section 102 of this act.

(c)(i) Notwithstanding (a) and (b) of this subsection, and except as provided in (c)(ii) of this subsection, a jurisdiction implementing a local comprehensive solid waste management plan under this chapter may not site the increase or expansion of any existing organic materials management facility that processed more than 200,000 tons of material, relative to 2019 levels.

(ii) The limitation in (c)(i) of this subsection does not apply to the siting of any anaerobic digester or anaerobic digestion facility.

(4) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

~~((4))~~ (5) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

~~((5))~~ (6) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule,

the department shall take into account the probable cost of such plans to the cities and counties.

~~((6))~~ (7) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

NEW SECTION. Sec. 104. (1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

(a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;

(b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

(i) Reduce the quantity of organic waste to landfills;

(ii) Manage products through product stewardship or extended producer responsibility programs;

(iii) Improve or install new or updated methane capture systems;

(iv) Increase postconsumer content requirements for materials collected in solid waste programs; and

(v) Other related proposals that may impact solid waste funding resources.

(3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:

(a) The level of service provided by local government;

(b) Costs to the local government;

(c) Existing revenue levels; and

(d) The need for additional revenue.

(4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by July 1, 2023.

Sec. 105. RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to read as follows:

~~(As used in this chapter, unless the context indicates otherwise+))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70A.205.075(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use

other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70A.226 RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in

this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

(29)(a)(i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.

(ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.

(b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

(30) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.

PART 2

Requirements for Organics Management by Businesses

NEW SECTION. Sec. 201. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials

management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have capacity to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(A) of this subsection are met, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides written notification to the department indicating that the criteria of (b)(i)(B) of this subsection are met, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner

or operator of a business subject to the requirements of this section.

(2)(a)(i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(iii) Beginning January 1, 2026, a business that generates at least four cubic yards of solid waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of solid waste or organic material waste than the threshold of four cubic yards of solid waste per week.

(b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:

(i) Wastes that are managed on-site by the generating business;

(ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;

(iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use; and

(iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or

(d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city,

county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

(7) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

PART 3

Updates to the Washington Good Samaritan Act

Sec. 301. RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:

(1) This section may be cited as the "good samaritan food donation act."

(2) ~~((As used in this section))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Apparently fit grocery product" means a grocery product that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the product may not be

readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(b) "Apparently wholesome food" means food that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(g) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

(h) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(i) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(j) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(k) "Qualified direct donor" means any person required to obtain a food establishment permit under chapter 246-215 WAC, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(l)(i) "Safety and safety-related labeling" means a marking intended to communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking that federal or state law requires to be affixed to a food product including, but not limited to, markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021.

(ii) "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300 or a "best by," "best if used by," "use by," or "sell by" date or similarly phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

(3)(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this subsection does not apply to an injury to or death

of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may donate food directly to end recipients for consumption. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section.

(c) The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization or other end recipient that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the ~~((quality and))~~ safety and safety-related labeling standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.

PART 4

Washington Center for Sustainable Food Management

NEW SECTION. Sec. 401. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington center for sustainable food management.

(2) "Department" means the department of ecology.

(3) "Organic material" has the same definition as provided in RCW 70A.205.015.

(4) "Plan" means the use food well Washington plan developed under RCW 70A.205.715.

NEW SECTION. Sec. 402. (1) The Washington center for sustainable food management is established within the department, to begin operations by January 1, 2024.

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in section 101 of this act and RCW 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i)(i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k)(i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(1) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery; and

(m) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

NEW SECTION. **Sec. 403.** A new section is added to chapter 70A.205 RCW to read as follows:

(1) In order to obtain data as necessary to support the goals of the Washington center for sustainable food management created in section 402 of this act and to achieve the goals of RCW 70A.205.715(1), the department may establish a voluntary reporting protocol for the receipt of reports by businesses that donate food under RCW 69.80.031 and recipients of the donated food, and may encourage the use of this voluntary reporting protocol by the businesses and recipients. The department may also request that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the donating facility or business, and food waste and wasted food generated by the donating facility or business. To the extent practicable, the department must seek to obtain information under this section in a manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients.

(2) For the purposes of this subsection, "food waste" and "wasted food" have the same meaning as defined in RCW 70A.205.715.

Sec. 404. RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. The department must coordinate with the department of ecology to ensure that the information and referral service required under this section is implemented in a manner consistent with the activities of sections 402 and 403 of this act.

NEW SECTION. Sec. 405. (1) By January 1, 2025, and in consultation with the office of the attorney general, the department must research and adopt several model ordinances for optional use by counties and cities that provide for model mechanisms for commercial solid waste collection and disposal that are designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2)(a) The department must review the model ordinances created in this section under the provisions of chapter 43.21C RCW.

(b) A county or city that adopts a model ordinance created by the department under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is not required to review the ordinance under the provisions of chapter 43.21C RCW.

(3) No city, town, or county is required to adopt the model ordinances created in this section.

NEW SECTION. Sec. 406. A new section is added to chapter 43.21C RCW to read as follows:

Amendments to regulations and other nonproject actions taken by a city or

county to adopt or implement the model ordinance created by the department under section 405 of this act is not subject to the requirements of this chapter.

PART 5

Funding and Incentives for Methane Emissions Reduction Activities Associated with Organic Materials Management

Sec. 501. RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than (~~fifteen~~) 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than (~~twenty~~) 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; ~~((and))~~

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;

(h) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

(i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

(j) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may

exceed ~~((twenty-five))~~ 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

NEW SECTION. Sec. 502. A new section is added to chapter 15.04 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request

before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) A farming operation is not eligible to receive more than \$10,000 per fiscal year;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of

expanding or furthering the strategies promoted in the program.

Sec. 503. RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities and composting and other organic materials management facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste

transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

PART 6

Organic Materials Management Facility Siting

Sec. 601. RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1,

2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii);

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 602. A new section is added to chapter 36.70A RCW to read as follows:

Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 603. A new section is added to chapter 35.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans under RCW 35.63.100 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 604. A new section is added to chapter 35A.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans required under RCW 35A.63.060 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

PART 7

Organic Materials Procurement

NEW SECTION. Sec. 701. A new section is added to chapter 43.19A RCW to read as follows:

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

Sec. 702. RCW 39.30.040 and 2013 c 24 s 1 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for

the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120. Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) A unit of local government may award a contract to a bidder submitting the lowest bid before taxes are applied. The unit of local government must provide notice of its intent to award a contract based on this method prior to bids being submitted. For the purposes of this subsection (2), "taxes" means only those taxes that are included in "tax revenue" as defined in this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale.

(b) "Unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

NEW SECTION. **Sec. 703.** A new section is added to chapter 43.19A RCW to read as follows:

A contract by a local government or state agency must require the use of compost products to the maximum extent

economically feasible to meet the requirements established in RCW 43.19A.120.

PART 8

Product Degradability Labeling

Sec. 801. RCW 70A.455.010 and 2019 c 265 s 1 are each amended to read as follows:

(1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being "compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the ~~((state's attorney general and local governments))~~ department of ecology, cities, and counties to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

Sec. 802. RCW 70A.455.020 and 2019 c 265 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b)(i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least ~~((ninety))~~ 90 percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" ~~((means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one time use and used for food or drink offered for sale or use))~~ has the same meaning as defined in RCW 70A.245.010.

(6) ~~((("Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.~~

~~(7))~~ "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~((9))~~ (7) "Plastic food packaging and food service products" means food

packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

~~((9))~~ (8) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

~~((10))~~ (9) "Standard specification" means either:

(a) ASTM D6400 - standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 - standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

~~((11)(a))~~ ~~"Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.~~

~~(b) "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.~~

~~((12))~~ (10) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(11) "Department" means the department of ecology.

(12) "Producer" means the following person responsible for compliance under this chapter for a product sold, offered for sale, or distributed in or into this state:

(a) If the product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the product;

(b) If the product is manufactured by a person other than the brand owner, the producer is the person that is the licensee of a brand or trademark under which a product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the product has agreed to accept responsibility under this chapter; or

(c) If there is no person described in (a) and (b) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the product in or into the state.

Sec. 803. RCW 70A.455.040 and 2019 c 265 s 4 are each amended to read as follows:

(1)~~((a))~~ A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a ~~((supplier or manufacturer))~~ producer must:

~~((i))~~ (a) Meet ASTM standard specification D6400;

~~((ii))~~ (b) Meet ASTM standard specification D6868; or

~~((iii))~~ (c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only;

~~((b))~~ (2) A product described in ~~((a)(i) or (ii) of this))~~ subsection (1)(a) or (b) of this section must:

~~((i))~~ (a) Meet labeling requirements established under the United States federal trade commission's guides; and

~~((ii))~~ (b) Feature labeling that:

~~((A))~~ (i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

~~((B))~~ (ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; ~~(and~~

~~(C))~~ (iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

~~((2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.)~~

Sec. 804. RCW 70A.455.050 and 2019 c 265 s 5 are each amended to read as follows:

(1) A ~~((manufacturer or supplier))~~ producer of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is tinted or made of a uniform color of green, beige, or brown and labeled with the word "compostable"

on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green, beige, or brown color lettering at least one inch in height; or

(B) Within a contrasting green, beige, or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than ~~((fourteen))~~ 14 inches by ~~((fourteen))~~ 14 inches, the lettering and stripe required under subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 805. RCW 70A.455.060 and 2020 c 20 s 1446 are each amended to read as follows:

(1)(a) A ~~((manufacturer or supplier))~~ producer of plastic food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of RCW 70A.455.050.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent

verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; ~~((and))~~

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

(d) If the product is a plastic food service product or food contact film product, be at least partially colored or partially tinted green, beige, or brown, or have a green, beige, or brown stripe or band at least .25 inches wide; and

(e) If the product is a nonfood contact film product, be at least partially colored or partially tinted green or have a green stripe or band at least .25 inches wide and display the word "compostable".

~~(3) ((A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.~~

~~(4)) It is encouraged that each product described in subsection (1) of this section(+~~

~~(a) Display)) display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green, beige, or brown that contrast with background product color for easy identification(~~(+or~~~~

~~(b) Be tinted green or brown)).~~

~~((5)) (4) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, or a green, beige, or brown tint of the product.~~

~~((6)) (5) A ((manufacturer or supplier)) producer is required to comply~~

with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

Sec. 806. RCW 70A.455.070 and 2020 c 20 s 1447 are each amended to read as follows:

(1) A ((~~manufacturer or supplier of film products or food service products~~)) producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 ((~~and 70A.455.060~~)) is:

~~((1)) (a) Prohibited from using tinting, color schemes, labeling, ((and)) or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050 ((~~and 70A.455.060~~));~~

~~((2)) (b) Discouraged from using ((coloration,)) labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable ((~~bags and food service packaging~~)) products are compostable; and~~

~~((3)) (c) Encouraged to use ((coloration,)) labeling, images, and terms to help consumers identify noncompostable bags ((~~and food service packaging~~)) as either: ((+a)) (i) Suitable for recycling; or ((+b)) (ii) necessary to dispose as waste.~~

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

Sec. 807. RCW 70A.455.080 and 2019 c 265 s 8 are each amended to read as follows:

(1) Upon the request by a person, including the department, a ~~((manufacturer or supplier))~~ producer shall submit to that person or the department, within ~~((ninety))~~ 90 days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, ~~((manufacturers))~~ producers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the ~~((manufacturer's))~~ producer's product has been field tested and found to degrade.

Sec. 808. RCW 70A.455.090 and 2020 c 20 s 1448 are each amended to read as follows:

(1)(a) ~~The ((state, acting through the attorney general,))~~ department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to ~~((two thousand dollars))~~ \$2,000 for the first violation of this chapter, up to ~~((five thousand dollars))~~ \$5,000 for the second violation of this chapter, and up to ~~((ten thousand dollars))~~ \$10,000 for the third and any subsequent violation of this chapter. If a ~~((manufacturer or supplier))~~ producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the

department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(2) ~~((Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney general on behalf of the state must be deposited in the compostable products revolving account created in RCW 70A.455.110))~~ Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing ~~((government entity))~~ city or county may recover reasonable enforcement costs and attorneys' fees from the liable ~~((manufacturer or supplier))~~ producer.

Sec. 809. RCW 70A.455.100 and 2020 c 20 s 1449 are each amended to read as follows:

~~((Manufacturers and suppliers))~~ (1) Producers who violate the requirements of this chapter are subject to civil penalties described in RCW 70A.455.090. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. ~~((A city, county, or the state))~~

(2)(a) A city or county enforcing a requirement of this chapter must send a written notice and a copy of the requirements to a noncompliant ~~((manufacturer or supplier))~~ producer of an alleged violation, who will have ~~((ninety))~~ 90 days to become compliant. ~~((A city, county, or the state may assess a first penalty if the manufacturer or~~

~~supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state)~~

(b) A city or county enforcing a requirement of this chapter may assess a first penalty if the producer has not met the requirements 90 days following the date the notification was sent. A city or county may impose second, third, and subsequent penalties on a ((manufacturer or supplier)) producer that remains noncompliant with the requirements of this chapter for every month of noncompliance.

(3) The department may only impose penalties under this chapter consistent with the standards established in RCW 43.21B.300.

NEW SECTION. Sec. 810. A new section is added to chapter 70A.455 RCW to read as follows:

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) Producers of a product subject to RCW 70A.455.040, 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a declaration that the product meets the standards established under those sections of this chapter for the product. This declaration must be submitted to the department:

(a) By January 1, 2024, for a product that is or will be sold or distributed into Washington beginning January 1, 2024;

(b) Prior to the sale or distribution of a product newly sold or distributed into Washington after January 1, 2024; and

(c) Prior to the sale or distribution of a product whose method of compliance with the standards established in RCW 70A.455.040, 70A.455.050, or 70A.455.060 is materially changed from the method of compliance used at the last declaration submission under this section.

(3) The department must begin enforcing the requirements of this chapter by July 1, 2024.

Sec. 811. RCW 70A.455.030 and 2019 c 265 s 3 are each amended to read as follows:

(1) Except as provided in this chapter, no ((manufacturer or supplier))

producer may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable," "decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

Sec. 812. RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 813. RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within ~~((thirty))~~ 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts

regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority ~~((thirty))~~ 30 days after the date of receipt by the person penalized of the notice imposing the penalty or ~~((thirty))~~ 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within ~~((thirty))~~ 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within ~~((thirty))~~ 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the

disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

PART 9

Miscellaneous

NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 902.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate the collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1) RCW 70A.455.110 (Compostable products revolving account) and 2020 c 20 s 1450 & 2019 c 265 s 11; and

(2) RCW 70A.455.900 (Effective date—2019 c 265) and 2019 c 265 s 13.

NEW SECTION. **Sec. 904.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 905.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 70A.205.040, 70A.205.015, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010,

70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, 70A.455.100, and 70A.455.030; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 15.04 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections to chapter 43.19A RCW; adding a new section to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1799, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1799, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen,

Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1800 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.34 RCW to read as follows:

The authority shall dedicate at least one full-time employee to:

(1) Connecting families, behavioral health providers, educators, and other stakeholders with current information about law and policy related to behavioral health services for minors;

(2) Creating shareable content appropriate for communicating policy and resources related to behavioral health services for minors;

(3) Designing and maintaining a communications plan related to behavioral health services for minors involving social media and other forms of direct outreach to providers, families, and youth; and

(4) Monitoring the health care authority website to make sure that the information included on the website is accurate and designed in a manner that is accessible to families.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The authority shall convene stakeholders to design, further define, and implement a parent portal. The authority shall work with stakeholders including Washington state community connectors and consider the website prototype already under development by that organization. The stakeholders convened must additionally include other

parents and young adults with relevant lived experience.

(2) As used in this section, "parent portal" means a method for connecting families to their community's service and education infrastructure related to behavioral health services for minors, including services supported or provided by:

(a) A behavioral health provider as defined in RCW 71.24.025 that provides services to minors;

(b) A licensed or certified behavioral health agency as defined in RCW 71.24.025 that provides behavioral health services to minors;

(c) A long-term care facility as defined in RCW 43.190.020 in which minors with behavioral health conditions reside;

(d) The child study and treatment center as identified in RCW 71.34.380;

(e) A facility or agency that receives state funding to provide behavioral health treatment services to minors with a behavioral health condition;

(f) The department of children, youth, and families;

(g) The office of the superintendent of public instruction; and

(h) The department.

(3) By November 1, 2022, the authority shall provide a report to the governor and the appropriate committees of the legislature detailing:

(a) The stakeholder engagement conducted under this section;

(b) The design and further definition of the parent portal; and

(c) Other relevant information about successfully implementing the parent portal, including needed legislative changes or support.

Sec. 3. RCW 71.34.3871 and 2019 c 381 s 24 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority must conduct ~~((an annual survey of a sample group of))~~ stakeholder engagement efforts with parents, youth, and behavioral health providers to measure the impacts of implementing policies resulting from chapter 381, Laws of 2019 during the

first three years of implementation and sections 1 and 2 of this act. The stakeholder engagement efforts required under this subsection must include live events soliciting feedback from stakeholders and alternative methods for stakeholders to submit feedback. The first ~~((survey))~~ stakeholder engagement efforts must be complete by ~~((July 1, 2020))~~ October 1, 2022, followed by subsequent annual ~~((surveys))~~ stakeholder engagement efforts completed by July 1, ~~((2021))~~ 2023, and by July 1, ~~((2022))~~ 2024. The authority must report on the results of the ~~((surveys))~~ stakeholder engagement efforts annually to the governor and the legislature beginning November 1, ~~((2020))~~ 2022. The final report is due November 1, ~~((2022))~~ 2024, and must include any recommendations for statutory changes identified as needed based on ~~((survey))~~ stakeholder engagement efforts results.

(2) This section expires December 31, ~~((2022))~~ 2024.

Sec. 4. RCW 71.40.040 and 2021 c 202 s 4 are each amended to read as follows:

The state office of behavioral health consumer advocacy shall assure performance of the following activities, as authorized in contract:

(1) Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office;

(2) Certification of behavioral health consumer advocates by October 1, 2022, and coordination of the activities of the behavioral health consumer advocates throughout the state according to standards adopted by the office;

(3) Provision of training regarding appropriate access by behavioral health consumer advocates to behavioral health providers or facilities according to standards adopted by the office;

(4) Establishment of a toll-free telephone number, website, and other appropriate technology to facilitate access to contracting advocacy organization services for patients, residents, and clients of behavioral health providers or facilities;

(5) Establishment of a statewide uniform reporting system to collect and analyze data relating to complaints and conditions provided by behavioral health providers or facilities for the purpose of identifying and resolving significant problems, with permission to submit the data to all appropriate state agencies on a regular basis;

(6) Establishment of procedures consistent with the standards adopted by the office to protect the confidentiality of the office's records, including the records of patients, residents, clients, providers, and complainants;

(7) Establishment of a statewide advisory council, a majority of which must be composed of people with lived experience, that shall include:

(a) Individuals with a history of mental illness including one or more members from the black community, the indigenous community, or a community of color;

(b) Individuals with a history of substance use disorder including one or more members from the black community, the indigenous community, or a community of color;

(c) Family members of individuals with behavioral health needs including one or more members from the black community, the indigenous community, or a community of color;

(d) One or more representatives of an organization representing consumers of behavioral health services;

(e) Representatives of behavioral health providers and facilities, including representatives of facilities offering inpatient and residential behavioral health services;

(f) One or more certified peer specialists;

(g) One or more medical clinicians serving individuals with behavioral health needs;

(h) One or more nonmedical providers serving individuals with behavioral health needs;

(i) One representative from a behavioral health administrative services organization;

(j) Two parents or caregivers of a child who received behavioral health services, including one parent or

caregiver of a child who received complex, multisystem behavioral health services, one parent or caregiver of a child ages one through 12, or one parent or caregiver of a child ages 13 through 17;

(k) Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(l) Other community representatives, as determined by the office; and

~~((k))~~ (m) One representative from a labor union representing workers who work in settings serving individuals with behavioral health conditions;

(8) Monitoring the development of and recommend improvements in the implementation of federal, state, and local laws, rules, regulations, and policies with respect to the provision of behavioral health services in the state and advocate for consumers;

(9) Development and delivery of educational programs and information statewide to patients, residents, and clients of behavioral health providers or facilities, and their families on topics including, but not limited to, the execution of mental health advance directives, wellness recovery action plans, crisis services and contacts, peer services and supports, family advocacy and rights, family-initiated treatment and other behavioral health service options for minors, and involuntary treatment; and

(10) Reporting to the office, the legislature, and all appropriate public agencies regarding the quality of services, complaints, problems for individuals receiving services from behavioral health providers or facilities, and any recommendations for improved services for behavioral health consumers.

Sec. 5. RCW 71.40.090 and 2021 c 202 s 9 are each amended to read as follows:

The contracting advocacy organization shall develop and submit, for approval by the office, a process to train and certify all behavioral health consumer advocates, whether paid or volunteer, authorized by this chapter as follows:

(1) Certified behavioral health consumer advocates must have training or experience in the following areas:

(a) Behavioral health and other related social services programs, including behavioral health services for minors;

(b) The legal system, including differences in state or federal law between voluntary and involuntary patients, residents, or clients;

(c) Advocacy and supporting self-advocacy;

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation; and

(e) All applicable patient, resident, and client rights established by either state or federal law.

(2) A certified behavioral health consumer advocate may not have been employed by any behavioral health provider or facility within the previous twelve months, except as a certified peer specialist or where prior to July 25, 2021, the person has been employed by a regional behavioral health consumer advocate.

(3) No certified behavioral health consumer advocate or any member of a certified behavioral health consumer advocate's family may have, or have had, within the previous twelve months, any significant ownership or financial interest in the provision of behavioral health services."

On page 1, line 2 of the title, after "miners;" strike the remainder of the title and insert "amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1800 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Eslick and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1800, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1800, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin and Young.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1800, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1805 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.145.010 and 2021 c 133 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over (~~one hundred twenty five thousand~~) 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8)(a) "Eligible student" means a resident student who:

((~~a~~))(i)(A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

((~~ii~~))(B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

((~~iii~~))(C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

((~~iv~~))(D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

((~~b~~))(ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

((~~e~~))(iii) Has a family income at or below (~~one hundred twenty five~~) 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved

by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" (~~(has the same meaning as provided in RCW 28B.15.012)~~) means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

Sec. 2. RCW 28B.145.030 and 2021 c 170 s 5 are each amended to read as follows:

(1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from

which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the Washington college grant program under chapter 28B.92 RCW meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for Washington college grant recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship

account until such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account. The board and the program administrator must work to maximize private sector contributions to these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than \$5,000,000 in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses

associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Ensure that if the private source is from a federally recognized Indian tribe, municipality, or county, an amount at least equal to the value of the private source plus the state match is awarded to participants within that federally recognized Indian tribe, municipality, or county according to the federally recognized Indian tribe's, municipality's, or county's program rules;

(h) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(i) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has ~~((taken the credit or~~

~~clock hour equivalent of one hundred twenty five percent of the published length of time of the participant's program, whichever occurs first))~~ extended beyond five years or 125 percent of the published program length of the program in which the student is enrolled or the credit or clock-hour equivalent as defined in the Washington college grant program;

(j) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(k) For participants enrolled in an eligible advanced degree program, document each participant's employment following graduation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 3. RCW 28B.145.100 and 2021 c 133 s 3 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(d) The state match must be based on donations and pledges received as of the date each official state caseload forecast is submitted by the caseload

forecast council to the legislative fiscal committees as provided under RCW 43.88C.020. The purpose of this subsection (1)(d) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and to ensure the program is budgeted at maintenance level.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive

donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county ~~((and be enrolled in a community or technical college established under chapter 28B.50 RCW; or))~~;

(ii) Have attended and graduated from a school in an eligible school district ~~((and be))~~; or

(iii) Be enrolled in either a community or technical college established under chapter 28B.50 RCW ~~((that is))~~ located in an eligible county or participating in an eligible registered apprenticeship program under chapter 28B.92 RCW in an eligible county;

(b) Be a resident student as defined ~~((in RCW 28B.15.012;~~

~~(e))~~ in the Washington college grant program in RCW 28B.92.200(5)(c);

(c) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must ~~((maintain a cumulative grade point average of 2.0))~~ meet satisfactory academic progress toward completion of an eligible program as established by the program. Rural jobs program eligibility may not extend beyond five years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in

this section creates any right or entitlement."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1805 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Paul and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1805, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1805, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin and Young.

Excused: Representative Klippert.

HOUSE BILL NO. 1805, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to carefully examine the catalytic converter theft issues in Washington state and conduct a study to make a variety of recommendations to the legislature, including recommendations for a potential pilot program, to reduce the occurrence of catalytic converter theft. The legislature further intends to provide funding for a grant program focused on metal theft and unlawfully obtained metal.

NEW SECTION. **Sec. 2.** (1) The Washington State University shall convene a catalytic converter theft work group to study and provide options and recommendations related to reducing catalytic converter theft in Washington state.

(2) The work group shall consist of, but is not limited to, members representing the following:

(a) One member representing the Washington state patrol;

(b) One member representing the Washington association of sheriffs and police chiefs;

(c) One member representing the Washington association of prosecuting attorneys;

(d) One member representing the office of public defense;

(e) One member representing the superior court judges' association;

(f) One member representing the district and municipal court judges' association;

(g) One member representing the association of Washington cities;

(h) One member representing the office of the attorney general;

(i) One member representing the property and casualty insurance industry;

(j) One member representing the scrap metal recycling industry;

(k) One member representing the auto dealer industry;

(l) One member representing the auto manufacturer industry;

(m) One member representing the catalytic converter manufacturer industry;

(n) One member representing the towing and recovery association of Washington;

(o) One member representing the Washington state independent auto dealers association;

(p) One member representing the Washington independent business association;

(q) One member representing the Washington organized retail crime association; and

(r) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The work group's study shall include, but is not limited to, the following:

(a) A review of state laws related to catalytic converter theft;

(b) A review of national efforts to address catalytic converter theft to determine whether there are best practices from other jurisdictions on how to effectively deter and end catalytic converter theft;

(c) Data collection and analysis of catalytic converter theft incidents across the state;

(d) Options to deter and end catalytic converter theft, including marking of catalytic converters;

(e) Options and opportunities to reduce costs to victims of catalytic converter theft; and

(f) A review of the effectiveness of the grant and training program created under RCW 36.28A.240.

(4) The work group's recommendations shall include, but are not limited to, the following:

(a) Changes to state law to reduce catalytic converter theft;

(b) A potential pilot program that could be implemented to decrease catalytic converter theft, including by prioritizing communities with the highest incidence of catalytic converter theft or communities experiencing the most financial impact due to catalytic converter theft; and

(c) Cost estimates for the pilot program and recommendations on evaluation criteria and metrics to determine the efficacy and benefits of the pilot program.

(5) The work group shall provide a preliminary report and recommendations to the transportation and public safety committees of the legislature by November 1, 2022. The work group shall provide a final report and recommendations, including recommendations on a potential pilot program, to the transportation and public safety committees of the legislature by January 1, 2023.

Sec. 3. RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; ~~((and))~~

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and

sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

Sec. 4. RCW 19.290.030 and 2013 c 322 s 6 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving private metal property or nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification under the requirements of RCW 19.290.020(1) (d) and (g) except as described in (b) and (c) of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter (~~((that))~~) may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

(ii) (~~((either))~~) Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business(~~(, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4)(b)(ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days)~~).

(c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.

(5)(a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4)(b)(ii) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for

two years from the date of transaction, while a video recording must be available for 30 days.

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

Sec. 5. RCW 19.290.070 and 2013 c 322 s 10 are each amended to read as follows:

(1) It is a gross misdemeanor under chapter 9A.20 RCW for:

((1)) (a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

((2)) (b) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

((3)) (c) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

((4)) (d) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of ((eighteen)) 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;

((5)) (e) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine,

or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past four years whether the person is acting in his or her own behalf or as the agent of another;

((6)) (f) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

((7)) (g) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

((8)) (h) Any scrap metal business to engage in a series of transactions valued at less than ((thirty dollars)) \$30 with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

((9)) (i) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

(2) Notwithstanding any fines imposed as part of the sentence under this section, each offense is punishable by a \$1,000 fine per catalytic converter, 10 percent of which shall be directed to the no-buy list database program in RCW 43.43.885, and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

(3)(a) Facilitating the offer of used catalytic converters for sale without first verifying proof of ownership of the catalytic converter, or failing to retain verified records of ownership of used catalytic converters offered for sale for at least two years, is an unfair or deceptive act or practice or unfair method of competition in the conduct of

trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(b) All damages awarded to the state of Washington under chapter 19.86 RCW shall be distributed as follows:

(i) Ninety percent to the grant and training program in RCW 36.28A.240; and

(ii) Ten percent to the no-buy list database program in RCW 43.43.885.

NEW SECTION. Sec. 6. A new section is added to chapter 46.80 RCW to read as follows:

Payment to individual sellers of private metal property as defined in RCW 19.290.010 may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made.

No transaction involving catalytic converters may be made in cash or with any person who does not provide a street address and photographic identification. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the licensed auto wrecker to a street address recorded according to RCW 46.80.080, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 46.80.080.

Sec. 7. RCW 46.80.080 and 1999 c 278 s 2 are each amended to read as follows:

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part, including catalytic converters, acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part,

including catalytic converters, other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor component parts, including catalytic converters, acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

Sec. 8. RCW 36.28A.240 and 2013 c 322 s 24 are each amended to read as follows:

~~(1) ((When funded))~~ To the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall ~~((establish))~~ develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement ~~((emphasis))~~ targeting metal theft. Grant applications shall be reviewed ~~((and awarded through peer review panels))~~ by the Washington association of sheriffs and police chiefs in consultation with other appropriate entities, such as those involved in enforcement against metal theft. Grant applicants with a demonstrated increase in metal theft over the previous 24 months are encouraged to ~~((utilize multijurisdictional efforts))~~ focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

~~(b) ((Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;~~

~~(c) Design))~~ Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction ~~((or jurisdictions receiving the grant)), including the number of enforcement stings to be conducted under the program;~~

~~((d))~~ (c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

~~((e))~~ (d) Collect data on performance, including the number of enforcement stings to be conducted.

~~(3) ((The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.~~

~~(4))~~ Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

Sec. 9. RCW 43.43.885 and 2013 c 322 s 31 are each amended to read as follows:

(1) Beginning on July 1, 2014, ~~((when funded))~~ to the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a secured network or website.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070 (as recodified by this act).

(5) The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers

and individuals who attempt to conduct a transaction while under the influence of controlled substances.

(6) Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the no-buy list database annually and 120 days after a grant is distributed.

NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section in chapter 9A.56 RCW.

NEW SECTION. Sec. 11. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2022.

NEW SECTION. Sec. 12. Except for sections 4 through 7 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 13. Sections 5 through 7 of this act take effect July 1, 2022."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 19.290.020, 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and 43.43.885; adding a new section to chapter 46.80 RCW; adding a new section to chapter 9A.56 RCW; creating new sections; recodifying RCW 19.290.070; prescribing penalties; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Ryu and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1815, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1835 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial

aid application called the Washington application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the college board shall administer a free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program.

(1) The college board shall select community or technical colleges to participate in the pilot program. The colleges selected to participate must each be located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. Colleges selected to participate shall employ outreach specialists to work directly with the high schools located in the corresponding educational service district. It is the legislature's intent that the outreach specialists be employed at a ratio of one to 600 high school seniors within the corresponding educational service district. The outreach specialists shall make significant contact with high school students and their families for the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates. The outreach specialists shall use the free application for federal student aid and Washington application for state financial aid data maintained by the student achievement council to conduct targeted outreach and free application for federal student aid and Washington application for state financial aid completion assistance to high school seniors. The outreach specialists shall also provide information on how to access private scholarships. The outreach specialists shall conduct other outreach as appropriate, including virtual or in-person presentations with students and families, announcements on school intercoms and social media channels, outreach to recent high school graduates as peer messengers, and events at school college or career fairs.

(2) The college board shall report annually to the appropriate committees of

the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program. The report must include details on how the colleges selected used the funding and how the initiatives worked to increase free application for federal student aid and Washington application for state financial aid completion rates. The report must also include before and after free application for federal student aid and Washington application for state financial aid completion data and specific details about the number of high school students assisted in completing the free application for federal student aid and Washington application for state financial aid.

NEW SECTION. Sec. 4. (1) Subject to availability of amounts appropriated for this specific purpose, the state library shall administer a grant pilot program with the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates.

(2) The state library shall administer grants to local public libraries located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. The state library shall, as a condition of the grant pilot program, require local public libraries to partner with community-based organizations including, where appropriate, organizations with proven track records of working with historically underrepresented populations, to increase free application for federal student aid and Washington application for state financial aid completion. The organization or organizations selected shall:

(a) Be embedded in their respective community and have a strong foundation of trust among members of the community; and

(b) Be committed to working directly with individual members of their community to assist with one-on-one free application for federal student aid and Washington application for state

financial aid completion and to provide information on how to access private scholarships.

(3) The state library shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the progress of the library outreach pilot project to boost free application for federal student aid and Washington application for state financial aid completion rates. The report must include the specific number of students that were assisted through the grant pilot program.

Sec. 5. RCW 28B.92.200 and 2019 c 406 s 19 are each amended to read as follows:

(1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a) (i) Demonstrate financial need under RCW 28B.92.205;

(ii) Receive one of the following types of public assistance:

(A) Aged, blind, or disabled assistance benefits under chapter 74.62 RCW;

(B) Essential needs and housing support program benefits under RCW 43.185C.220; or

(C) Pregnant women assistance program financial grants under RCW 74.62.030; or

(iii) Be a Washington high school student in the 10th, 11th, or 12th grade whose parent or legal guardian is receiving one of the types of public assistance listed in (a)(ii) of this subsection and have received a certificate confirming eligibility from the office in accordance with section 6 of this act;

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy

for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.92 RCW to read as follows:

(1) The office shall enter into a data-sharing agreement with the department of social and health services to facilitate the sharing of individual-level data. The department of social and health services shall send the office a list of all individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5) on at least an annual basis. The office shall use the list to confirm students' eligibility for the Washington college grant program, without requiring the student to fill out a separate financial aid form. The office may also use the information to conduct outreach promoting the Washington college grant.

(2) For high school students in 10th, 11th, and 12th grades whose families are receiving benefits under one of the public assistance programs listed under RCW 28B.92.200(5), the office shall issue a certificate to the student that validates the student's financial need eligibility for the Washington college grant program. The certificate is good for one year after high school graduation and may be used upon enrollment in an eligible institution of higher education, provided the student meets the other Washington college grant eligibility requirements. The office shall track and maintain records of students who were issued certificates under this section in order to confirm a student's financial need eligibility with an institution of higher education. A student does not need to produce the

certificate to receive the Washington college grant.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.92 RCW to read as follows:

The office shall collaborate with the department of social and health services to facilitate individual-level outreach to individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5), temporary assistance for needy families under chapter 74.08 RCW, the state family assistance program provided for in rule, and the basic food program to inform these individuals of their eligibility for the Washington college grant program.

Sec. 8. RCW 74.04.060 and 2017 3rd sp.s. c 6 s 817 are each amended to read as follows:

(1)(a) For the protection of applicants and recipients, the department, the authority, and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

(b) Unless prohibited by federal law, for the purpose of investigating and preventing child abuse and neglect and providing for the health care coordination and well-being of children in foster care, the department and the authority shall disclose to the department of children, youth, and families the following information: developmental disabilities administration client records; home and community services client records; long-term care facility or certified community residential supports records; health care information; child support information; food assistance information; and public assistance information. Disclosure under this

subsection (1)(b) is mandatory for the purposes of the federal health insurance portability and accountability act.

(c) Upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the last known address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

(d) Unless prohibited by federal law, the department is permitted to release individual-level data of state-funded public assistance programs listed under RCW 28B.92.200 to the student achievement council under chapter 28B.77 RCW for the purposes of section 6 of this act.

(e) The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking.

(2) The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

(3) The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when

performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

(4) It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "enrollment;" strike the remainder of the title and insert "amending RCW 28B.92.200 and 74.04.060; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.92 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1835 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1835, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dufault, Graham, Hoff, Kraft, McCaslin, McEntire, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1835, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1860 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that social determinants of health, particularly housing, are highly correlated with long-term recovery from behavioral health conditions. Seeking inpatient treatment for a mental health or substance use challenge is an act of valor. Upon discharge from care, these individuals deserve a safe, stable place from which to launch their recovery. It is far easier and more cost-effective to help maintain a person's recovery after treatment than to discharge them into homelessness and begin the process anew amid another crisis. Sometimes, there may not be another chance.

(2) Therefore, it is the intent of the legislature to seize the incredible opportunity presented by a person seeking inpatient behavioral health care by ensuring that these courageous

individuals are discharged to appropriate housing.

Sec. 2. RCW 70.320.020 and 2021 c 267 s 2 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5)(a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data has been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

(6)(a) The performance measures coordinating committee must establish: (i) A performance measure to be integrated into the statewide common measure set which tracks effective integration practices of behavioral health services in primary care settings; ~~((and))~~ (ii) performance measures which track rates of criminal justice system involvement among ~~((public health system))~~ medical assistance clients with an identified behavioral health need including, but not limited to, rates of arrest and incarceration; and (iii) performance measures which track rates of homelessness and housing instability among medical assistance clients. The authority must set improvement targets related to these measures.

(b) The performance measures coordinating committee must report to the governor and appropriate committees of the legislature regarding the implementation of this subsection by July 1, 2022.

(c) For purposes of establishing performance measures as specified in (a)(ii) of this subsection, the performance measures coordinating committee shall convene a work group of

stakeholders including the authority, medicaid managed care organizations, the department of corrections, and others with expertise in criminal justice and behavioral health. The work group shall review current performance measures that have been adopted in other states or nationally to inform this effort.

(d) For purposes of establishing performance measures as specified in (a)(iii) of this subsection, the performance measures coordinating committee shall convene a work group of stakeholders including the authority, medicaid managed care organizations, and others with expertise in housing for low-income populations and with experience understanding the impacts of homelessness and housing instability on health. The work group shall review current performance measures that have been adopted in other states or nationally from organizations with experience in similar measures to inform this effort.

(7) The authority must report to the governor and appropriate committees of the legislature ~~((by))~~:

(a) By October 1, 2022, regarding options and recommendations for integrating value-based purchasing terms and a performance improvement project into managed health care contracts relating to the criminal justice outcomes specified under subsection (1) of this section;

(b) By July 1, 2024, regarding options and recommendations for integrating value-based purchasing terms and to integrate a collective performance improvement project into managed health care contracts related to increasing stable housing in the community outcomes specified under subsection (1) of this section. The authority shall review the performance measures and information from the work group established in subsection (6)(d) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 2023, the authority shall require that any contract with a managed care organization include a requirement to provide housing-related care coordination services for enrollees who need such services upon being discharged from inpatient behavioral health settings as allowed by the centers for medicare and medicaid services.

NEW SECTION. Sec. 4. A new section is added to chapter 71.12 RCW to read as follows:

With respect to a person enrolled in medical assistance under chapter 74.09 RCW, a psychiatric hospital shall make every effort to:

(1) Inform the medicaid managed care organization in which the person is enrolled of the person's discharge or change in care plan on the following timelines:

(a) For an anticipated discharge, no later than 24 hours prior to the known discharge date; or

(b) For all other discharges, including if the person leaves against medical advice, no later than the date of discharge or departure from the facility; and

(2) Engage with medicaid managed care organizations in discharge planning, which includes informing and connecting patients to care management resources at the appropriate managed care organization.

NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

To improve health outcomes and address health inequities, the authority shall evaluate incentive approaches and recommend funding options to increase the collection of Z codes on individual medicaid claims, in accordance with standard billing guidance and regulations."

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1860 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1860, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1860, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1860, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1901 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the

means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual

coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income,

resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been

married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable

adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, ~~((and))~~ or contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person,

even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies

licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(37)(a) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:

(i) Intimidation or controlling or compelling conduct by:

(A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(C) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;

(D) Driving recklessly with the other party or minor children in the vehicle;

(E) Communicating, directly or indirectly, the intent to:

(I) Harm the other party's children, family members, friends, or pets,

including by use of physical forms of violence;

(II) Harm the other party's career;

(III) Attempt suicide or other acts of self-harm; or

(IV) Contact local or federal agencies based on actual or suspected immigration status;

(F) Exerting control over the other party's identity documents;

(G) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or

(H) Engaging in sexual or reproductive coercion;

(ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(v) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(vi) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

(b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting

themselves or children from the risk of harm posed by the other party.

Sec. 2. RCW 7.105.050 and 2021 c 215 s 4 are each amended to read as follows:

(1) The superior(~~(7)~~) and district(~~(7 and municipal)~~) courts have jurisdiction over domestic violence protection order proceedings (~~(and)~~), sexual assault protection order proceedings, stalking protection order proceedings, and antiharassment protection order proceedings under this chapter(~~(The jurisdiction of district and municipal courts is limited to enforcement of RCW 7.105.450(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 7.105.305 if)~~), except that such proceedings must be transferred from district court to superior court when:

(a) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;

(b) (~~The petition for relief under this chapter presents issues of the residential schedule of, and contact with, children of the parties; or~~

(c) The petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share)) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child;

(c) The action would affect the use or enjoyment of real property for which the respondent has a cognizable claim or would exclude a party from a shared dwelling;

(d) The petitioner, victim, or respondent to the petition is under 18 years of age; or

(e) The district court is unable to verify whether there are potentially conflicting or related orders involving the parties as required by RCW 7.105.105 or 7.105.555.

(2)(a) When the jurisdiction of a district (~~(or municipal)~~) court is limited to the issuance and enforcement of a temporary protection order, the district (~~(or municipal)~~) court shall set the full hearing in superior court and transfer the case, indicating in the transfer order the circumstances and findings supporting transfer to the superior court.

(b) If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the temporary protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

(3) Transfer procedures, court calendars, and judicial officer assignment must further the goals of this chapter to: Minimize delay; make the system less complex; provide sufficient victim support, consistency, safety, timeliness, and procedural fairness; enable comprehensive use of electronic filing, case tracking, and records management systems; provide for judicial officers with expertise and training in protection orders and trauma-informed practices and continuity of judicial officers at each hearing so the judicial officer will have greater familiarity with the parties, history, and allegations; and help ensure that there is compliance with timely and comprehensive firearms relinquishment to reduce risk of harm. Courts shall make publicly available in print and online information about their transfer procedures, court calendars, and judicial officer assignment.

Sec. 3. RCW 7.105.070 and 2021 c 215 s 8 are each amended to read as follows:

The superior courts have jurisdiction over extreme risk protection order proceedings under this chapter. The juvenile court may hear an extreme risk protection order proceeding under this chapter if the respondent is under the age of 18 years. Additionally, district (~~(and municipal)~~) courts have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under RCW 7.105.330. The district (~~(or municipal)~~) court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the temporary extreme risk protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

Sec. 4. RCW 7.105.075 and 2021 c 215 s 9 are each amended to read as follows:

An action for a protection order should be filed in the county (~~or municipality~~) where the petitioner resides. The petitioner may also file in:

(1) The county (~~or municipality~~) where an act giving rise to the petition for a protection order occurred;

(2) The county (~~or municipality~~) where a child to be protected by the order primarily resides;

(3) The county (~~or municipality~~) where the petitioner resided prior to relocating if relocation was due to the respondent's conduct; or

(4) The court nearest to the petitioner's residence or former residence under subsection (3) of this section.

Sec. 5. RCW 7.105.100 and 2021 c 215 s 13 are each amended to read as follows:

(1) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(a) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct

or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(c) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(d) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent. (~~If the petition is filed by an interested person, the affidavit or~~

~~declaration must also include a statement of why the petitioner qualifies as an interested person.))~~

(e) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by (i) an intimate partner or a family or household member of the respondent; or (ii) a law enforcement agency.

(f) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(2) With the exception of vulnerable adult protection orders, a person under 18 years of age who is 15 years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on his or her behalf. He or she may also

petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(3) A person under 15 years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(4) If a petition for a protection order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(5) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order. If a petition meets the criteria for a different type of protection order other than the one sought by the petitioner, the court shall consider the petitioner's preference, and enter a temporary protection order or set the matter for a hearing as appropriate under the law. The court's decision on the appropriate type of order shall not be premised on alleviating any potential stigma on the respondent.

~~((4))~~ (6) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in RCW 7.105.310 that the petitioner seeks for himself or herself or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

~~((6))~~ (7) If a court reviewing the petition for a protection order or a request for a temporary protection order determines that the petition was not filed in the correct court, the court shall enter findings establishing the correct court, and direct the clerk to transfer the petition to the correct court and to provide notice of the transfer to all parties who have appeared.

~~((7))~~ (8) Upon filing a petition for a protection order, the petitioner may request that the court enter an ex parte temporary protection order and an order to surrender and prohibit weapons without

notice until a hearing on a full protection order may be held. When requested, there shall be a rebuttable presumption to include the petitioner's minor children as protected parties in the ex parte temporary domestic violence protection order until the full hearing to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the court denies the petitioner's request to include the minor children, the court shall make written findings why the children should not be included, pending the full hearing. An ex parte temporary protection order shall be effective for a fixed period of time and shall be issued initially for a period not to exceed 14 days, which may be extended for good cause.

~~((8) The court may, at its discretion, issue a temporary order on the petition with or without a hearing. If an order is not signed upon presentation, the court shall set a hearing for a full protection order not later than 14 days from the date of the filing of the petition for a protection order, if the petition for a protection order is filed before close of business on a judicial day. If a petition for a protection order is filed after close of business on a judicial day or is filed on a nonjudicial day, the court shall set a hearing for a full protection order not later than 14 days from the first judicial day after the petition is filed.))~~

Sec. 6. RCW 7.105.105 and 2021 c 215 s 14 are each amended to read as follows:

The following apply to all petitions for protection orders under this chapter.

(1)(a) By January 1, 2023, county clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make ((all electronically filed court documents available for electronic access by)) available electronically to judicial officers ((statewide)) any protection orders filed within the state. Judicial

officers may not be charged for access to such documents. The electronic ((filing)) submission system must allow for petitions for protection orders and supportive documents to be ((filed)) submitted at any time of the day. When a petition and supporting documents for a protection order are submitted to the clerk after business hours, they must be processed as soon as possible on the next judicial day. Petitioners and respondents should not ((be charged)) incur additional charges for electronic ((filing)) submission for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) ((return)) proof of service upon the respondent has been filed with the court or clerk; ((and)) (v) a receipt for the surrender of firearms has been filed with the court or clerk; and (vi) the respondent has filed a motion for the release of surrendered firearms. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by the courts and law enforcement to fully identify the parties and serve the respondent. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent ((must)) should be ((served with)) provided a blank confidential party information form at the time of service, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying

and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with RCW 7.105.210.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9)(a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge, including a copy of the service packet that consists of all documents that are being served on the respondent. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW 9A.36.080(1)(c), or a single act of violence or threat of violence under RCW 7.105.010(35)(b), or from a person who has engaged in nonconsensual sexual conduct or penetration or conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through

alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

~~(12) ((Minor children must only be referred to in the petition and in all other publicly available filed documents by their initials and date of birth. Any orders issued by the court for entry into a law enforcement database must show the minor's full name for purposes of identification, but be redacted to only display initials and date of birth for purposes of public access.~~

~~(13))~~ If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

~~((14))~~ (13) Courts shall not require a petitioner to file duplicative forms.

~~((15))~~ (14) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the

petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

Sec. 7. RCW 7.105.115 and 2021 c 215 s 16 are each amended to read as follows:

(1) By ~~((June))~~ December 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the

following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the

instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission (~~by July 25, 2021~~). Such materials must be updated and distributed if needed due to relevant changes in the law;

(d)(i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d)(i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d)(iii)(A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) ~~((The))~~ By July 1, 2022, the administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

Sec. 8. RCW 7.105.120 and 2021 c 215 s 17 are each amended to read as follows:

(1) All court clerks' offices shall make available the standardized forms, instructions, and informational

brochures required by this chapter, and shall ~~((fill in and))~~ keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs. Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court, does not constitute the practice of law, and clerks are not responsible for incorrect information contained in a petition.

(2) All court clerks shall ~~((obtain))~~ accept and provide community resource lists as described in (a) and (b) of this subsection, which the court shall make available as part of, or in addition to, the informational brochures described in RCW 7.105.115.

(a) The court clerk shall ~~((obtain a))~~ accept an appropriate community resource list from a domestic violence program and from a sexual assault program serving the county in which the court is located. The community resource list must include the names, telephone numbers, and, as available, website links of domestic violence programs, sexual assault programs, and elder abuse programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, civil legal aid programs, elder abuse programs, interpreters, multicultural programs, and batterers' treatment programs. The list must be made available in print and online.

(b) The court clerk may create a community resource list of crisis intervention, behavioral health, interpreter, counseling, and other relevant resources serving the county in which the court is located. The clerk may also create a community resource list for respondents to include suicide prevention, treatment options, and resources for when children are involved in protection order cases. Any list ~~((shall))~~ must be made available in print and online.

(c) Courts may make the community resource lists specified in (a) and (b) of this subsection available as part of, or in addition to, the informational brochures described in subsection (1) of this section, and should ~~((translate))~~

accept from the programs that provided the resource lists translations of them into the languages spoken by the county's top five significant non-English-speaking populations.

(3) Court clerks should not make an assessment of the merits of a petitioner's petition for a protection order or refuse to accept for filing any petition that meets the basic procedural requirements.

Sec. 9. RCW 7.105.150 and 2021 c 215 s 18 are each amended to read as follows:

(1) To minimize delays and the need for more hearings, which can hinder access to justice and undermine judicial economy, to lessen costs, to guarantee actual notice to the respondent, and to simplify and modernize processes for petitioners, respondents, law enforcement, and the courts, the following methods of service are authorized for protection order proceedings, including petitions, temporary protection orders, reissuances of temporary protection orders, full protection orders, motions to renew protection orders, and motions to modify or terminate protection orders.

(a) ~~((Personal))~~ (i) Except as provided in (a)(iii) and (b)(i) of this subsection, personal service, consistent with court rules for civil proceedings, ~~((must be made by law enforcement to mitigate risks, increase safety, and ensure swift recovery of firearms in cases))~~ is required in: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; ~~((or))~~ (C) cases involving vacating the respondent from the parties' shared residence~~((Personal service should also be used in))~~; (D) cases involving a respondent who is incarcerated; and (E) cases where a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult.

(ii) Personal service in cases specified in (a)(i)(A) through (D) of this subsection must be made by law enforcement including, at a minimum, two timely attempts at personal service. To reduce risk of harm for cases requiring personal service, law enforcement should continue to attempt personal service up

to the hearing date. Personal service for cases specified in (a)(i)(E) of this subsection and when used for other protection order cases must ~~((otherwise))~~ be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action ~~((and))~~, is ~~((over))~~ 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required.

(iii) In cases where personal service is required under this subsection, after two unsuccessful attempts at personal service, service shall be permitted by electronic means in accordance with (b) of this subsection.

(b)(i) Service by electronic means, including service by email, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders, ~~((with the exception of the following cases, for which personal service must be prioritized: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; (C) cases involving vacating the respondent from the parties' shared residence; or (D) cases involving a respondent who is incarcerated))~~ except in cases where personal service is required under (a) of this subsection. ~~((Once))~~ For cases specified in (a)(i)(A) through (D) of this subsection, once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, or the respondent is no longer incarcerated, then subsequent motions and orders may be served electronically.

(ii) Service by electronic means must be ~~((effected))~~ made by a law enforcement agency, unless the petitioner elects to have the respondent served by any person who is not a party to the action, is ~~((over))~~ 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required. Court authorization permitting electronic service is not

required except in cases specified in (a)(i)(A) through (D) of this subsection. In those cases, either request of the petitioner, or good cause for granting an order for electronic service, such as two failed attempts at personal service, are required to authorize service by electronic means. No formal motion is necessary.

(iii) The respondent's email address, number for text messaging, and username or other identification on social media applications and other technologies, if known or available, must be provided by the petitioner to law enforcement in the confidential information form, and attested to by the petitioner as being the legitimate, current, or last known contact information for the respondent.

(iv) Electronic service must be effected by transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of ~~((receipt))~~ notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing. Sworn proof of service must be filed with the court by the person who effected service. ~~((Service by electronic means is complete upon transmission when made prior to 5:00 p.m. on a judicial day. Service made on a Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day shall be deemed complete at 9:00 a.m. on the first judicial day thereafter.))~~

(c) Service by mail is permitted when: (i) Personal service was required, there have been two unsuccessful attempts at personal service, and electronic service is not possible ~~((, and there have been two unsuccessful attempts at personal service or when the petitioner requests it in lieu of electronic service or personal service where personal service is not otherwise required))~~; or (ii) personal service is not required and there have been two unsuccessful attempts at personal or electronic service. If

electronic service and personal service are not successful, the court shall affirmatively order service by mail without requiring additional motions to be filed by the petitioner. Service by mail must be made by any person who is not a party to the action and is ~~((over))~~ 18 years of age or older and competent to be a witness, by mailing copies of the materials to be served to the party to be served at the party's last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a tracking or certified information showing when and where it was delivered. The envelopes must bear the return address ~~((of the sender))~~ where the petitioner may receive legal mail. Service is complete ~~((upon))~~ 10 calendar days after the mailing of two copies as prescribed in this section. Where service by mail is provided by a third party, the clerk shall forward proof of service by mail to the law enforcement agency in the county or municipality where the respondent resides.

(d) Service by publication is permitted only in those cases where all other means of service have been unsuccessful or are not possible due to lack of any known physical or electronic address of the respondent. Publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete on the date of the third publication when ~~((the))~~ publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and shall require the respondent upon whom service by publication is desired to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the temporary protection order. The summons must be essentially in the following form:

In the court of the state of Washington for the county of

, Petitioner
vs. No.
, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, a protection order will be issued against you pursuant to the provisions of chapter 7.105 RCW, for a minimum of one year from the date you are required to appear. A temporary protection order has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the temporary protection order). A copy of the petition, notice of hearing, and temporary protection order has been filed with the clerk of this court.

Petitioner

(2) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or the department of children, youth, and families in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent shall not be served at the minor respondent's school unless no other address for service is known.

(c) For extreme risk protection orders, the court shall also provide a parent, guardian, or conservator of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent, guardian, or conservator of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(6) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice

to the vulnerable adult using a standard notice form developed by the administrative office of the courts. The standard notice form must be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(7) The court shall not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the court determines that all available methods of service have been attempted unsuccessfully or are not possible.

Sec. 10. RCW 7.105.155 and 2021 c 215 s 19 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court whenever practicable, but not more than five days after receiving the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. ~~((Law enforcement shall document all))~~ All

attempts at service must be documented on a ~~((return))~~ proof of service form and ~~((submit it))~~ submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that his or her return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the ~~((law enforcement information sheet))~~ confidential information form completed by the protected party and the ~~((return))~~ proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the ~~((return))~~ proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed

pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the ~~((return))~~ proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

Sec. 11. RCW 7.105.165 and 2021 c 215 s 21 are each amended to read as follows:

~~((Service))~~ (1) Unless waived by the nonmoving party, service must be completed on the nonmoving party not less than five judicial days before the hearing date(, unless waived by the nonmoving party)). If service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining service or permit service by other means authorized in this chapter. The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service.

(2) Service is completed on the day the respondent is served personally, on the date of transmission for electronic service, on the 10th calendar day after mailing for service by mail, or on the date of the third publication when publication has been made for three consecutive weeks for service by publication.

(3) If the nonmoving party was served before the hearing, but less than five judicial days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. ~~((The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service. If the court permits service by mail or by publication, the court shall set the hearing date not later than 24 days from the date of the order authorizing such service.))~~ This additional service may be made by mail as

an alternative to other authorized methods of service under this chapter. If done by mail, this additional service is considered completed on the third calendar day after mailing.

(4) Where electronic service was not complete because there was no verification of notice, and service by mail or publication has been authorized, copies must also be sent by electronic means to any known electronic addresses.

Sec. 12. RCW 7.105.200 and 2021 c 215 s 24 are each amended to read as follows:

In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. Courts should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2)(a) Courts shall prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(b) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the court shall prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. Courts also may allow a law enforcement petitioner to participate ~~((telephonically))~~ remotely, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the court if personal presence of the petitioning officer is not required for testimonial purposes.

(3) ~~((A hearing on a petition for a protection order must be set by the court even if the court has denied a request for a temporary protection order in the proceeding where the petition is not dismissed or continued pursuant to subsection (11) of this section.~~

~~((4))~~ If the respondent does not appear ~~((, or the petitioner informs the~~

~~court that the respondent has not been served at least five judicial days before the hearing date and the petitioner desires to pursue service, or the parties have informed the court of an agreed date of continuance for the hearing,)) for the full hearing and there is no proof of timely and proper service on the respondent, the court shall reissue any temporary protection order previously issued(~~(, cancel the scheduled hearing,))~~ and reset the hearing date. If a temporary protection order is reissued, the court shall reset the hearing date not later than 14 days from the reissue date. If a temporary protection order is reissued and the court permits service by mail or by publication, the court shall reset the hearing date not later than 30 days from the date of the order authorizing such service. These time frames may be extended for good cause.~~

~~((+5))~~ (4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

~~((+6))~~ (5) Hearings (~~must~~) may be conducted upon ~~((live testimony of the parties and sworn declarations))~~ the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court (~~should~~) may continue the hearing. In considering the request, the court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

(6) If the court continues (~~the~~) a hearing for any reason, the court shall reissue any temporary orders, including orders to surrender and prohibit weapons, issued with or without notice.

(7) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the court for good cause shown upon written motion of a party filed six judicial days prior to the hearing and served prior to the hearing.

(8) The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.

(9)(a) The prior sexual activity or the reputation of the petitioner is inadmissible except:

(i) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order; or

(ii) When constitutionally required to be admitted.

(b) To determine admissibility, a written motion must be made six judicial days prior to the protection order hearing. The motion must include an offer of proof of the relevancy of the proposed evidence and reasonably specific

information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the court finds that the offer of proof is relevant to the issue of the victim's consent, the court shall conduct a hearing in camera. The court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at the hearing to the extent an order made by the court specifies the evidence that may be admitted. If the court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

(10) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the court must determine on the record whether the petitioner had the capacity to consent.

~~(11) ((If, prior to a full hearing, the court finds that the petition for a protection order does not contain sufficient allegations as a matter of law to support the issuance of a protection order, the court shall permit the petitioner 14 days to prepare and file an amended petition, provided the petitioner states an intent to do so and the court does not find that amendment would be futile. If the amended petition is not filed within 14 days, the case must be administratively dismissed by the clerk's office.~~

~~(12))~~ Courts shall not require parties to submit duplicate or working copies of pleadings or other materials filed with the court, unless the document or documents cannot be scanned or are illegible.

~~((13))~~ (12) Courts shall, if possible, have petitioners and respondents in protection order proceedings gather in separate locations and enter and depart the court room at staggered times. Where the option is available, for safety purposes, the court should arrange for petitioners to leave the court premises first and to have court security escort petitioners to their vehicles or transportation.

Sec. 13. RCW 7.105.205 and 2021 c 215 s 25 are each amended to read as follows:

(1) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(2) In the court's discretion, parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings may attend a hearing on a petition for a protection order, or any hearings conducted pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. No later than three judicial days before the hearing, the parties may request to appear at the hearing, with witnesses, remotely by telephone, video, or other electronic means. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means.

(3) Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances.

(4) Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing. Unless the court orders a hearing to be closed to the public consistent with the requirements of Washington law, courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means.

(5) If a hearing is held with any parties or witnesses appearing remotely, the following apply:

(a) Courts should include directions to access a hearing remotely in the order setting the hearing and in any order granting a party's request for a remote appearance. Such orders shall also include directions to request an interpreter and accommodations for disabilities;

(b) Courts should endeavor to give a party or witness appearing by telephone no more than a one-hour waiting time by

the court for the hearing to begin. For remote hearings, if the court anticipates the parties or witnesses will need to wait longer than one hour to be called or connected, the court should endeavor to inform them of the estimated start time of the hearing;

(c) Courts should inform the parties before the hearing begins that the hearing is being recorded by the court, in what manner the public is able to view the hearing, how a party may obtain a copy of the recording of the hearing, and that recording or broadcasting any portion of the hearing by any means other than the court record is strictly prohibited without prior court approval;

(d) To minimize trauma, while allowing remote hearings to be observed by the public, courts should take appropriate measures to prevent members of the public or the parties from harassing or intimidating any party or witness to a case. Such practices may include, but are not limited to, disallowing members of the public from communicating with the parties or with the court during the hearing, ensuring court controls over microphone and viewing settings, and announcing limitations on allowing others to record the hearing;

(e) Courts shall use technology that accommodates American sign language and other languages;

(f) To help ensure that remote access does not undermine personal safety or privacy, or introduce other risks, courts should protect the privacy of telephone numbers, emails, and other contact information for parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings, and inform ~~((parties and witnesses))~~ them of these safety considerations. Materials available to ~~((parties and witnesses))~~ persons appearing remotely should include warnings not to state their addresses or telephone numbers at the hearing, and that they ~~((may use virtual backgrounds to help ensure that their backgrounds do not reveal their location))~~ should ensure that background surroundings do not reveal their location;

(g) Courts should provide the parties, in orders setting the hearing, with a telephone number and an email address for the court, which the parties may use to inform the court if they have been unable to appear remotely for a hearing. Before

dismissing or granting a petition due to the petitioner or respondent not appearing for a remote hearing, or the court not being able to reach the party via telephone or video, the court shall check for any notifications to the court regarding issues with remote access or other technological difficulties. If any party has provided such notification to the court, the court shall not dismiss or grant the petition, but shall reset the hearing by continuing it and reissuing any temporary order in place. If a party was unable to provide the notification regarding issues with remote access or other technological difficulties on the day of the hearing prior to the court's ruling, that party may seek relief via a motion for reconsideration; and

(h) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, may request ~~((, and shall be granted, one))~~ a continuance on that basis. ~~((Subsequent))~~ Such requests may be granted in the court's discretion. In considering the request, the court may consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

Sec. 14. RCW 7.105.250 and 2021 c 215 s 34 are each amended to read as follows:

(1) Whether or not the petitioner has retained an attorney, a sexual assault or domestic violence advocate, as defined in RCW 5.60.060, shall be allowed to accompany the petitioner, or appear remotely with the petitioner, and confer with the petitioner during court proceedings. The sexual assault or domestic violence advocate shall not provide legal representation nor interpretation services. Court administrators shall allow sexual assault and domestic violence advocates to assist petitioners with their protection orders. Sexual assault and domestic violence advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Unless the sexual assault or domestic violence advocate seeks to speak directly to the

court, advocates shall not be required to be identified on the record beyond stating their role as a sexual assault or domestic violence advocate and identifying the program for which they work or volunteer for. Communications between the petitioner and a sexual assault and domestic violence advocate are protected as provided by RCW 5.60.060.

(2) Whether or not the petitioner has retained an attorney, a protection order advocate must be allowed to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings, or addressing the court when invited to do so.

(a) For purposes of this section, "protection order advocate" means any employee or volunteer from a program that provides, as some part of its services, information, advocacy, counseling, or support to persons seeking protection orders.

(b) The protection order advocate shall not provide legal representation nor interpretation services.

(c) Unless a protection order advocate seeks to speak directly to the court, protection order advocates shall not be required to be identified on the record beyond stating his or her role as a protection order advocate and identifying the program for which he or she works or volunteers.

(d) A protection order advocate who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other governmental entity, has the same privileges, rights, and responsibilities as a sexual assault advocate and domestic violence advocate under RCW 5.60.060.

(3) Whether or not the petitioner has retained an attorney (~~(, if a petitioner does not have)~~) or has an advocate, the petitioner shall be allowed a support person to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings. The support person may be any third party of

the petitioner's choosing, provided that:

(a) The support person shall not provide legal representation nor interpretation services; and

(b) A support person who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other government entity, may not, without the consent of the petitioner, be examined as to any communication between the petitioner and the support person regarding the petition.

Sec. 15. RCW 7.105.255 and 2021 c 215 s 35 are each amended to read as follows:

To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and requirements for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

Sec. 16. RCW 7.105.305 and 2021 c 215 s 38 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the

forms of relief listed in RCW 7.105.310, provided that the court shall not order a form of relief listed in RCW 7.105.310 if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) The court may issue an ex parte temporary protection order on the petition with or without a hearing. If an ex parte temporary protection order is denied, the court shall still set a full hearing unless the court determines the petition does not contain prima facie allegations to support the issuance of any type of protection order. If the court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the court shall state the ((particular)) reasons ((for the court's denial)) in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court. ((If an ex parte temporary protection order is denied, the court shall still set a full hearing on the petition for a protection order.))

(4) If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition. If a full hearing is set on a petition that is submitted after close of business on a judicial day or is submitted on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed, which may be extended for good cause.

(5) If the court does not set a full hearing, the petitioner may file an

amended petition within 14 days of the court's denial. If the court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the court may enter an order dismissing the petition.

(6) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown.

Sec. 17. RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the ((dwelling)) residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

((d)) (e) Restrain the respondent from knowingly coming within, or

knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

((~~e~~)) (f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

((~~f~~)) (g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

((~~g~~)) (h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

((~~h~~)) (i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to

the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

((~~i~~)) (j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

((~~j~~)) (k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

((~~k~~)) (l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The

order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((l))~~ (m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

~~((m))~~ (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

~~((n))~~ (o) Order use of a vehicle;

~~((o))~~ (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic

violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

~~((p))~~ (q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

~~((q))~~ (r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

~~((r))~~ (s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

~~((s))~~ (t) Order financial relief and restrain the transfer of jointly owned assets;

~~((t))~~ (u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

~~((u))~~ (v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a

civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

~~((3))~~ (4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

~~(b) ((The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.~~

~~(c))~~ The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

~~((d))~~ (c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

~~((4))~~ (5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

Sec. 18. RCW 7.105.320 and 2021 c 215 s 41 are each amended to read as follows:

(1) When an order is issued under this chapter upon request of the petitioner, the court may order a law enforcement officer to accompany the petitioner and

assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Any appropriate law enforcement agency should act where assistance is needed, even if the agency is not specifically named in the order, including assisting with the recovery of firearms as ordered.

(2) Upon order of a court, a law enforcement officer shall accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(3) When the respondent is ordered to vacate the residence or other shared property, the respondent may be permitted by the court to remove personal clothing, personal items needed during the duration of the order, and any other items specified by the court, while a law enforcement officer is present.

(4) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

Sec. 19. RCW 7.105.340 and 2021 c 215 s 45 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her

custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ((in the presence of)) and the respondent ((or defendant. The respondent or defendant shall acknowledge receipt and service)) appears in person, the respondent must be provided a copy and further service is not required. If the respondent ((or defendant)) refuses ((service)) to accept a copy, an agent of the court may indicate on the record that the respondent ((or defendant)) refused ((service)) to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the

respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and

completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent ((~~or defendant~~)) in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

Sec. 20. RCW 7.105.400 and 2021 c 215 s 53 are each amended to read as follows:

(1) A temporary protection order issued under this chapter may be reissued for the following reasons:

(a) Agreement of the parties;

(b) To provide additional time to effect service of the temporary protection order on the respondent; or

(c) If the court, in writing, finds good cause to reissue the order.

(2) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(3) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than 30 days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(5) Courts shall not require a petitioner to complete a new (~~law enforcement information sheet~~) confidential information form when a temporary protection order is reissued or when a full order for a fixed time period is entered, unless the petitioner indicates that the information needs to be updated or amended. The clerk shall transmit the order to the law enforcement agency identified in the order for service, along with a copy of the confidential party information form received from the respondent, if available, or the petitioner's confidential party information form to assist law enforcement in serving the order.

Sec. 21. RCW 7.105.450 and 2021 c 215 s 56 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault

protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount

to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6)(a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court

is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

Sec. 22. RCW 7.105.460 and 2021 c 215 s 58 are each amended to read as follows:

(1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(2) ~~((Any))~~ (a) Except as provided in (b) of this subsection, any person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. ~~((However, such))~~

(b) A person is guilty of a class C felony for a violation under (a) of this subsection if the person has two or more previous convictions for violating an order issued under this chapter.

Sec. 23. RCW 7.105.500 and 2021 c 215 s 61 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than

once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

Sec. 24. RCW 7.105.510 and 2021 c 215 s 63 are each amended to read as follows:

This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is not subject to ((a limited guardianship, limited conservatorship, or other protective arrangement)) an order under chapter 11.130 RCW may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order. Where a vulnerable adult is subject to an order under chapter 11.130 RCW, the vulnerable adult, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement under chapter 11.130 RCW, may, ((at any time subsequent to the entry of a permanent protection order under this chapter,)) if within the person's authority under the guardianship, conservatorship, or protective arrangement, file a motion to modify or terminate the protection order at any time subsequent to the entry of a permanent protection order under this chapter.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with RCW 7.105.310 as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order.

Sec. 25. RCW 7.105.555 and 2021 c 215 s 66 are each amended to read as follows:

(1) To prevent the issuance of competing protection orders in different courts and to give courts needed information for the issuance of orders, the judicial information system or alternative databases must be available in each district, municipal, and superior court, and must include a database containing the following information:

~~((1))~~ (a) The names of the parties and the cause number for every order of protection issued under this chapter, protection orders provided by military and tribal courts, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every dissolution action under chapter 26.09 RCW, every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every Canadian domestic violence protection order filed under chapter 26.55 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought must be included in the database as a party rather than the guardian or appropriate department;

~~((2))~~ (b) A complete criminal history of the parties; and

~~((3))~~ (c) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

(2) Information within the database must be easily accessible and accurately updated as soon as possible but no later than within one judicial day.

(3) A document viewing system must be available as part of the judicial information system or other databases used by the court, so that in addition to having access to the summary information in subsection (1) of this section, the court is able to view any protection order filed within the state.

Sec. 26. RCW 7.105.902 and 2021 c 215 s 36 are each amended to read as follows:

(1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to consider and develop recommendations regarding:

(a) Uses of technology to reduce administrative burdens in protection order proceedings;

(b) Improving access to unrepresented parties in protection order proceedings, including promoting access for pro bono attorneys for remote protection order proceedings, in consultation with the Washington state bar association;

(c) Developing best practices for courts when there are civil protection order and criminal proceedings that concern the same alleged conduct;

(d) Developing best practices in data collection and sharing, including demographic information, in order to promote research and study on protection orders and transparency of protection order data for the public, in partnership with the Washington state center for court research, the Washington state institute for public policy, the University of Washington, and the urban Indian health institute;

(e) Developing best practices, including proposed training and necessary forms, in partnership with the Washington tribal state court consortium, to address how:

(i) Washington state court judges of all levels can see the existence of, and parties to, tribal court, military, and other jurisdiction protection orders, in comity with similar state court orders;

(ii) Tribal courts can enter their protection orders into the judicial information system used by courts to check for conflicting orders and history; and

(iii) State courts can query the national crime information center to check for tribal, military, and other

jurisdictions' protection orders prior to issuing protection orders;

(f) Developing best practices for minor respondents and petitioners in civil protection order proceedings, including what sanctions should be provided for in law, with input from legal advocates for children and youth, juvenile public defense, juvenile prosecutors, adolescent behavioral health experts, youth development experts, educators, judicial officers, victim advocates, restorative-informed or trauma-informed professionals, child advocacy centers, and professionals experienced in evidenced-based modalities for the treatment of trauma; and

(g) Assessing how the civil protection order law can more effectively address the type of abuse known as "coercive control" so that survivors can seek earlier protective intervention before abuse further escalates.

(2) The gender and justice commission may hire a consultant to assist with the requirements of this section with funds as appropriated.

(3) The gender and justice commission shall provide a brief report of its recommendations to the legislature for subsection (1)(e) through (g) of this section by December 1, 2021, and, for subsection (1)(a) through (d) of this section, provide recommendations to the courts by July 1, 2022.

(4) This section expires October 1, 2022.

NEW SECTION. Sec. 27. (1) The gender and justice commission, through its E2SHB 1320 stakeholder work groups, and in consultation with the Washington state center for court research, shall include in their 2022 work consideration of a study regarding how the inclusion of coercive control under this act helps to further realize the legislative intent of the law to increase safety for victims by obtaining effective legal protection apart from, or in addition to, the criminal legal system. The possible parameters for such a study would be as follows:

(a) The center for court research may engage or partner with other researchers with expertise in intimate partner violence, coercive control, civil protection order processes, and related research to conduct the study or help

with study design, duration, methods, measurements, data collection, and analysis.

(b) The administrative office of the courts and superior and district courts shall provide the center for court research with necessary data to conduct the study, as requested by the center for court research.

(c) The study may include, if determined by the gender and justice commission's E2SHB 1320 stakeholder work groups and the center for court research to be empirically useful and readily measurable through available data, measurements such as:

(i) The ability of survivors to obtain protection orders that fully address the nature of the harm or threat of harm they are experiencing;

(ii) The frequency of inclusion of coercive control in protection order petitions and the nature of the harm or threatened harm articulated;

(iii) Whether the orders were granted and if so, the relief ordered by the court;

(iv) Whether the orders were denied, and if so, the reason for the denial; and

(v) In proceedings involving domestic violence where coercive control is part of the harm alleged:

(A) The frequency of conflicting protection orders, cross-petitions (where each party files a petition against the other), or re-aligned orders (where the court finds that the original petitioner is the abuser and the original respondent is the victim);

(B) Enforcement of protection order violations;

(C) Other legal proceedings involving either party, such as family, dependency, or criminal matters; and

(D) Whether the parties had legal representation or legal advocates in the protection order proceedings.

(d) The study shall also assess judicial officer training regarding protection orders, and coercive control in particular, and whether additional judicial officers are required to hear protection order proceedings.

(e) To the extent feasible, and considered best practice by the center

for court research, the evaluation should also: Gather qualitative information from survivors of domestic violence, legal counsel, protection order advocates and court navigators, court clerks, and judicial officers; and include analysis of any disproportionate impact on survivors by race, immigration status, language, gender, sexual orientation, or disability.

(f) At the conclusion of any study conducted under this section, the center for court research shall report its findings to the legislature in compliance with RCW 43.01.036.

(2) By July 1, 2022, the gender and justice commission through its E2SHB 1320 work groups and the center for court research shall advise the chairs of the relevant policy committees of the legislature of their recommendations regarding need, timing, and design for such a study.

(3) This section expires January 1, 2028.

Sec. 28. RCW 9.41.040 and 2021 c 215 s 72 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by

one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a (~~domestic violence~~) protection order or no-contact order restraining the person or excluding the person from a residence (~~(chapter 7.105 RCW,~~) RCW 10.99.040(~~(7)~~) or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected

person or child (~~(and)~~) or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(~~(iv)~~) (v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(~~(v)~~) (vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(~~(vi)~~) (vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(~~(vii)~~) (viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of

a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more

consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

Sec. 29. RCW 9.41.800 and 2021 c 215 s 74 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of

bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; (~~and~~) or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement

officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; and

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license.

Sec. 30. RCW 9.41.801 and 2021 c 215 s 75 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ~~((in the presence of))~~ and the

respondent ~~((or defendant))~~ appears in person, the respondent shall be provided a copy and further service is not required. ~~((The respondent or defendant shall acknowledge receipt and service.))~~ If the respondent ~~((or defendant))~~ refuses ~~((service))~~ to receive a copy, an agent of the court may indicate on the record that the respondent ~~((or defendant))~~ refused ~~((service))~~ to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall

determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court

must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit

weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person

from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent (~~or defendant~~) in any criminal prosecution under this chapter, chapter (~~9.41~~ ~~[7.105]~~) 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

Sec. 31. RCW 42.56.240 and 2019 c 300 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law

enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070(+), except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5) Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to

privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera

recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise

obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only

be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

TECHNICAL AMENDMENTS

Sec. 32. RCW 4.08.050 and 2021 c 215 s 89 are each amended to read as follows:

Except as provided under RCW 28A.225.035 and (~~7.105.105~~) 7.105.100, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

Sec. 33. RCW 9.41.042 and 2020 c 18 s 6 are each amended to read as follows:

RCW 9.41.040(2)(a)(~~(vi)~~) (vii) shall not apply to any person under the age of eighteen years who is:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an

organized group that uses firearms as a part of the performance;

(4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;

(5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;

(6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;

(7) On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;

(8) At his or her residence and who, with the permission of his or her parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or

(9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty.

Sec. 34. RCW 12.04.140 and 2021 c 215 s 127 are each amended to read as follows:

Except as provided under RCW (~~7.105.105~~) 7.105.100, no action shall be commenced by any person under the age of eighteen years, except by his guardian, or until a next friend for such a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his or her next friend in such action, who shall be responsible for the costs therein.

Sec. 35. RCW 12.04.150 and 2021 c 215 s 128 are each amended to read as follows:

After service and return of process against a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such defendant shall have been appointed, except as provided under RCW

~~((7.105.105))~~ 7.105.100. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the action; and if the defendant shall not appear on the return day of the process, or if he or she neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

Sec. 36. RCW 13.40.0357 and 2021 c 311 s 16 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

				JUVENILE DISPOSITION
				CATEGORY FOR
JUVENILE DISPOSITION				ATTEMPT, BAILJUMP,
OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)			CONSPIRACY, OR SOLICITATION

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)			B+
B	Arson 2 (9A.48.030)			C
C	Reckless (9A.48.040)	Burning	1	D
D	Reckless (9A.48.050)	Burning	2	E
B	Malicious (9A.48.070)	Mischief	1	C
C	Malicious (9A.48.080)	Mischief	2	D
D	Malicious (9A.48.090)	Mischief	3	E
E	Tampering with Fire Alarm Apparatus (9.40.100)			E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)			E
A	Possession of Incendiary Device (9.40.120)			B+

**Assault and Other Crimes
Involving Physical Harm**

A	Assault 1 (9A.36.011)			B+
B+	Assault 2 (9A.36.021)			C+
C+	Assault 3 (9A.36.031)			D+
D+	Assault 4 (9A.36.041)			E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under			C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17			A
D+	Reckless Endangerment (9A.36.050)			E
C+	Promoting Suicide Attempt (9A.36.060)			D+
D+	Coercion (9A.36.070)			E
C+	Custodial Assault (9A.36.100)			D+

Burglary and Trespass

B+	Burglary 1 (9A.52.020) committed at age 15 or under			C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17			B+
B	Residential Burglary (9A.52.025)			C
B	Burglary 2 (9A.52.030)			C
D	Burglary Tools (Possession of) (9A.52.060)			E
D	Criminal Trespass 1 (9A.52.070)			E
E	Criminal Trespass 2 (9A.52.080)			E
C	Mineral Trespass (78.44.330)			C
C	Vehicle Prowling 1 (9A.52.095)			D
D	Vehicle Prowling 2 (9A.52.100)			E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)			E
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C	Illegally Obtaining Legend Drug (69.41.020)	D	B	Possession of Stolen Firearm (9A.56.310)	C
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Possession of Legend Drug (69.41.030(2)(b))	E	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) ((vi)) (vii))	C
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+	D+	Possession of Dangerous Weapon (9.41.250)	E
			D	Intimidating Another Person by use of Weapon (9.41.270)	E
				Homicide	
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	A+	Murder 1 (9A.32.030)	A
			A+	Murder 2 (9A.32.050)	B+
E	Possession of Marihuana <40 grams (69.50.4014)	E	B+	Manslaughter 1 (9A.32.060)	C+
			C+	Manslaughter 2 (9A.32.070)	D+
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	B+	Vehicular Homicide (46.61.520)	C+
				Kidnapping	
C+	Sale of Controlled Substance for Profit (69.50.410)	C+	A	Kidnap 1 (9A.40.020)	B+
E	Unlawful Inhalation (9.47A.020)	E	B+	Kidnap 2 (9A.40.030)	C+
			C+	Unlawful Imprisonment (9A.40.040)	D+
				Obstructing Governmental Operation	
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
			E	Resisting Arrest (9A.76.040)	E
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	B	Introducing Contraband 1 (9A.76.140)	C
			C	Introducing Contraband 2 (9A.76.150)	D
E	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	E	E	Introducing Contraband 3 (9A.76.160)	E
			B+	Intimidating a Public Servant (9A.76.180)	C+
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	B+	Intimidating a Witness (9A.72.110)	C+
				Public Disturbance	
B	Theft of Firearm (9A.56.300)	C	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+

D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E	B	Child Molestation 2 (9A.44.086)	C+
E	Failure to Disperse (9A.84.020)	E	C	Failure to Register as a Sex Offender (9A.44.132)	D
E	Disorderly Conduct (9A.84.030)	E	Theft, Robbery, Extortion, and Forgery		
	Sex Crimes		B	Theft 1 (9A.56.030)	C
A	Rape 1 (9A.44.040)	B+	C	Theft 2 (9A.56.040)	D
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+	D	Theft 3 (9A.56.050)	E
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+	B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C+	Rape 3 (9A.44.060)	D+	C	Forgery (9A.60.020)	D
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+	A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+	A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A
B+	Rape of a Child 2 (9A.44.076)	C+	B+	Robbery 2 (9A.56.210)	C+
B	Incest 1 (9A.64.020(1))	C	B+	Extortion 1 (9A.56.120)	C+
C	Incest 2 (9A.64.020(2))	D	C+	Extortion 2 (9A.56.130)	D+
D+	Indecent Exposure (Victim <14) (9A.88.010)	E	C	Identity Theft 1 (9.35.020(2))	D
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	D	Identity Theft 2 (9.35.020(3))	E
B+	Promoting Prostitution 1 (9A.88.070)	C+	D	Improperly Obtaining Financial Information (9.35.010)	E
C+	Promoting Prostitution 2 (9A.88.080)	D+	B	Possession of a Stolen Vehicle (9A.56.068)	C
E	O & A (Prostitution) (9A.88.030)	E	B	Possession of Stolen Property 1 (9A.56.150)	C
B+	Indecent Liberties (9A.44.100)	C+	C	Possession of Stolen Property 2 (9A.56.160)	D
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+	D	Possession of Stolen Property 3 (9A.56.170)	E
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+	B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
			C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
			B	Theft of a Motor Vehicle (9A.56.065)	C

	Motor Vehicle Related Crimes		
E	Driving Without a License (46.20.005)	E	
B+	Hit and Run - Death (46.52.020(4)(a))	C+	
C	Hit and Run - Injury (46.52.020(4)(b))	D	
D	Hit and Run-Attended (46.52.020(5))	E	
E	Hit and Run-Unattended (46.52.010)	E	
C	Vehicular Assault (46.61.522)	D	
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D	
E	Reckless Driving (46.61.500)	E	
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E	
B+	Felony Driving While Under the Influence (46.61.502(6))	B	
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B	
	Other		
B	Animal Cruelty 1 (16.52.205)	C	
B	Bomb Threat (9.61.160)	C	
C	Escape 1 ¹ (9A.76.110)	C	
C	Escape 2 ¹ (9A.76.120)	C	
D	Escape 3 (9A.76.130)	E	
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E	
A	Other Offense Equivalent to an Adult Class A Felony	B+	
B	Other Offense Equivalent to an Adult Class B Felony	C	
C	Other Offense Equivalent to an Adult Class C Felony	D	
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E	

E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A	129 to 260 weeks for all category A++ offenses				
A	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A	3	5	8	1	1
-	0-	2-	0-	03-	03-
	40	65	10	129	129
	we	we	0	we	we
	ek	ek	we	eks	eks
	s	s	ek	s	
B	1	5	8	1	1
++	5-	2-	0-	03-	03-
	36	65	10	129	129
	we	we	0	we	we
	ek	ek	we	eks	eks
	s	s			

		eks					
		s					
CURR ENT	B	1	1	5	8	1	
	+	5- 36 we ek s	5- 36 we ek s	2- 65 we ek s	0- 100 we eks	03- 129 we eks	
OFFE NSE	B	L	L	1	1	5	
	+	S	S	5- 36 we ek s	5- 36 we eks	2- 65 we eks	
CATE GORY	C	L	L	L	1	1	
	+	S	S	S	5- 36 we eks	5- 36 we eks	
PRIOR	C	L	L	L	L	1	
	+	S	S	S	S	5- 36 we eks	
ADJU DICATIO NS	D	L	L	L	L	L	
	+	S	S	S	S	S	
ADJU DICATIO NS	D	L	L	L	L	L	
	+	S	S	S	S	S	
ADJU DICATIO NS	E	L	L	L	L	L	
	+	S	S	S	S	S	
PRIOR		0	1	2	3	4	or mo re

included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications

disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 37. RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

				JUVENILE DISPOSITION
				CATEGORY FOR
JUVENILE DISPOSITION				ATTEMPT, BAILJUMP,
OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)			CONSPIRACY, OR SOLICITATION

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)			B+
B	Arson 2 (9A.48.030)			C
C	Reckless Burning (9A.48.040)	1		D
D	Reckless Burning (9A.48.050)	2		E
B	Malicious Mischief (9A.48.070)	1		C
C	Malicious Mischief (9A.48.080)	2		D
D	Malicious Mischief (9A.48.090)	3		E
E	Tampering with Fire Alarm Apparatus (9.40.100)			E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)			E
A	Possession of Incendiary Device (9.40.120)			B+

Assault and Other Crimes Involving Physical Harm

A	Assault 1 (9A.36.011)			B+
B+	Assault 2 (9A.36.021)			C+
C+	Assault 3 (9A.36.031)			D+
D+	Assault 4 (9A.36.041)			E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under			C+

A++	Drive-By Shooting	(9A.36.045) committed at age 16 or 17	A	B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale	B+
D+	Reckless Endangerment	(9A.36.050)	E	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale	C
C+	Promoting Suicide Attempt	(9A.36.060)	D+	E	Possession of Marihuana <40 grams (69.50.4014)	E
D+	Coercion	(9A.36.070)	E	C	Fraudulently Obtaining Controlled Substance	C
C+	Custodial Assault	(9A.36.100)	D+	C+	Sale of Controlled Substance for Profit (69.50.410)	C+
Burglary and Trespass				E	Unlawful Inhalation	E
B+	Burglary 1	(9A.52.020) committed at age 15 or under	C+	B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
A-	Burglary 1	(9A.52.020) committed at age 16 or 17	B+	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
B	Residential Burglary	(9A.52.025)	C	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
B	Burglary 2	(9A.52.030)	C	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
D	Burglary Tools (Possession of)	(9A.52.060)	E	Firearms and Weapons		
D	Criminal Trespass 1	(9A.52.070)	E	B	Theft of Firearm	C
E	Criminal Trespass 2	(9A.52.080)	E	B	Possession of Stolen Firearm	C
C	Mineral Trespass	(78.44.330)	C	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Vehicle Prowling 1	(9A.52.095)	D	C	Possession of Firearms by Minor (<18)	C
D	Vehicle Prowling 2	(9A.52.100)	E	(9.41.040(2)(a) ((vi)) (vii))		
Drugs						
E	Possession/Consumption of Alcohol	(66.44.270)	E			
C	Illegally Obtaining Legend Drug	(69.41.020)	D			
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell	(69.41.030(2)(a))	D+			
E	Possession of Legend Drug	(69.41.030(2)(b))	E			

D+	Possession of Dangerous Weapon (9A.41.250)	E	A	Rape 1 (9A.44.040)	B+
D	Intimidating Another Person by use of Weapon (9A.41.270)	E	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
	Homicide		A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
A+	Murder 1 (9A.32.030)	A	C+	Rape 3 (9A.44.060)	D+
A+	Murder 2 (9A.32.050)	B+	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
B+	Manslaughter 1 (9A.32.060)	C+	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
C+	Manslaughter 2 (9A.32.070)	D+	B+	Rape of a Child 2 (9A.44.076)	C+
B+	Vehicular Homicide (46.61.520)	C+	B	Incest 1 (9A.64.020(1))	C
	Kidnapping		C	Incest 2 (9A.64.020(2))	D
A	Kidnap 1 (9A.40.020)	B+	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
B+	Kidnap 2 (9A.40.030)	C+	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
C+	Unlawful Imprisonment (9A.40.040)	D+	B+	Promoting Prostitution 1 (9A.88.070)	C+
	Obstructing Governmental Operation		C+	Promoting Prostitution 2 (9A.88.080)	D+
D	Obstructing a Law Enforcement Officer (9A.76.020)	E	E	O & A (Prostitution) (9A.88.030)	E
E	Resisting Arrest (9A.76.040)	E	B+	Indecent Liberties (9A.44.100)	C+
B	Introducing Contraband 1 (9A.76.140)	C	B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
C	Introducing Contraband 2 (9A.76.150)	D	A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
E	Introducing Contraband 3 (9A.76.160)	E	B	Child Molestation 2 (9A.44.086)	C+
B+	Intimidating a Public Servant (9A.76.180)	C+	C	Failure to Register as a Sex Offender (9A.44.132)	D
B+	Intimidating a Witness (9A.72.110)	C+		Theft, Robbery, Extortion, and Forgery	
	Public Disturbance		B	Theft 1 (9A.56.030)	C
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+	C	Theft 2 (9A.56.040)	D
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E			
E	Failure to Disperse (9A.84.020)	E			
E	Disorderly Conduct (9A.84.030)	E			
	Sex Crimes				

D	Theft 3 (9A.56.050)	E	D	Hit and Run-Attended (46.52.020(5))	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	E	Hit and Run-Unattended (46.52.010)	E
C	Forgery (9A.60.020)	D	C	Vehicular Assault (46.61.522)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A	E	Reckless Driving (46.61.500)	E
B+	Robbery 2 (9A.56.210)	C+	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Extortion 1 (9A.56.120)	C+	B+	Felony Driving While Under the Influence (46.61.502(6))	B
C+	Extortion 2 (9A.56.130)	D+	B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
C	Identity Theft 1 (9.35.020(2))	D	Other		
D	Identity Theft 2 (9.35.020(3))	E	B	Animal Cruelty 1 (16.52.205)	C
D	Improperly Obtaining Financial Information (9.35.010)	E	B	Bomb Threat (9.61.160)	C
B	Possession of a Stolen Vehicle (9A.56.068)	C	C	Escape 1 ¹ (9A.76.110)	C
B	Possession of Stolen Property 1 (9A.56.150)	C	C	Escape 2 ¹ (9A.76.120)	C
C	Possession of Stolen Property 2 (9A.56.160)	D	D	Escape 3 (9A.76.130)	E
D	Possession of Stolen Property 3 (9A.56.170)	E	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C	A	Other Offense Equivalent to an Adult Class A Felony	B+
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D	B	Other Offense Equivalent to an Adult Class B Felony	C
B	Theft of a Motor Vehicle (9A.56.065)	C	C	Other Offense Equivalent to an Adult Class C Felony	D
Motor Vehicle Related Crimes			D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Driving Without a License (46.20.005)	E	E	Other Offense Equivalent to an Adult Misdemeanor	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V
C	Hit and Run - Injury (46.52.020(4)(b))	D			

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A	129 to 260 weeks for all category A++ offenses				
++					
A	180 weeks to age 21 for all category A+ offenses				
+					
A	103-129 weeks for all category A offenses				
A	3	5	8	1	1
-	0-40	2-65	0-10	03-129	03-129
	we	we	0	we	we
	ek	ek	we	eks	eks
	s	s	ek	s	
B	1	5	8	1	1
++	5-36	2-65	0-10	03-129	03-129
	we	we	0	we	we
	ek	ek	we	eks	eks
	s	s	ek	s	
B	1	1	5	8	1
+	5-36	5-36	2-65	0-100	03-129
	we	we	we	we	we
	ek	ek	ek	eks	eks
	s	s	s		

CURR
ENT

OFFENSE	B	L	L	1	1	5
	S	S		5-36	5-36	2-65
				we	we	we
				ek	eks	eks
				s		

CATEGORY	C	L	L	L	1	1
+	S	S	S		5-36	5-36
					we	we
					eks	eks

	C	L	L	L	L	1
	S	S	S	S		5-36
						we
						eks

	D	L	L	L	L	L
+	S	S	S	S	S	

	D	L	L	L	L	L
	S	S	S	S	S	

	E	L	L	L	L	L
	S	S	S	S	S	

PRIOR	0	1	2	3	4
					or more

ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the

prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 38. RCW 13.40.160 and 2020 c 18 s 9 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may impose the special sex offender disposition alternative under RCW 13.40.162.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of

confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 39. RCW 13.40.193 and 2020 c 18 s 10 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated

in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of

robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 40. RCW 13.40.265 and 2020 c 18 s 11 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed

with a firearm or an offense that is a violation of RCW 9.41.040(2)(a)(~~(vi)~~) (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

Sec. 41. RCW 26.28.015 and 2021 c 215 s 141 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided under RCW (~~(7.105.105)~~) 7.105.100, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent

allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

Sec. 42. RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153 are each reenacted to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume

employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active

participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was

simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

Sec. 43. RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6 are each reenacted to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or

prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy

of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(iv)~~) (v);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer

programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the

patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed,

the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set

forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(6).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict

confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 44. RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7 are each reenacted and amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as

defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) By a care coordinator under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(7) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(8) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(9) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from

(fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/";

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iv)~~) (v). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(iv)~~) (v);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(16) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(17) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(18) Pursuant to a lawful order of a court.

NEW SECTION. Sec. 45. The following acts or parts of acts are each repealed:

(1)RCW 7.105.055 (Jurisdiction—Stalking protection orders) and 2021 c 215 s 5;

(2)RCW 7.105.060 (Jurisdiction—Antiharassment protection orders) and 2021 c 215 s 6;

(3)RCW 7.105.170 (Vulnerable adult protection orders—Service when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

(4)RCW 7.105.901 (Recommendations on jurisdiction over protection order proceedings—Report) and 2021 c 215 s 12.

NEW SECTION. Sec. 46. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 47. 2021 c 215 s 87 (uncodified) is amended to read as follows:

(1) Except for sections 12, 16, 18, 19, 21, 24, 25, 34, and 36 of this act, this act takes effect July 1, 2022.

(2) Sections 19, 21, 24, and 34, chapter 215, Laws of 2021 take effect the effective date of this section.

NEW SECTION. Sec. 48. Section 36 of this act expires July 1, 2023.

NEW SECTION. Sec. 49. (1) Except for sections 9 through 14, 37, and 47 of this act, this act takes effect July 1, 2022.

(2) Section 37 of this act takes effect July 1, 2023.

(3) Sections 9 through 14 and 47 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 3 of the title, after "accessibility;" strike the remainder of the title and insert "amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.250, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.555, 7.105.902, 9.41.040, 9.41.800, 9.41.801, 42.56.240, 4.08.050, 9.41.042, 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting and amending RCW 70.02.240; reenacting RCW 50.20.050 and 70.02.230; creating a new section; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing effective dates;

providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1901 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1901, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1901, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

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

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1901, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that establishing minimum service requirements for the department of social and health services economic services administration's community services division is necessary due to the increase in call center wait times due to the closure of community services offices during the COVID-19 public health emergency, resulting in individuals being unable to access safety net programs administered by the department.

(2) The legislature intends to establish minimum service expectations and requirements to ensure that eligible individuals receive needed services through the department's community services offices. The legislature further intends to prohibit the department's community services division from imposing punitive measures against individuals when they have attempted to contact or access the community services office, per requirements to apply for and maintain their benefits, and are unable to connect due to long wait times over the phone or due to closure of the community services offices, to the extent allowable under federal and state law.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Minimum service expectations and requirements for the department's community services division are established.

(a) The community services division must ensure that clients may apply for and receive services in a reasonable and accessible manner that is suited to the clients' needs. This includes, but is not limited to, meeting client needs related to technology, language, and ability.

(b) Community services offices must be open for walk-in and in-person services during normal business hours.

(i) The community services division may not limit which clients are able to use walk-in and in-person services or limit which services may be accessed in community services offices.

(ii) The department retains the right to close an office for emergency, health, safety, and welfare issues.

(c) The community services division must maintain telephonic access to services.

(i) The community services division must strive to ensure that clients do not experience total call wait times that exceed 30 minutes.

(ii) The community services division must monitor the average wait time for client telephone calls per week, and include a measurement of all incoming calls, including dropped calls.

(iii) Beginning November 1, 2022, and annually thereafter, the department must report to the appropriate committees of the legislature and the governor in compliance with RCW 43.01.036 on the average wait time for client telephone calls per week, the measurement of all incoming calls, and the number of dropped calls, and the methodology the department uses to monitor the total wait times, the incoming calls, and the dropped calls.

(iv) By November 1, 2022, the department must provide to the legislature recommendations on achieving the goal of 30-minute call wait times, including recommendations on staffing, technology, and any other infrastructure needed to efficiently serve clients.

(2) Where a cash and food assistance applicant or recipient is negatively affected by excessive call wait times, dropped calls, or community services division office closures during normal business hours:

(a) The department must prioritize the processing of the applicant's application to the extent allowed under state and federal law; and

(b) To the extent allowed under state and federal law, an applicant or recipient may not be terminated or sanctioned by the department or have their application for assistance denied based on an applicant's or recipient's inability to contact the community services division."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 74.04 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2075, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2075, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2078 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature finds that time outdoors helps children thrive physically, emotionally, and academically, yet over the past few generations, childhood has moved indoors. On average, today's kids spend up to 44 hours per week in front of a screen, and less than 10 minutes a day doing activities outdoors. For too many kids, access to the outdoors is determined by race, income, ability, and zip code. All children deserve equitable access to outdoor spaces where they can learn, play, and grow, but current access to outdoor educational opportunities is inequitable.

(2) From stress reduction to improved focus and engagement, and better academic performance, outdoor-based learning helps kids thrive. Research shows participants in outdoor educational activities have higher graduation rates, improved behavior in school and relationships with peers, higher academic achievement, critical thinking skills, direct experience of scientific concepts in the field, leadership and collaboration skills, and a deeper engagement with learning, place, and community. Outdoor educational programs also offer new opportunities for work-integrated learning in science, natural resources, education, land management, agriculture, outdoor recreation, and other employment sectors. Outdoor-based learning activities can also be a key element in the larger system of regular outdoor instructional time and outdoor experiences that includes STEM fields, after-school programs, summer camps, 4-H, scouting, and related programs which can spark a lifelong appreciation for the natural world.

(3) The legislature further finds that accessibility is a major obstacle to universal outdoor education. Most sites lack accommodation for children with disabilities and support staff for children who need social and emotional support. In addition, some youth may experience cultural barriers to outdoor learning experiences.

(4) Therefore, the legislature intends to establish a statewide grant program and corresponding outdoor education experiences program to address these needs and to ensure that all students have a chance to benefit from outdoor education.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, or within funding made available, the outdoor learning grant program is established. The purpose of the grant program is to develop and support educational experiences for students in Washington public schools.

(2) The office of the superintendent of public instruction shall administer the grant program in accordance with this section.

(3) Within existing resources, the Washington state parks and recreation commission, the department of natural resources, the Washington department of fish and wildlife, the Washington department of agriculture, and the Washington conservation commission may partner with the office of the superintendent of public instruction to provide relevant expertise on land management and work-integrated learning experiences and opportunities.

(4) Beginning in the 2022-23 school year, the office of the superintendent of public instruction shall award grants to eligible school districts, federally recognized tribes, and outdoor education program providers. The office may consult with the Washington recreation and conservation office in awarding grants under this section.

(5)(a) The grant program must consist of two types of grants, including:

(i) Allocation-based grants for school districts to develop or support educational experiences; and

(ii) Competitive grants for federally recognized tribes and outdoor education providers to support existing capacity and to increase future capacity for outdoor learning experiences.

(b) In implementing student educational experiences under this section, school districts and outdoor education providers should ensure equitable access for students in all geographic regions, and high levels of accessibility for students with disabilities.

(6) Beginning in 2024, the office of the superintendent of public instruction, in accordance with RCW 43.01.036, must submit an annual report

to the appropriate committees of the legislature with an evaluation of the program established by this section. The report may include information on other outdoor education and instructional time efforts and how they compare with programs funded through the outdoor learning grant program.

(7) For the purposes of this section, "school districts" includes state-tribal education compact schools established under chapter 28A.715 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the outdoor education experiences program is established as a program within the outdoor learning grant program established in section 2 of this act. The purpose of the outdoor education experiences program is to develop and support outdoor learning opportunities for 5th and 6th grade students in Washington public schools, with related opportunities for high school students to volunteer as counselors. The program will consist of hands-on learning experiences that: Are three to five days in duration and up to four nights; are overnight or day programs when overnight programs are impractical due to health, cultural, or capacity considerations; and have a focus on environmental education aligned with the Washington state learning standards and the development of social and emotional learning skills.

(2) The office of the superintendent of public instruction may work with a statewide nonprofit organization representing school principals to create guidelines for the program established by this section.

(3) In implementing the program established by this section, the priority focus of the office of the superintendent of public instruction must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, federally recognized tribes, including state-tribal education compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments,

students of color, English language learner students, and students receiving special education services.

Sec. 4. RCW 28A.300.790 and 2018 c 266 s 410 are each amended to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in RCW 28A.320.173 to consider student participation in seasonal or nonseasonal outdoor-based activities, including programs established in accordance with section 2 of this act, and the outdoor education experiences program established in section 3 of this act, as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.300.790; adding new sections to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2078 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2078, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2078, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin and Walsh.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 2078, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5693 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Rolfes, Robinson and Wilson L.,

and the same is herewith transmitted,

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5693. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Macri, Ormsby and Stokesbary.

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

MESSAGES FROM THE SENATE

March 8, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5555,
SENATE BILL NO. 5585,

SENATE BILL NO. 5612,
SECOND SUBSTITUTE SENATE BILL NO. 5619,
SUBSTITUTE SENATE BILL NO. 5644,
SUBSTITUTE SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 5728,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1753,
HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1768,
SUBSTITUTE HOUSE BILL NO. 1790,
SECOND SUBSTITUTE HOUSE BILL NO. 1905,
HOUSE BILL NO. 1907,
HOUSE BILL NO. 1927,
ENGROSSED HOUSE BILL NO. 1931,
SUBSTITUTE HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 1961,
ENGROSSED HOUSE BILL NO. 1982,
SUBSTITUTE HOUSE BILL NO. 2001,
HOUSE BILL NO. 2007,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2037,
SUBSTITUTE HOUSE BILL NO. 2050,
SUBSTITUTE HOUSE BILL NO. 2051,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

REPORTS OF STANDING COMMITTEES

March 8, 2022

SSB 5799

Prime Sponsor, Committee on Business, Financial Services & Trade: Modifying the application of the workforce education investment advanced computing surcharge to provider clinics and affiliated organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt,

Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp and Thai.

Referred to Committee on Rules for second reading.

March 8, 2022

ESB 5849 Prime Sponsor, Senator Warnick: Concerning tax incentives. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

ESB 5901 Prime Sponsor, Senator Randall: Concerning economic development tax incentives for targeted counties. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

CREATING A SALES AND USE TAX DEFERRAL PROGRAM TO INCENTIVIZE MANUFACTURING AND RESEARCH AND DEVELOPMENT ACTIVITIES IN CERTAIN DESIGNATED COUNTIES

NEW SECTION. Sec. 101. (1) The legislature finds that there are counties in the state that face additional economic development challenges beyond the challenges faced by counties located in the central Puget Sound region. The legislature further finds that these regions do not experience the same degree of job growth and investment. The legislature further finds that, in some areas, increased economic development incentives are needed to help support economic growth and that a one-size-fits-all approach to economic development does not work for the diversity of the statewide economy. For these reasons, the legislature intends to establish a tax deferral program to be effective solely in certain targeted counties. The legislature declares that this limited program serves the vital public purpose of creating employment opportunities and generally spurring economic development in these counties of the state.

(2) The legislature also finds that this act is consistent with the Substitute House Bill No. 1170, the Washington BEST manufacturing act, enacted in 2021. The 2021 Washington BEST manufacturing act recognized that the state must retain and build on its leadership in the manufacturing and research and development sectors and also recognized that a thriving manufacturing and research sector are complimentary and should be promoted in every region of the state. Therefore, the legislature further finds the sales and use tax deferral program for manufacturing and research and development in this act is a critical tool and strategy to help achieve the goals expressed in the Washington BEST manufacturing act of doubling the state's manufacturing employment base, the number of small businesses, and the number of women and minority-owned manufacturing businesses in the next 10 years.

NEW SECTION. Sec. 102. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the application required by section 103 of this act is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects that have already received deferrals under this chapter.

(5)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the eligible investment project is a phased project, "initiation of construction" applies separately to each phase.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) The activities performed by research and development laboratories and commercial testing laboratories; and

(b) The conditioning of vegetable seeds.

(8) "Meaningful construction" means an active construction site, where excavation of a building site, laying of a building foundation, or other tangible signs of construction are taking place and that clearly show a progression in the construction process at the location designated by the taxpayer in the application for deferral. Planning, permitting, or land clearing before excavation of the building site, without more, does not constitute "meaningful construction."

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing

floor space or production capacity used for manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has a population less than 650,000 at the time an application is submitted under section 103 of this act.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed \$1,000,000.

NEW SECTION. Sec. 103. (1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application must be made to the department in a form

and manner prescribed by the department. The application must contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department must rule on the application within 60 days.

(2) The department may not accept applications for the deferral under this chapter after June 30, 2032.

(3) This section expires July 1, 2032.

NEW SECTION. Sec. 104. (1) The department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) The department must keep a running total of all deferrals granted under this chapter during each fiscal biennium. The amount of state and local sales and use taxes eligible for deferral under this chapter is limited to \$400,000 per person.

(3) This section expires July 1, 2032.

NEW SECTION. Sec. 105. (1) The recipient of a deferral certificate under section 104 of this act must begin meaningful construction on an eligible investment project within two years of receiving a deferral certificate, unless construction was delayed due to circumstances beyond the recipient's control. Lack of funding is not considered a circumstance beyond the recipient's control.

(2) If the recipient does not begin meaningful construction on an eligible investment project within two years of receiving a deferral certificate, the deferral certificate issued under section 104 of this act is invalid and taxes deferred under this chapter are due immediately.

NEW SECTION. Sec. 106. (1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual tax performance report with the department under RCW 82.32.534 during the period covered by the schedule under subsection (2) of this section. If the economic benefits of the deferral are

passed to a lessee as provided in section 108 of this act, the lessee must file a complete annual tax performance report, and the applicant is not required to file a complete annual tax performance report.

(b) The joint legislative audit and review committee, as part of its tax preference review process under chapter 43.136 RCW, must use the information reported on the annual tax performance report required by this section to study the tax deferral program authorized under this chapter. The committee must report to the legislature by December 1, 2030. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, and such other factors as the committee selects.

(2)(a) Except as otherwise provided in this chapter, taxes deferred under this chapter need not be repaid.

(b) If the investment project is not operationally complete within five calendar years from the issuance of the tax deferral certificate, or if, on the basis of the tax performance report under RCW 82.32.534 or other information, the department finds that an investment project is used for purposes other than a qualified manufacturing or research and development operation at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes is immediately due according to the following schedule:

Year in which use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(c) If the economic benefits of the deferral are passed to a lessee as provided in section 108 of this act, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

(3) A recipient who must repay deferred taxes under this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual tax performance reports under RCW 82.32.534 beginning on the date an investment project is used for nonqualifying purposes.

(4) The department must assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral for a recipient who must repay deferred taxes under this section because the department has found that an investment project is not eligible for tax deferral. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(5) Notwithstanding any other provision of this section or RCW 82.32.534, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 107. The department must establish a list of qualifying counties, effective July 1, 2022. The list of qualifying counties is effective for a 24-month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

NEW SECTION. Sec. 108. The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual tax performance report required under section 106 of this act; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

NEW SECTION. Sec. 109. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 110. Applications, reports, and any other information received by the department under this chapter, except applications not approved by the department, are not confidential and are subject to disclosure.

PART II

MODIFYING THE SALES AND USE TAX EXEMPTION FOR WAREHOUSES, DISTRIBUTION CENTERS, AND GRAIN ELEVATORS

Sec. 201. RCW 82.08.820 and 2014 c 140 s 23 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs,

are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b)(i) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. (~~"Construction"~~) Except as provided in (b)(ii) of this subsection, "construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(ii) For an existing warehouse located in a qualifying county, "construction" includes expansion if the expansion adds at least 100,000 square feet of additional space to an existing warehouse;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include:

(i) Agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product;

(ii) Logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk; or

(iii) Marijuana, useable marijuana, or marijuana-infused products;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful

life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse must be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(1)(d);

(l) "Qualifying county" means a county that has a population less than 650,000 at the time an application is submitted under this section and RCW 82.12.820;

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office

space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((m))~~ (n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. ~~((For))~~ Except as provided under (d) of this subsection, for warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. The maximum amount of tax that may be remitted under this section and RCW 82.12.820 for the construction or expansion of a warehouse or grain elevator is \$400,000.

(b) The department must determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer must on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer must retain, in adequate detail to enable the department to determine whether the equipment or construction meets the

criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department must on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(d) For warehouses located in a qualifying county, the square footage requirement is 100,000 square feet or more.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

(6) This section expires July 1, 2032.

Sec. 202. RCW 82.12.820 and 2006 c 354 s 13 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed

under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. ~~((For))~~ Except as provided under (d) of this subsection, for warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. The maximum amount of tax that may be remitted under this section and RCW 82.08.820 for the construction or expansion of a warehouse or grain elevator is \$400,000.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(d) For warehouses located in a qualifying county, the square footage requirement is 100,000 square feet or more.

(3) Warehouse, grain elevators, and material-handling equipment and racking

equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

(6) This section expires July 1, 2032.

NEW SECTION. Sec. 203. A person claiming an exemption from state tax in the form of a remittance under RCW 82.08.820 or 82.12.820 for a warehouse or distribution center must file the annual tax preference performance report under RCW 82.32.534 beginning in the first calendar year following the year the warehouse, distribution center, or grain elevator is operationally complete and for the next two subsequent years.

NEW SECTION. Sec. 204. (1) This section is the tax preference performance statement for the warehousing, distribution, and grain elevator sales and use tax exemptions in sections 201 and 202, chapter . . . , Laws of 2022 (sections 201 and 202 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to accomplish the general purposes indicated in RCW 82.32.808(2) (a) and (c) to induce certain designated behavior by businesses and to create jobs.

(3) It is the legislature's specific public policy objective to induce the construction of new or expanded warehouses and distribution centers in

certain targeted counties by reducing the square footage requirement in order to diversify the tax base and increase employment within the targeted counties.

(4) To measure the effectiveness of these exemptions in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate the changes in the number of employment positions in the warehousing and distribution industry sector in the targeted counties and changes to the tax base as a result of increased warehousing and distribution activity.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to the remittance data prepared by the department of revenue and the annual tax preference performance report submitted by the beneficiary of the tax preference under RCW 82.32.534.

NEW SECTION. **Sec. 205.** Sections 101 through 110 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 206.** This act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Chase; Stokesbary and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

ESSB 5980 Prime Sponsor, Committee on Ways & Means: Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.4451 and 2010 1st sp.s. c 23 s 1102 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. Except for taxpayers that report at least (~~(fifty)~~) 50 percent of their taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for a reporting period is (~~(thirty-five dollars)~~) \$55 multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. For a taxpayer that reports at least (~~(fifty)~~) 50 percent of its taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a reporting period is (~~(seventy dollars)~~) \$160 multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection must be used by all taxpayers in taking the credit provided in this section.

Sec. 2. RCW 82.32.045 and 2019 c 63 s 2 and 2019 c 8 s 302 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) of this

section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than(+-

~~(i) Twenty eight thousand dollars per year; or~~

~~(ii) Forty six thousand six hundred sixty seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285)) \$125,000;~~

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of

revenue any other tax or fee which the department is authorized to collect.

(6)(a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

NEW SECTION. **Sec. 3.** This act applies to reporting periods beginning on or after January 1, 2023.

NEW SECTION. **Sec. 4.** Section 1 of this act is exempt from RCW 82.32.805 and 82.32.808."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4668, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier,

Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Steve Kirby was elected to the House of Representatives in 2000, and served for more than two decades with a commitment to good government and bipartisan cooperation, as well as an unflinching sense of humor; and

WHEREAS, He was born and raised in the 29th District, living in the same house for over 40 years in South Tacoma with his wife, Beckie Summers, where they raised their five children, before moving to the Fern Hill neighborhood in 2002; and

WHEREAS, Before being elected to the House of Representatives, Representative Kirby already had a long track record of public service, serving on the Tacoma City Council for four terms, beginning at the age of 25; and

WHEREAS, Throughout his more than two decades serving as a State Representative, he built a broad range of experience, serving on the House Rules Committee, the Agriculture Committee, the Technology Committee, the Capital Budget Committee, the Local Government and Housing Committee, the Public Safety and Emergency Preparedness Committee, the Civil Rights and Judiciary Committee, the Commerce and Gaming Committee, and the Consumer Protection and Business Committee; and

WHEREAS, Representative Kirby has served as chair of the Consumer Protection and Business Committee in its many incarnations since 2005, and is known for his expertise in consumer protection legislation and for working tirelessly on behalf of Washington state's consumers; and

WHEREAS, Representative Steve Kirby is known and valued by his legislative colleagues for both his dedication to the people of Washington and the work of the Legislature, and to bringing laughter and levity to that work, which can often be emotionally and physically taxing;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Representative Steve Kirby's service to this institution and to the people of Washington state.

Representatives Walen, Vick, Ryu, Barkis and Santos spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Kirby's legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4668 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4670, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, In his ninth term diligently serving the best interests of families in the 38th legislative district in Snohomish County, State Representative Mike Sells has established himself as a consistent progressive force in the Washington State Legislature; and

WHEREAS, Representative Sells, a teacher at heart, made it his mission to impart knowledge to students in elementary as well as secondary levels with the Everett School District for over three decades; and

WHEREAS, He also made a difference in the lives of thousands of students with his service to educators as president of Local 772 for the American Federation of Teachers from 1969 to 1980, and then as the Everett Education Association president for the next 18 years; and

WHEREAS, In his quest to ensure Washingtonians have opportunities that will help them pursue meaningful work in the fields of their choice, Representative Sells sponsored bills to create the Washington Aerospace Training & Research Center at Paine Field, develop internship and apprenticeship opportunities, establish WSU Everett, and bring a Bachelor of Science nursing program to Everett Community College through UW-Bothell; and

WHEREAS, An unyielding advocate for labor and working families, Representative Sells served as the elected secretary-treasurer of the Snohomish & Island County Labor Council from 1976 to 2014, coordinating 65 different AFL/CIO unions in Snohomish County, representing more than 42,000 working people; and

WHEREAS, He has exemplified leadership, dedication, and commitment at the helm of the Labor & Workplace Standards Committee since 2011, and in that role succeeded in reforming the Unemployment Insurance system, modernizing Workers' Compensation, strengthening safety standards in the workplace, and helping to establish Paid Family and Medical Leave for Washington workers; and

WHEREAS, Representative Mike Sells pointed out he owes his accomplishments in legislating to the work and support of community and tribal leaders in Everett, Marysville, and Tulalip, adding: "They helped set agendas for our communities, listened to the people, and helped build the support structures for moving legislation forward. We don't do these things alone if we wish to be successful. It is the same with the great advocates for working people we have in this state. I was lucky to have a great group of partners and a family that supported my work.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute and celebrate Representative Mike Sells for his dedication to the people of the 38th legislative district and, indeed, to the people of the entire state of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Washington State Representative Mike Sells.

Representatives Berry, Hoff, Springer, Mosbrucker and Ormsby spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Sells' legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4670 was adopted.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2022, the 59th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 9, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance

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

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

INTRODUCTION & FIRST READING

HB 2137 by Representatives Kraft and Young

AN ACT Relating to directing state agencies and authorities to rescind all state-related public funds out of Russia; adding a new chapter to Title 39 RCW; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

SSB 5778 by Senate Committee on Transportation (originally sponsored by Braun, Honeyford, Lovick, Padden, Short and Wilson, J.)

AN ACT Relating to addressing the current backlog of vehicle inspections; amending RCW 46.12.560 and 46.68.410; adding a new section to chapter 46.09 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

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

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

REPORTS OF STANDING COMMITTEES

March 8, 2022

ESSB 5714 Prime Sponsor, Committee on Environment, Energy & Technology: Creating a sales and use tax deferral program for solar canopies placed on large-

scale commercial parking lots and other similar areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

E2SSB 5755 Prime Sponsor, Committee on Ways & Means: Authorizing certain cities to establish a limited sales and use tax incentive program to encourage redevelopment of underdeveloped lands in urban areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Many cities in Washington are actively planning for growth under the growth management act, chapter 36.70A RCW;

(2) The construction industry provides living wage jobs for families across Washington;

(3) In the current economic climate, the creation of additional affordable housing units is essential to the economic health of our cities and our state;

(4) It is critical that Washington state promote its cities and its property owners that will provide affordable housing;

(5) A meaningful, fair, and predictable economic incentive should be created to stimulate the redevelopment of underdeveloped property in targeted urban areas through a limited sales and use tax deferral program as provided by this chapter;

(6) This limited tax deferral will help the owners of underdeveloped property achieve the highest and best use of land and enable cities to more fully realize their planning goals; and

(7) Data regarding the number of additional affordable units created due to the limited tax deferral will be evaluated to determine if this tool could be used to increase affordable housing in other areas of the state.

NEW SECTION. Sec. 2. It is the purpose of this chapter to encourage the redevelopment of underdeveloped land in targeted urban areas, thereby increasing affordable housing, employment opportunities, and helping accomplish the other planning goals of Washington cities. The legislative authorities of cities to which this chapter applies may authorize a sales and use tax deferral for an investment project within the city if the legislative authority of the city finds that there are significant areas of underdeveloped land and a lack of affordable housing in areas proximate to the land. If a conditional recipient maintains the property for qualifying purposes for at least 10 years, deferred sales and use taxes need not be repaid.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable homeownership housing" means housing intended for owner occupancy to low or moderate-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

(2) "Affordable rental housing" means housing for very low or low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

(3) "Applicant" means an owner of underdeveloped property.

(4) "City" means a city with a population of at least 135,000 and not

more than 250,000 at the time the city initially establishes the program under this section.

(5) "Conditional recipient" means an owner of underdeveloped land granted a conditional certificate of program approval under this chapter, which includes any successor owner of the property.

(6) "County median price" means the most recently published quarterly data of median home prices by the Washington center for real estate research.

(7) "Eligible investment project" means an investment project that is located in a city and receiving a conditional certificate of program approval.

(8) "Fair market rent" means the estimates of 40th percentile gross rents for standard quality units within counties as published by the federal department of housing and urban development.

(9) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which a deferral may be granted under this chapter.

(10) "Household" means a single person, family, or unrelated persons living together.

(11)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(12) "Investment project" means an investment in multifamily housing, including labor, services, and materials incorporated in the planning, installation, and construction of the project. "Investment project" includes

investment in related facilities such as playgrounds and sidewalks as well as facilities used for business use for mixed-use development.

(13) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than 50 percent but is at or below 80 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(14) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than 80 percent but is at or below 115 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(15) "Multifamily housing" means a building or a group of buildings having two or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(16) "Owner" means the property owner of record.

(17) "Underdeveloped property" means land used as a surface parking lot for parking of motor vehicles off the street or highway, that is open to public use with or without charge, as of the effective date of this section.

(18) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

NEW SECTION. Sec. 4. (1) For the purpose of creating a sales and use tax deferral program under this chapter, the governing authority must adopt a resolution of intention to create a sales

and use tax deferral program as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the creation of the tax deferral program and may include such other information pertaining to the creation of the deferral program as the governing authority determines to be appropriate to apprise the public of the action intended. However, the resolution must provide information pertaining to:

- (a) The application process;
- (b) The approval process;
- (c) The appeals process for applications denied approval; and
- (d) Additional requirements, conditions, and obligations that must be followed postapproval of an application.

(2) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than 30 days before the date of the hearing in a paper having a general circulation in the city. The notice must state the time, date, place, and purpose of the hearing.

(3) Following the hearing or a continuance of the hearing, the governing authority may authorize the creation of the program.

NEW SECTION. Sec. 5. An owner of underdeveloped property seeking a sales and use tax deferral under this chapter on an investment project must complete the following procedures:

(1) The owner must apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested deferral including information indicated on the application form or in the guidelines;

(b) A description of the investment project and site plan, and other information requested;

(c) A statement of the expected number of affordable housing units to be created;

(d) A statement that the applicant is aware of the potential tax liability involved if the investment project ceases

to be used for eligible uses under this chapter;

(e) A statement that the applicant is aware that the investment project must be completed within three years from the date of approval of the application;

(f) A statement that the applicant is aware that the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed 24 consecutive months; and

(g) A statement that the applicant would not have built in this location but for the availability of the tax deferral under this chapter;

(2) The applicant must verify the application by oath or affirmation; and

(3) The application must be accompanied by the application fee, if any, required under this chapter. The duly authorized administrative official or committee of the city may permit the applicant to revise an application before final action by the duly authorized administrative official or committee of the city.

NEW SECTION. Sec. 6. The duly authorized administrative official or committee of the city may approve the application and grant a conditional certificate of program approval if it finds that:

(1)(a) The investment project is set aside primarily for multifamily housing units and the applicant commits to renting or selling at least 50 percent of the units as affordable rental housing or affordable homeownership housing to very low, low, and moderate-income households. In a mixed use project, only the ground floor of a building may be used for commercial purposes with the remainder dedicated to multifamily housing units;

(b) At least 50 percent of the investment project set aside for multifamily housing units will be rented at a price at or below fair market rent for the county or sold at a price at or below county median price; and

(c) The applicant commits to any additional affordability and income eligibility conditions adopted by the local government under this chapter not otherwise inconsistent with this chapter;

(2) The investment project is, or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The investment project will occur on land that constitutes underdeveloped property;

(4) The area where the investment project will occur is located within an area zoned for residential or mixed uses;

(5) The terms and conditions of the implementation of the development meets the requirements of this chapter and any requirements of the city that are not otherwise inconsistent with this chapter;

(6) The land where the investment project will occur was not acquired through a condemnation proceeding under Title 8 RCW; and

(7) All other requirements of this chapter have been satisfied as well as any other requirements of the city that are not otherwise inconsistent with this chapter.

NEW SECTION. Sec. 7. (1) The duly authorized administrative official or committee of the city must approve or deny an application filed under this chapter within 90 days after receipt of the application.

(2) If the application is approved, the city must issue the applicant a conditional certificate of program approval. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the investment project as described in the application will comply with the required criteria of this chapter.

(3) If the application is denied by the city, the city must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within 10 days of the denial.

(4) Upon denial by the city, an applicant may appeal the denial to the city's governing authority or a city official designated by the city to hear such appeals within 30 days after receipt of the denial. The appeal before the city's governing authority or designated city official must be based upon the record made before the city with the burden of proof on the applicant to show

that there was no substantial evidence to support the city's decision. The decision of the city on the appeal is final.

NEW SECTION. Sec. 8. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority in administering the program under this chapter. The application fee must be paid at the time the application for program approval is filed.

NEW SECTION. Sec. 9. (1) Within 30 days of the issuance of a certificate of occupancy for an eligible investment project, the conditional recipient must file with the city the following:

(a) A description of the work that has been completed and a statement that the eligible investment project qualifies the property for a sales and use tax deferral under this chapter;

(b) A statement of the new affordable housing to be offered as a result of the new construction; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of program approval.

(2) Within 30 days after receipt of the statements required under subsection (1) of this section, the city must determine and notify the conditional recipient as to whether the work completed and the affordable housing to be offered are consistent with the application and the contract approved by the city, and the investment project continues to qualify for a tax deferral under this chapter. The conditional recipient must notify the department within 30 days from receiving the city's determination to schedule an audit of the deferred taxes. The department must determine the amount of sales and use taxes qualifying for the deferral. If the department determines that purchases were not eligible for deferral it must assess interest, but not penalties, on the nonqualifying amounts.

(3) The city must notify the conditional recipient within 30 days that a tax deferral under this chapter is denied if the city determines that:

(a) The work was not completed within three years of the application date;

(b) The work was not constructed consistent with the application or other applicable requirements;

(c) The affordable housing units to be offered are not consistent with the application and criteria of this chapter; or

(d) The owner's property is otherwise not qualified for a sales and use tax deferral under this chapter.

(4) If the city finds that the work was not completed within the required time period due to circumstances beyond the control of the conditional recipient and that the conditional recipient has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority may extend the deadline for completion of the work for a period not to exceed 24 consecutive months.

(5) The city's governing authority may enact an ordinance to provide a process for a conditional recipient to appeal a decision by the city that the conditional recipient is not entitled to a deferral of sales and use taxes. The conditional recipient may appeal a decision by the city to deny a deferral of sales and use taxes in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within 30 days of notification by the city to the conditional recipient.

(6) A city denying a conditional recipient of a sales and use tax deferral under subsection (3) of this section must notify the department and taxes deferred under this chapter are immediately due and payable, subject to any appeal by the conditional recipient. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

NEW SECTION. Sec. 10. (1) Thirty days after the anniversary of the date of issuance of the certificate of occupancy and each year thereafter for 10 years, the conditional recipient must file with a designated authorized representative of the city an annual report indicating the following:

(a) A statement of the affordable housing units constructed on the property as of the anniversary date;

(b) A certification by the conditional recipient that the property has not changed use;

(c) A description of changes or improvements constructed after issuance of the certificate of occupancy; and

(d) Any additional information requested by the city.

(2) The conditional recipient of a deferral of taxes under this chapter must file a complete annual tax performance report with the department pursuant to RCW 82.32.534 beginning the year the certificate of occupancy is issued and each year thereafter for 10 years.

(3) A city that issues a certificate of program approval under this chapter must report annually by December 31st of each year, beginning in 2022, to the department of commerce. The report must include the following information:

(a) The number of program approval certificates granted;

(b) The total number and type of new buildings constructed;

(c) The number of affordable housing units resulting from the new construction; and

(d) The estimated value of the sales and use tax deferral for each investment project receiving a program approval and the total estimated value of sales and use tax deferrals granted.

NEW SECTION. Sec. 11. (1) A conditional recipient must submit an application to the department before initiation of the construction of the investment project. In the case of an investment project involving multiple qualified buildings, applications must be made for, and before the initiation of construction of, each qualified building. The application must be made to the department in a form and manner prescribed by the department. The application must include a copy of the conditional certificate of program approval issued by the city, estimated construction costs, time schedules for completion and operation, and any other information required by the department. The department must rule on the application within 60 days.

(2) The department must provide information to the conditional recipient regarding documentation that must be retained by the conditional recipient in

order to substantiate the amount of sales and use tax actually deferred under this chapter.

(3) The department may not accept applications for the deferral under this chapter after June 30, 2032.

(4) The application must include a waiver by the conditional recipient of the four-year limitation under RCW 82.32.100.

(5) This section expires July 1, 2032.

NEW SECTION. Sec. 12. (1) After receiving the conditional certificate of program approval issued by the city and provided to the department by the applicant, the department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) The department must keep a running total of all estimated sales and use tax deferrals provided under this chapter during each fiscal biennium.

(3) The deferral certificate is valid during active construction of a qualified investment project and expires on the day the city issues a certificate of occupancy for the investment project for which a deferral certificate was issued.

(4) This section expires July 1, 2032.

NEW SECTION. Sec. 13. (1) If a conditional recipient voluntarily opts to discontinue compliance with the requirements of this chapter, the recipient must notify the city and department within 60 days of the change in use or intended discontinuance.

(2) If, after the department has issued a sales and use tax deferral certificate and the conditional recipient has received a certificate of occupancy, the city finds that a portion of an investment project is changed or will be changed to disqualify the recipient for sales and use tax deferral eligibility under this chapter, the city must notify the department and all deferred sales and use taxes are immediately due and payable. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

(3) This section does not apply after 10 years from the date of the certificate of occupancy.

NEW SECTION. Sec. 14. (1) Transfer of investment project ownership does not terminate the deferral. The deferral is transferred subject to the successor meeting the eligibility requirements of this chapter.

(2) The transferor of an eligible project must notify the city and the department of such transfer. The city must certify to the department that the successor meets the requirements of the deferral. The transferor must provide the information necessary for the department to transfer the deferral. If the transferor fails to notify the city and the department, all deferred sales and use taxes are immediately due and payable. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral.

NEW SECTION. Sec. 15. (1) This section is the tax preference performance statement for the tax preference contained in chapter . . . , Laws of 2022 (this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to expand affordable housing options for very low to moderate-income households, specifically in underdeveloped urban areas.

(4)(a) To measure the effectiveness of the tax preference in this act, the joint legislative audit and review committee must evaluate the number of increased housing units on underdeveloped property. If a review finds that the number of affordable housing units has not increased, then the legislature intends to repeal this tax preference.

(b) The review must be provided to the fiscal committees of the legislature by December 31, 2030.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including data collected by the department under section 10 of this act.

NEW SECTION. Sec. 16. Sections 1 through 14 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chase.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Stokesbary; Vick and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5799
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5755
 ENGROSSED SENATE BILL NO. 5901
 ENGROSSED SENATE BILL NO. 5849
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5980
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5714

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

March 9, 2022

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1876. The President has appointed the following members as Conferees: Hunt, Kuderer, Wilson, J.

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5651,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5874,
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5664,
SENATE BILL NO. 5687,
SECOND SUBSTITUTE SENATE BILL NO. 5695,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5702,
SENATE BILL NO. 5713,
SECOND SUBSTITUTE SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5729,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5761,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764,
SENATE BILL NO. 5788,
SECOND SUBSTITUTE SENATE BILL NO. 5789,
SUBSTITUTE SENATE BILL NO. 5790,
SECOND SUBSTITUTE SENATE BILL NO. 5793,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.66.120 and 2001 c 115 s 1 are each amended to read as follows:

(1) All court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. The judgment and sentence must identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(2) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(3) All court-ordered restitution obligations may be enforced at any time during the (~~ten-year~~) 10-year period following the offender's release from total confinement or within (~~ten~~) 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial (~~ten-year~~) 10-year period, the court

may extend the criminal judgment an additional (~~ten~~) 10 years for payment of court-ordered restitution only if the court finds that the offender has not made a good faith attempt to pay.

(4) The party or entity to whom the court-ordered restitution obligation is owed may utilize any other remedies available to the party or entity to collect the court-ordered financial obligation.

(5) Nothing in this section may be construed to deprive the court of the authority to determine whether the offender's failure to pay the legal financial obligation constitutes a violation of a condition of probation or to impose a sanction upon the offender if such a violation is found.

Sec. 2. RCW 9.94A.750 and 2018 c 123 s 1 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~one hundred eighty~~) 180 days. The court may continue the hearing beyond the (~~one hundred eighty~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change.

The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3)(a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection:

(i) "Insurer" means any insurer as defined and authorized under Title 48 RCW. "Insurer" does not include an individual self-insurance program or joint self-insurance program.

(ii) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(iii) "State agency" has the same meaning as provided in RCW 42.56.010(1).

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of (~~ten~~) 10 years following the offender's release from total confinement or (~~ten~~) 10 years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the

initial (~~(ten-year)~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~(ten)~~) 10 years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial (~~(ten-year)~~) 10-year period or subsequent (~~(ten-year)~~) 10-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if

child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of (~~(twenty-five)~~) 25 years following the offender's release from total confinement or (~~(twenty-five)~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately

according to each victim's loss when there is more than one victim.

Sec. 3. RCW 9.94A.753 and 2018 c 123 s 2 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within (~~(one hundred eighty)~~) 180 days except as provided in subsection (7) of this section. The court may continue the hearing beyond the (~~(one hundred eighty)~~) 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3)(a) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or

other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(b) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of (~~(ten)~~) 10 years following the offender's release from total confinement or (~~(ten)~~) 10 years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial (~~(ten-year)~~) 10-year period, the superior court may extend jurisdiction under the criminal judgment an additional (~~(ten)~~) 10 years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community

under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the

superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of (~~twenty-five~~) 25 years following the offender's release from total confinement or (~~twenty-five~~) 25 years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered

restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

Sec. 4. RCW 9.94A.760 and 2018 c 269 s 14 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3). An offender being indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3) is not grounds for failing to impose restitution or the

crime victim penalty assessment under RCW 7.68.035. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of each payment made by or on behalf of an offender, the county clerk shall distribute the payment in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

(3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3). Costs of incarceration ordered by the court shall not exceed a rate of ~~((fifty dollars))~~ \$50 per day of incarceration, if incarcerated in a prison, or the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration

in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(5)(a) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

(b) If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may

be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).

(c) All other ~~((legal financial))~~ restitution obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ~~((ten-year))~~ 10-year period following the offender's release from total confinement or within ~~((ten))~~ 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ~~((ten-year))~~ 10-year period, the superior court may extend the criminal judgment an additional ~~((ten))~~ 10 years for payment of ~~((legal financial))~~ restitution obligations ~~((including crime victims' assessments))~~. All other ~~((legal financial))~~ restitution obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the ~~((legal financial))~~ restitution obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

(d) All other legal financial obligations other than restitution may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of nonrestitution legal financial obligations only if the court finds that the offender has the current or likely future ability to pay the obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(e) The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is

not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county

clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or

9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

(12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (5) of this section. The costs for collection services shall be paid by the offender.

(14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who

remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 5. RCW 6.17.020 and 2002 c 261 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the party in whose favor a judgment of a court has been or may be filed or rendered, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within (~~ten~~) 10 years from entry of the judgment or the filing of the judgment in this state.

(2) After July 23, 1989, a party who obtains a judgment or order of a court or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued upon that judgment or order at any time within (~~ten~~) 10 years of the (~~eighteenth~~) 18th birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been filed as a foreign judgment or rendered pursuant to subsection (1) or (4) of this section, or the assignee or the current holder thereof, may, within (~~ninety~~) 90 days before the expiration of the original (~~ten-year~~) 10-year period, apply to the court that rendered the judgment or to the court where the judgment was filed as a foreign judgment for an order granting an additional (~~ten~~) 10 years during which an execution, garnishment, or other legal process may be issued. If a district court judgment of this state is transcribed to a superior court of this state, the original district court judgment shall not be extended and any petition under this section to extend the judgment that has been transcribed to superior court shall be filed in the superior court within (~~ninety~~) 90 days before the expiration of the (~~ten-year~~) 10-year period of the date the transcript of the district court judgment was filed in the superior court of this state. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court, except in the case of district court judgments transcribed to superior court, where the

filing fee shall be the fee for filing the first or initial paper in a civil action in the superior court where the judgment was transcribed. The order granting the application shall contain an updated judgment summary as provided in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost. The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.

(4)(a) A party who obtains a judgment or order for restitution(~~(, crime victims' assessment, or other court-ordered legal financial obligations)~~) pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence or ~~((ten))~~ 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, provided that no filing fee shall be required.

(b) A party who obtains a judgment or order for court-ordered legal financial obligations other than restitution, pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and have legal process issued upon the judgment or order any time within 10 years subsequent to the entry of the judgment and sentence or 10 years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, only if the court finds that the offender has the current or likely future ability to pay the nonrestitution legal financial obligations. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). No filing fee shall be required for filing a petition for an extension pursuant to this subsection (4)(b).

(5) "Court" as used in this section includes but is not limited to the United States supreme court, the United States courts of appeals, the United States district courts, the United States bankruptcy courts, the Washington state supreme court, the court of appeals of the state of Washington, superior courts and district courts of the counties of the state of Washington, and courts of other states and jurisdictions from which judgment has been filed in this state under chapter 6.36 or 6.40 RCW.

(6) The perfection of any judgment lien and the priority of that judgment lien on property as established by RCW 6.13.090 and chapter 4.56 RCW is not altered by the extension of the judgment pursuant to the provisions of this section and the lien remains in full force and effect and does not have to be rerecorded after it is extended. Continued perfection of a judgment that has been transcribed to other counties and perfected in those counties may be accomplished after extension of the judgment by filing with the clerk of the other counties where the judgment has been filed either a certified copy of the order extending the judgment or a certified copy of the docket of the matter where the judgment was extended.

(7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a period exceeding ~~((twenty))~~ 20 years from the date of entry in the originating court. Nothing in this section may be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

(8) The chapter 261, Laws of 2002 amendments to this section apply to all judgments currently in effect on June 13, 2002, to all judgments extended after June 9, 1994, unless the judgment has been satisfied, vacated, and/or quashed, and to all judgments filed or rendered, or both, after June 13, 2002.

Sec. 6. RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing

sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or 9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current

ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((4))~~ (5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Sec. 7. RCW 9.95.210 and 2019 c 263 s 302 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection in granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(b) For a defendant sentenced for a domestic violence offense, or under RCW 46.61.5055, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension continue upon such conditions

and for such time as the court shall designate, not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. Any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence if the defendant violates or fails to carry out any of the conditions of the suspended sentence.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f)

to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(5) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary for up to twelve months. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county,

but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

~~((5))~~ (6) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to sentences imposed under this section.

~~((7))~~ (8) For purposes of this section, "domestic violence" means the same as in RCW 10.99.020.

NEW SECTION. Sec. 8. A new section is added to chapter 10.01 RCW to read as follows:

A defendant who has been ordered to pay fines and who has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the sentencing court for remission of the payment of fines or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in fines, modify the method of payment under RCW 10.01.170, or convert the unpaid amounts to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the

defendant is indigent as defined in RCW 10.01.160(3).

Sec. 9. RCW 10.01.160 and 2018 c 269 s 6 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed ~~((two hundred fifty dollars))~~ \$250. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed ~~((one hundred fifty dollars))~~ \$150. Costs for preparing and serving a warrant for failure to appear may not exceed ~~((one hundred dollars))~~ \$100. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than ~~((one hundred dollars))~~ \$100 per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a

judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs if the defendant at the time of sentencing is indigent (~~(as defined in RCW 10.101.010(3) (a) through (e))~~). In determining the amount and method of payment of costs for defendants who are not indigent (~~(as defined in RCW 10.101.010(3) (a) through (e))~~), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose. For the purposes of this section, a defendant is "indigent" if the defendant: (a) Meets the criteria defined in RCW 10.101.010(3) (a) through (c); (b) is homeless or mentally ill as defined in RCW 71.24.025; (c) has household income above 125 percent of the federal poverty guidelines and has recurring basic living costs, as defined in RCW 10.101.010, that render the defendant without the financial ability to pay; or (d) has other compelling circumstances that exist that demonstrate an inability to pay.

(4) A defendant who has been ordered to pay costs and who (~~(is not in contumacious default in the payment thereof)~~) has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time ((after release from total confinement)) petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in ((RCW 10.101.010(3) (a) through (e))) subsection (3) of this section.

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 10. RCW 10.73.160 and 2018 c 269 s 12 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who ~~((is not in contumacious default in the payment))~~ has not willfully failed to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and 10.01.180, may at any time ((after release from total confinement)) petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 11. RCW 10.64.015 and 2018 c 269 s 10 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW

~~((10.101.010(3) (a) through (e)))~~
10.01.160(3).

Sec. 12. RCW 10.82.090 and 2018 c 269 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split ~~((twenty five))~~ 25 percent to the state treasurer for deposit in the state general fund, ~~((twenty five))~~ 25 percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, ~~((twenty five))~~ 25 percent to the county current expense fund, and ~~((twenty five))~~ 25 percent to the county current expense fund to fund local courts.

(2) The court may elect not to impose interest on any restitution the court orders. Before determining not to impose interest on restitution, the court shall inquire into and consider the following factors: (a) Whether the offender is indigent as defined in RCW 10.101.010(3) or general rule 34; (b) the offender's available funds, as defined in RCW 10.101.010(2), and other liabilities including child support and other legal financial obligations; (c) whether the offender is homeless; and (d) whether the offender is mentally ill, as defined in RCW 71.24.025. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is not imposed. The court may also consider any other information that the court believes, in the interest of justice, relates to not imposing interest on restitution. After consideration of these factors, the court may waive the imposition of restitution interest.

(3) The court may, on motion by the offender, ~~((following the offender's release from total confinement,))~~ reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued prior to June 7, 2018;

(b) The court may waive or reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full (~~and as an incentive for the offender to meet his or her other legal financial obligations~~), except as provided in (c) of this subsection. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest;

(c) The court may, following the offender's release from total confinement, waive or reduce interest on restitution that accrued during the offender's period of incarceration if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). The prosecuting attorney shall make reasonable efforts to notify the victim entitled to restitution of the date and place of the hearing. The court shall also consider the victim's input, if any, as it relates to any financial hardship caused to the victim if interest is reduced or waived.

~~((3))~~ (4) This section only applies to adult offenders.

Sec. 13. RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the

sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and

other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3)---(a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3)---(a) through (e)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 14. RCW 9.94B.040 and 2018 c 269 s 15 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court

shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within ~~((seventy two))~~ 72 hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within ~~((fifteen))~~ 15 days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation, and may (i) convert a term of

partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court

finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed ~~((sixty))~~ 60 days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW ~~((10.101.010(3) (a) through (e)))~~ 10.01.160(3), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan,

without the offender's consent, as described under RCW 71.05.630.

(6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 15. RCW 10.01.180 and 2018 c 269 s 8 are each amended to read as follows:

(1) A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child

support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each (~~twenty five dollars~~) \$25 of the amount ordered, (~~thirty~~) 30 days if the amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(5) If it appears to the satisfaction of the court that the default in the payment of any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the court shall enter an order: (a) Allowing the defendant additional time for payment; (b) reducing the amount thereof or of each installment; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.

(6) A default in the payment of any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law

for the enforcement of a judgment. The levy of execution for the collection of any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount has actually been collected.

Sec. 16. RCW 3.62.085 and 2018 c 269 s 16 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of (~~forty three dollars~~) \$43, except this fee shall not be imposed on a defendant who is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 17. RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of (~~two hundred dollars~~) \$200 except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of (~~forty five dollars~~) \$45, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The (~~forty five dollar~~) \$45 filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of (~~two hundred dollars~~) \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of (~~two hundred dollars~~) \$200.

(d) For filing of a petition for an antiharassment protection order under RCW 7.105.100 a filing fee of (~~fifty three dollars~~) \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of (~~two hundred dollars~~) \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of (~~two hundred dollars~~) \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~) \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3). Upon motion by the defendant, the court may waive or reduce any fee previously imposed under this subsection if the court finds that the defendant is indigent as defined in RCW 10.01.160(3).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 7.105.115.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) In addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which (~~seventy-five~~) 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and (~~twenty-five~~) 25 percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of (~~thirty dollars~~) \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of (~~forty dollars~~) \$40 must be collected.

NEW SECTION. Sec. 18. A new section is added to chapter 3.66 RCW to read as follows:

"Legal financial obligation" means a sum of money that is ordered by a district or municipal court of the state of Washington for legal financial obligations which may include restitution to the victim, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a conviction. Legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

Sec. 19. RCW 10.01.170 and 2018 c 269 s 7 are each amended to read as follows:

(1) When a defendant is sentenced to pay fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as

defined in RCW (~~10.101.010(3) through (e)~~) 10.01.160(3), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 20. RCW 10.46.190 and 2018 c 269 s 9 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW (~~10.101.010(3) through (e)~~) 10.01.160(3). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 21. RCW 9.92.070 and 2018 c 269 s 11 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods. If the court finds that the defendant is indigent as defined in RCW

((~~10.101.010(3)~~ ~~(a) through (c)~~) 10.01.160(3)), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

Sec. 22. RCW 7.68.240 and 2011 c 336 s 249 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to RCW 7.68.200 through 7.68.280, the department shall immediately pay over ((~~fifty~~) 50 percent of any moneys in the escrow account to such person or his or her legal representatives and ((~~fifty~~) 50 percent of any moneys in the escrow account to the fund under RCW 7.68.035(4).

Sec. 23. RCW 9.94A.505 and 2021 c 242 s 3 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.655, relating to the parenting sentencing alternative;

(ix) RCW 9.94A.695, relating to the mental health sentencing alternative;

(x) RCW 9.94A.507, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

(xiv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of ((~~thirty~~) 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than ((~~thirty~~) 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760(~~(7 and 43.43.7541)~~)).

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;
- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 24. RCW 9.94A.777 and 2010 c 280 s 6 are each amended to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution (~~or the victim penalty assessment under RCW 7.68.035~~), a judge must first determine that the defendant, under the terms of

this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

NEW SECTION. Sec. 25. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. Sec. 26. This act takes effect January 1, 2023."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505, and 9.94A.777; reenacting and amending RCW 36.18.020; adding a new section to chapter 10.01 RCW; adding a new section to chapter 3.66 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simmons spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

MOTIONS

On motion of Representative Ramel, Representative Ormsby was excused.

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1412, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1412, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Goehner, Graham, Hoff, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Schmick, Sutherland, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Klippert and Ormsby.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active municipal solid waste landfill" means a municipal solid waste landfill that has accepted or is accepting solid waste for disposal and has not been closed in accordance with

the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this chapter, air pollution does not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Ambient air" means the surrounding outside air.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Closed municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

(6) "Department" means the department of ecology.

(7) "Emission" means a release of air contaminants into the ambient air.

(8) "Gas collection system" means any system that employs various gas collection wells and connected piping, and mechanical blowers, fans, pumps, or compressors to create a pressure gradient and actively extract landfill gas.

(9) "Gas control device" means any device used to dispose of or treat collected landfill gas including, but not limited to, enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells, and gas turbines.

(10) "Gas control system" means any system that disposes of or treats collected landfill gas by one or more of the following means: Combustion; gas treatment for subsequent sale, or sale for processing offsite, including for transportation fuel and injection into a natural gas pipeline.

(11) "Municipal solid waste landfill" means a discrete area of land or an excavation that receives household waste

and that is not a land application site, surface impoundment, injection well, or pile.

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

NEW SECTION. Sec. 2. (1) This chapter applies to all municipal solid waste landfills that received solid waste after January 1, 1992, except as provided in subsection (2) of this section.

(2) This chapter does not apply to the following landfills:

(a) Landfills that receive only hazardous waste, or are currently regulated under the comprehensive environmental response, compensation, and liability act, 42 U.S.C. chapter 103; and

(b) Landfills that receive only inert waste or nondecomposable wastes.

(3) The department must adopt rules to implement this chapter. The rules adopted by the department must be informed by landfill methane regulations adopted by the California air resources board, the Oregon environmental quality commission, and the United States environmental protection agency.

NEW SECTION. Sec. 3. (1) Each owner or operator of an active municipal solid waste landfill having fewer than 450,000 tons of waste in place must submit an annual waste in place report to the department or local authority pursuant to section 7 of this act.

(a) The waste in place report must be prepared for the period of January 1st through December 31st of each year. The report must be submitted to the department or local authority during the subsequent calendar year, with the date of submission to be established by rule as adopted by the department.

(b) The waste in place report must be submitted annually until either:

(i) The active municipal solid waste landfill reaches a size greater than or equal to 450,000 tons of waste in place; or

(ii) The owner or operator submits a closure notification pursuant to section 7 of this act.

(2) Each owner or operator of either an active municipal solid waste landfill having greater than or equal to 450,000 tons of waste in place or a closed municipal solid waste landfill having greater than or equal to 750,000 tons of waste in place must calculate the landfill gas heat input capacity pursuant to section 8 of this act and the department's implementing rules and must submit a landfill gas heat input capacity report to the department or local authority.

(a) If the calculated landfill gas heat input capacity is less

than 3,000,000 British thermal units per hour recovered, the owner or operator must:

(i) Recalculate the landfill gas heat input capacity annually using the procedures specified in section 8 of this act and the department's implementing rules; and

(ii) Submit an annual landfill gas heat input capacity report to the department or local authority until either of the following conditions are met:

(A) The calculated landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered; or

(B) If the municipal solid waste landfill is active, the owner or operator submits a closure notification pursuant to section 7 of this act.

(b) If the landfill gas heat input capacity is greater than or equal to 3,000,000 British thermal units per hour recovered, the owner or operator must either:

(i) Comply with the requirements of this chapter and the department's implementing rules; or

(ii) Demonstrate to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules. Based on the monitoring results, the owner or operator must do one of the following:

(A) If there is any measured concentration of methane of 200 parts per million by volume or greater from the surface of an active, inactive, or closed municipal solid waste landfill, comply with this chapter and the department's implementing rules adopted pursuant to section 2 of this act;

(B) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of an active municipal solid waste landfill, recalculate the landfill gas heat input capacity annually as required in (a) of this subsection until such time that the owner or operator submits a closure notification pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; or

(C) If there is no measured concentration of methane of 200 parts per million by volume or greater from the surface of a closed or inactive municipal solid waste landfill, the requirements of this chapter and the department's implementing rules adopted pursuant to section 2 of this act no longer apply, provided that the following information is submitted to and approved by the department or local authority:

(I) A waste in place report pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act; and

(II) All instantaneous surface monitoring records.

NEW SECTION. Sec. 4. (1) The owner or operator of any municipal solid waste landfill that has a calculated landfill gas heat input capacity greater than or equal to 3,000,000 British thermal units per hour recovered must install a gas collection and control system that meets the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act, unless the owner or operator demonstrates to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of methane of 200 parts per million by volume or greater using the instantaneous surface monitoring procedures specified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a municipal solid waste landfill partners with a third party to operate all or a

portion of the gas collection and control system or energy recovery device, the obligation to comply with the requirements of this chapter are the responsibility of the owner or operator of the relevant portion of the gas collection and control system or energy recovery device.

(2) The gas collection and control system must handle the expected gas generation flow rate from the entire area of the municipal solid waste landfill and must collect gas at an extraction rate to comply with the surface methane emission limits set forth in section 5 of this act and the department's implementing rules.

(3) The gas collection and control system must be designed and operated so that there is no landfill gas leak that exceeds 500 parts per million by volume, measured as methane, at any component under positive pressure.

(4) The gas collection and control system, if it uses a flare, must achieve a methane destruction efficiency of at least 99 percent by weight and must use either an enclosed flare or, if the system uses an open flare, the open flare must comply with the following requirements:

(a) The open flare must meet the requirements of 40 C.F.R. Sec. 60.18 (as last amended by 73 Fed. Reg. 78209, December 22, 2008);

(b) An open flare installed and operating prior to December 31, 2022, may operate until January 1, 2032, unless the owner or operator demonstrates to the satisfaction of the department or local authority that the landfill gas heat input capacity is less than 3,000,000 British thermal units per hour pursuant to section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act and is insufficient to support the continuous operation of an enclosed flare or other gas control device; and

(c) The owner or operator may temporarily operate an open flare during the repair or maintenance of the gas control system, or while awaiting the installation of an enclosed flare, or to address offsite gas migration issues. Any owner or operator seeking to temporarily operate an open flare must submit a written request to the department or local authority pursuant to section 10 of this act and the department's

implementing rules adopted pursuant to section 2 of this act.

(5) If the gas collection and control system does not use a flare, it must either route the collected gas to an energy recovery device or devices, or must route the collected gas to a treatment system that processes the collected gas for subsequent sale or use.

(6) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the owner or operator of the energy recovery device or devices must comply with the following requirements:

(a) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight, except for lean-burn internal combustion engines that were installed and operating prior to January 1, 2022, which must reduce the outlet methane concentration to less than 3,000 parts per million by volume, dry basis corrected to 15 percent oxygen; and

(b) If a boiler or a process heater is used as the gas control device, the landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.

(7) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use, the owner or operator of the treatment system must ensure the system achieves a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to subsection (4) of this section.

(8) The owner or operator of a municipal solid waste landfill must conduct a source test for any gas control device or devices subject to this section using the test methods identified in section 8 of this act and the department's implementing rules adopted pursuant to section 2 of this act. If a gas control device is currently in compliance with source testing requirements as of the effective date of this section, the owner or operator must conduct the source test no less frequently than once every five years. If

a gas control device is currently not in compliance with source testing requirements as of the effective date of this section, or if a subsequent source test shows the gas control device is out of compliance, the owner or operator must conduct the source test no less frequently than once per year until two subsequent consecutive tests both show compliance. Upon two subsequent consecutive compliant tests, the owner or operator may return to conducting the source test no less frequently than once every five years.

NEW SECTION. Sec. 5. (1) Except as provided in section 4 of this act, beginning January 1st of the year following the year in which the department adopts rules to implement this chapter, or upon commencing operation of a newly installed gas collection and control system or modification of an existing gas collection and control system pursuant to section 4 of this act, whichever is later, and except as provided by the department to accommodate significant technological improvements, which may include the installation of an energy recovery device or devices, not to exceed 24 months after the department adopts rules to implement this chapter, no location on a municipal solid waste landfill surface may exceed the following methane concentration limits, dependent upon whether the owner or operator of the municipal solid waste landfills conducts, pursuant to section 6 of this act, instantaneous surface emissions monitoring or integrated surface emissions monitoring:

(a) Five hundred parts per million by volume, other than nonrepeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or

(b) An average methane concentration limit of 25 parts per million by volume as determined by integrated surface emissions monitoring.

(2) Any reading exceeding the limits set forth in subsection (1) of this section must be recorded as an exceedance and the following actions must be taken:

(a) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map of the municipal solid waste landfill, drawn to scale, with the

location of both the monitoring grids and the gas collection system clearly identified; and

(b) The owner or operator must take corrective action, which may include, but not be limited to, maintenance or repair of the cover, or well vacuum adjustments. The location or locations of any exceedance must be remonitored within 10 calendar days of a measured exceedance.

(3) The requirements of this section do not apply to:

(a) The working face of the landfill;

(b) Areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system;

(c) Areas of the landfill surface where the landfill cover material has been removed for law enforcement activities requiring excavation; or

(d) Areas of the landfill in which the landfill owner or operator, or a designee of the owner or operator, is engaged in active mining for minerals or metals.

NEW SECTION. **Sec. 6.** (1) The owner or operator of a municipal solid waste landfill with a gas collection and control system must conduct instantaneous or integrated surface monitoring of the landfill surface according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor the gas control system according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill with a gas collection and control system must monitor each individual wellhead to determine the gauge pressure according to the requirements specified in implementing rules adopted by the department pursuant to section 2 of this act.

NEW SECTION. **Sec. 7.** (1) The owner or operator of a municipal solid waste landfill must maintain records and prepare reports as prescribed in this section and in the department's implementing rules adopted pursuant to section 2 of this act.

(2) The owner or operator of a municipal solid waste landfill must maintain records related to monitoring, testing, landfill operations, and the operation of the gas control device, gas collection system, and gas control system. The records must be provided by the owner or operator to the department or local authority within five business days of a request from the department or local authority.

(3) The owner or operator of a municipal solid waste landfill that ceases to accept waste must submit a closure notification to the department or local authority within 30 days of ceasing to accept waste.

(4) The owner or operator of a municipal solid waste landfill must submit a gas collection and control system equipment removal report to the department or local authority within 30 days of well capping or the removal or cessation of operation of the gas collection, treatment, or control system equipment.

(5) The owner or operator of either an active municipal solid waste landfill with 450,000 or more tons of waste in place or a closed municipal solid waste landfill with 750,000 or more tons of waste in place must prepare an annual report for the period of January 1st through December 31st of each year. The annual report must include a calculation of landfill gas heat input capacity. Each annual report must be submitted to the department and local authority during the subsequent calendar year, with the date of submission to be established through rules adopted by the department.

(6) The owner or operator of an active municipal solid waste landfill with fewer than 450,000 tons of waste in place must submit a waste in place report to the department or local authority.

NEW SECTION. **Sec. 8.** (1) Any instrument used for the measurement of methane must be a hydrocarbon detector or other equivalent instrument approved by the department or local authority based on standards adopted by the department that address calibration,

specifications, and performance criteria.

(2) The determination of landfill gas heat input capacity must be calculated consistent with the department's implementing rules adopted pursuant to section 2 of this act.

(3) The owner or operator of a municipal solid waste landfill must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(4) The owner or operator of a municipal solid waste landfill must measure leaks using a hydrocarbon detector meeting the requirements of this section and the department's implementing rules adopted pursuant to section 2 of this act.

(5) The expected gas generation flow rate must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(6) The control device destruction efficiency must be determined according to the department's implementing rules adopted pursuant to section 2 of this act.

(7) Gauge pressure must be determined using a hand-held manometer, magnehelic gauge, or other pressure measuring device approved by the department or local authority.

(8) Alternative test methods may be used if they are approved in writing by the department or local authority.

NEW SECTION. Sec. 9. (1) The department or local authority must allow the capping or removal of the gas collection and control system at a closed municipal solid waste landfill, provided the following three requirements are met:

(a) The gas collection and control system was in operation for at least 15 years, unless the owner or operator demonstrates to the satisfaction of the department or local authority that due to declining methane rates, the municipal solid waste landfill will be unable to operate the gas collection and control system for a 15 year period;

(b) Surface methane concentration measurements do not exceed the limits specified in section 5 of this act; and

(c) The owner or operator submits an equipment removal report to the department or local authority pursuant to section 7 of this act and the department's implementing rules adopted pursuant to section 2 of this act.

(2) Nothing in this section may be interpreted to modify or supersede requirements related to the capping or removal of gas collection and control systems that may exist under the state clean air act, the federal clean air act, or rules adopted pursuant to either the state clean air act or the federal clean air act.

NEW SECTION. Sec. 10. (1) The owner or operator of a municipal solid waste landfill may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in sections 4, 6, and 8 of this act, and the department's implementing rules adopted pursuant to section 2 of this act. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance option requests include, but are not limited to: Compliance history; documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components; permits; component testing and surface monitoring results; gas collection and control system operation, maintenance, and inspection records; and historical meteorological data.

(3) The department must review the requested alternatives and either approve or disapprove the alternatives within 120 days. The department may request that additional information be submitted as part of the review of the requested alternatives.

(4) If a request for an alternative compliance option is denied, the department must provide written reasons for the denial.

(5) The department must deny a request for alternative compliance measures if the request does not provide levels of enforceability or methane emissions control that are equivalent to those set forth in this chapter or in the department's implementing rules adopted pursuant to section 2 of this act.

NEW SECTION. Sec. 11. The department or local authority may request that any owner or operator of a municipal solid waste landfill demonstrate that a landfill does not meet the applicability criteria specified in section 2 of this act. Such a demonstration must be submitted to the department or local authority within 90 days of a written request received from the department or local authority.

NEW SECTION. Sec. 12. Any person who violates this chapter or any rules that implement this chapter may incur a civil penalty pursuant to RCW 70A.15.3160. The department shall waive penalties in the event the owner or operator of the landfill is actively taking corrective actions to control any methane exceedances. Penalties collected under this section must be deposited into the air pollution control account created in RCW 70A.15.1010 and may only be used to implement chapter 70A.--- RCW (the new chapter created in section 18 of this act).

NEW SECTION. Sec. 13. The department and local authorities may assess and collect such fees as may be necessary to recover the direct and indirect costs associated with the implementation of this chapter.

Sec. 14. RCW 70A.65.080 and 2021 c 316 s 10 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent

emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3)~~((a))~~ A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a~~((+~~

~~(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or~~

~~(ii) Railroad)) railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.~~

~~((b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:~~

~~(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart III Municipal Solid Waste landfills, and subsequent updates; and~~

~~(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.~~

~~(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.)~~

(4) When a covered entity reports, during a compliance period, emissions

from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from

the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period; ~~(and)~~

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.--- RCW (the new chapter created in section 18 of this act).

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be

included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under chapter 316, Laws of 2021 and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

Sec. 15. RCW 70A.15.3160 and 2021 c 317 s 25, 2021 c 315 s 16, and 2021 c 132 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25, 70A.60, 70A.450, (~~or 70A.60~~) 70A.535 ((RCW)), or 70A.--- RCW (the new chapter created in section 18 of this act), RCW 76.04.205, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Enforcement actions related to violations of RCW 76.04.205 must be consistent with the provisions of RCW 76.04.205.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to

accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4)(a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department or the department of natural resources shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A.60 RCW must be paid into the state treasury and credited to the refrigerant emission management account created in RCW 70A.60.050.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly underreporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 16. RCW 70A.15.1010 and 2021 c 315 s 13 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 (~~and~~), 70A.15.5120, and section 12 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapters 70A.25 and 70A.--- (the new chapter created in section 18 of this act) RCW, and RCW 70A.60.060. Moneys collected under section 12 of this act may only be used to implement chapter 70A.--- RCW (the new chapter created in section 18 of this act).

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or

on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

Sec. 17. RCW 70A.65.260 and 2021 c 316 s 29 are each amended to read as follows:

(1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in RCW 70A.65.020;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of

industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.521; and

(B) Initiatives to develop new education programs, emerging fields, or

jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, ~~((or other means))~~ installation of gas collection devices and gas control systems, monitoring and reporting of methane emissions, or other means, prioritizing funding needed for any activities by local governments to comply with chapter 70A.--- RCW (the new chapter created in section 18 of this act);

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. Sec. 18. Sections 1 through 13 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "landfills;" strike the remainder of the title and insert "amending RCW

70A.65.080, 70A.15.1010, and 70A.65.260; reenacting and amending RCW 70A.15.3160; adding a new chapter to Title 70A RCW; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Duerr and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1663, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1663, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

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

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

Excused: Representatives Klippert and Ormsby.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2022

Madame Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 to second reading for purpose of amendment(s). The Senate further adopted amendment 1821-S.E AMS MUZZ S5421.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.700 and 2021 c 157 s 1 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under

subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video

technology, with the covered person (~~within the past year~~) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation,

or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

Sec. 2. RCW 48.43.735 and 2021 c 157 s 2 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The plan provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the carrier would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers

within the group, regardless of a provider's location.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Licensed or certified behavioral health agency;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or the patient's health plan for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the commissioner has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the commissioner may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the commissioner may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(h) "Provider" has the same meaning as in RCW 48.43.005;

(i) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(j) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)]))~~ (10) The commissioner may adopt any rules necessary to implement this section.

Sec. 3. RCW 71.24.335 and 2021 c 157 s 4 and 2021 c 100 s 1 are each reenacted and amended to read as follows:

(1) Upon initiation or renewal of a contract with the authority, behavioral health administrative services organizations and managed care organizations shall reimburse a provider for a behavioral health service provided to a covered person through telemedicine or store and forward technology if:

(a) The behavioral health administrative services organization or managed care organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider;

(b) The behavioral health service is medically necessary; and

(c) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health administrative services organization, or managed care organization, and the provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health administrative services organization, or managed care organization, as applicable. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection

(3) of this section may not charge a facility fee.

(5) Behavioral health administrative services organizations and managed care organizations may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) Behavioral health administrative services organizations and managed care organizations may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health administrative services organization or managed care organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health administrative services organization or a managed care organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit; or

(c) An originating site or provider when the site or provider is not a contracted provider.

(8)(a) If a provider intends to bill a patient, a behavioral health administrative services organization, or a managed care organization for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority, as defined in RCW 18.130.020, for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the

actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) The covered person has had, within the past three years, at least one in-person appointment ((within the past year)), or at least one real-time interactive appointment using both audio

and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or ((the))

(ii) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(f) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

(g) "Provider" has the same meaning as in RCW 48.43.005;

(h) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(i) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

~~((9) [(10)])~~ (10) The authority must adopt rules as necessary to implement the provisions of this section.

Sec. 4. RCW 74.09.325 and 2021 c 157 s 5 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health

care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

(ii) The health care service is medically necessary;

(iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015;

(iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information; and

(v) Beginning January 1, 2023, for audio-only telemedicine, the covered person has an established relationship with the provider.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine the same amount of compensation the managed health care system would pay the provider if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate an amount of compensation for telemedicine services that differs from the amount of compensation for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(iv) A rural health clinic shall be reimbursed for audio-only telemedicine at the rural health clinic encounter rate.

(2) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Licensed or certified behavioral health agency;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site, a hospital that is an originating site for audio-only telemedicine, or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to

coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8)(a) If a provider intends to bill a patient or a managed health care system for an audio-only telemedicine service, the provider must obtain patient consent for the billing in advance of the service being delivered and comply with all rules created by the authority related to restrictions on billing medicaid recipients. The authority may submit information on any potential violations of this subsection to the appropriate disciplining authority, as defined in RCW 18.130.020(~~(f)~~), or take contractual actions against the provider's agreement for participation in the medicaid program, or both.

(b) If the health care authority has cause to believe that a provider has engaged in a pattern of unresolved violations of this subsection (8), the health care authority may submit information to the appropriate disciplining authority for action. Prior to submitting information to the appropriate disciplining authority, the health care authority may provide the provider with an opportunity to cure the alleged violations or explain why the actions in question did not violate this subsection (8).

(c) If the provider has engaged in a pattern of unresolved violations of this subsection (8), the appropriate disciplining authority may levy a fine or cost recovery upon the provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the disciplining authority. Upon completion of its review of any potential violation submitted by the health care authority or initiated directly by an enrollee, the disciplining authority shall notify the health care authority of the results of the review, including whether the violation was substantiated and any enforcement action

taken as a result of a finding of a substantiated violation.

(9) For purposes of this section:

(a)(i) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(ii) For purposes of this section only, "audio-only telemedicine" does not include:

(A) The use of facsimile or email; or

(B) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results;

(b) "Disciplining authority" has the same meaning as in RCW 18.130.020;

(c) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(d) "Established relationship" means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

(i) For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:

(A) The covered person has had, within the past three years, at least one in-person appointment (~~within the past year~~), or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or (~~the~~)

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at

least one real-time interactive appointment using both audio and video technology, with the covered person ((within the past year)) and has provided relevant medical information to the provider providing audio-only telemedicine;

(ii) For any other health care service:

(A) The covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or

(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine;

(e) "Health care service" has the same meaning as in RCW 48.43.005;

(f) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(g) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(h) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(i) "Provider" has the same meaning as in RCW 48.43.005;

(j) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(k) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "telemedicine;" strike the remainder of the title and insert "amending RCW 41.05.700, 48.43.735, and 74.09.325; reenacting and amending RCW 71.24.335; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE

HOUSE BILL NO. 1821 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1821, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Klippert and Ormsby.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The epidemic of homelessness apparent in communities throughout Washington is creating immense suffering. It is threatening the health of homeless families and individuals, sapping their human potential, eroding public confidence, and undermining the

shared values that have driven our state's prosperity, including public safety and access to public streets, parks, and facilities;

(b) In seeking to identify the causes of this epidemic, a large proportion of those unsheltered also suffer from serious behavioral health or physical health conditions that will inevitably grow worse without timely and effective health care;

(c) Housing is an indispensable element of effective health care. Stable housing is a prerequisite to addressing behavioral health needs and lack of housing is a precursor to poor health outcomes;

(d) A home, health care, and wellness are fundamental for Washington residents;

(e) Reducing homelessness is a priority of the people of Washington state and that reducing homelessness through policy alignment and reform lessens fiscal impact to the state and improves the economic vitality of our businesses;

(f) The impact of this epidemic is falling most heavily on those communities that already suffer the most serious health disparities: Black, indigenous, people of color, and historically marginalized and underserved communities. It is a moral imperative to shelter chronically homeless populations; and

(g) Washington state has many of the tools needed to address this challenge, including a network of safety net health and behavioral health care providers in both urban and rural areas, an effective system of health care coverage through apple health, and excellent public and nonprofit affordable housing providers. Yet far too many homeless families and individuals are going without the housing and health care resources they need because these tools have yet to be combined in an effective way across the state.

(2) It is the intent of the legislature to treat chronic homelessness as a medical condition and that the apple health and homes act address the needs of chronically homeless populations by pairing a health care problem with a health care solution.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Community support services" means active search and promotion of access to, and choice of, appropriate, safe, and affordable housing and ongoing supports to assure ongoing successful tenancy. The term includes, but is not limited to, services to medical assistance clients who are homeless or at risk of becoming homeless through outreach, engagement, and coordination of services with shelter and housing. The term includes benefits offered through the foundational community supports program established pursuant to the authority's federal waiver, entitled "medicaid transformation project," as amended and reauthorized.

(2) "Community support services provider" means a local entity that contracts with a coordinating entity to provide community support services. A community support services provider may also separately perform the functions of a housing provider.

(3) "Coordinating entity" means one or more organizations, including medicaid managed care organizations, under contract with the authority to coordinate community support services as required under sections 3 and 4 of this act. There may only be one coordinating entity per regional service area.

(4) "Department" means the department of commerce.

(5) "Homeless person" has the same meaning as in RCW 43.185C.010.

(6) "Housing provider" means a public or private organization that supplies permanent supportive housing units consistent with RCW 36.70A.030 to meet the housing needs of homeless persons. A housing provider may supply permanent supportive housing in a site-based or scattered site arrangement using a variety of public, private, philanthropic, or tenant-based sources of funds to cover operating costs or rent. A housing provider may also perform the functions of a community support services provider.

(7) "Office" means the office of apple health and homes created in section 5 of this act.

(8) "Program" means the apple health and homes program established in section 3 of this act.

(9) "Permanent supportive housing" has the same meaning as in RCW 36.70A.030.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the apple health and homes program is established to provide a permanent supportive housing benefit and a community support services benefit through a network of community support services providers for persons assessed with specific health needs and risk factors.

(a) The program shall operate through the collaboration of the department, the authority, the department of social and health services, local governments, the coordinating entity or entities, community support services providers, local housing providers, local health care entities, and community-based organizations in contact with potentially eligible individuals, to assure seamless integration of community support services, stable housing, and health care services.

(b) The entities operating the program shall coordinate resources, technical assistance, and capacity building efforts to help match eligible individuals with community support services, health care, including behavioral health care and long-term care services, and stable housing.

(2) To be eligible for community support services and permanent supportive housing under subsection (3) of this section, a person must:

(a) Be 18 years of age or older;

(b)(i) Be enrolled in a medical assistance program under this chapter and eligible for community support services;

(ii)(A) Have a countable income that is at or below 133 percent of the federal poverty level, adjusted for family size, and determined annually by the federal department of health and human services; and

(B) Not be eligible for categorically needy medical assistance, as defined in the social security Title XIX state plan; or

(iii) Be assessed as likely eligible for, but not yet enrolled in, a medical assistance program under this chapter due to the severity of behavioral health symptom acuity level which creates barriers to accessing and receiving conventional services;

(c) Have been assessed:

(i) By a licensed behavioral health agency to have a behavioral health need which is defined as meeting one or both of the following criteria:

(A) Having mental health needs, including a need for improvement, stabilization, or prevention of deterioration of functioning resulting from the presence of a mental illness; or

(B) Having substance use disorder needs indicating the need for outpatient substance use disorder treatment which may be determined by an assessment using the American society of addiction medicine criteria or a similar assessment tool approved by the authority;

(ii) By the department of social and health services as needing either assistance with at least three activities of daily living or hands-on assistance with at least one activity of daily living and have the preliminary determination confirmed by the department of social and health services through an in-person assessment conducted by the department of social and health services; or

(iii) To be a homeless person with a long-continuing or indefinite physical condition requiring improvement, stabilization, or prevention of deterioration of functioning, including the ability to live independently without support; and

(d) Have at least one of the following risk factors:

(i)(A) Be a homeless person at the time of the eligibility determination for the program and have been homeless for 12 months prior to the eligibility determination; or

(B) Have been a homeless person on at least four separate occasions in the three years prior to the eligibility determination for the program, as long as

the combined occasions equal at least 12 months;

(ii) Have a history of frequent or lengthy institutional contact, including contact at institutional care facilities such as jails, substance use disorder or mental health treatment facilities, hospitals, or skilled nursing facilities; or

(iii) Have a history of frequent stays at adult residential care facilities or residential treatment facilities.

(3) Once a coordinating entity verifies that a person has met the eligibility criteria established in subsection (2) of this section, it must connect the eligible person with a community support services provider. The community support services provider must:

(a) Deliver pretenancy support services to determine the person's specific housing needs and assist the person in identifying permanent supportive housing options that are appropriate and safe for the person;

(b) Fully incorporate the eligible person's available community support services into the case management services provided by the community support services provider; and

(c) Deliver ongoing tenancy-sustaining services to support the person in maintaining successful tenancy.

(4) Housing options offered to eligible participants may vary, subject to the availability of housing and funding.

(5) The community support services benefit must be sustained or renewed in accordance with the eligibility standards in subsection (2) of this section, except that the standards related to homelessness shall be replaced with an assessment of the person's likelihood to become homeless in the event that the community support services benefit is terminated. The coordinating entity must adopt procedures to conduct community support services benefit renewals, according to authority standards.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) To establish and administer section 3 of this act, the authority shall:

(a)(i) Establish or amend a contract with a coordinating entity to:

(A) Assure the availability of access to eligibility determinations services for community support services benefits and permanent supportive housing benefits;

(B) Verify that persons meet the eligibility standards of section 3(2) of this act;

(C) Coordinate enrollment in medical assistance programs for persons who meet the eligibility standards of section 3(2) of this act, except for actual enrollment in a medical assistance program under this chapter; and

(D) Coordinate with a network of community support services providers to arrange with local housing providers for the placement of an eligible person in permanent supportive housing appropriate to the person's needs and assure that community support services are provided to the person by a community support services provider.

(ii) The primary role of the coordinating entity or entities is administrative and operational, while the authority shall establish the general policy parameters for the work of the coordinating entity or entities.

(iii) In selecting the coordinating entity or entities, the authority shall: Choose one or more organizations that are capable of coordinating access to both community support services and permanent supportive housing services to eligible persons under section 3 of this act; and select no more than one coordinating entity per region which is served by medicaid managed care organizations;

(b) Report to the office for the ongoing monitoring of the program; and

(c) Adopt any rules necessary to implement the program.

(2) The authority shall establish a work group to provide feedback to the agency on its foundational community supports program as it aligns with the work of the housing benefit. The work group may include representatives of state agencies, behavioral health administrative services organizations, the coordinating entity or entities, and

contracted agencies providing foundational community supports services. Topics may include, but are not limited to, best practices in eligibility screening processes and case rate billing for foundational community supports housing, regional cost differentials, costs consistent with specialized needs, improved data access and data sharing with foundational community supports providers, and requirements related to the use of a common practice tool among community support services providers to integrate social determinants of health into service delivery. The authority, in consultation with foundational community supports providers and their stakeholders, shall engage each region on case management tools and programs, evaluate effectiveness, and inform the appropriate committees of the legislature on the use of case management tools. Case management shall also be a regular item of engagement in the work group. The authority shall convene the work group at least once each quarter and may expand upon, but not duplicate, existing work groups or advisory councils at the authority or other state agencies.

(3) To support the goals of the program and the goals of other statewide initiatives to identify and address social needs, including efforts within the 1115 waiver renewal to advance health equity and health-related supports, the authority shall work with the office and the department of social and health services to research, identify, and implement statewide universal measures to identify and consider social determinants of health domains, including housing, food security, transportation, financial strain, and interpersonal safety. The authority shall select an accredited or nationally vetted tool, including criteria for prioritization, for the community support services provider to use when making determinations about housing options and other support services to offer individuals eligible for the program. This screening and prioritization process may not exclude clients transitioning from inpatient or other behavioral health residential treatment settings. The authority shall inform the governor and the appropriate committees of the legislature on progress to this end.

(4)(a) The authority and the department may seek and accept funds from

private and federal sources to support the purposes of the program.

(b) The authority shall seek approval from the federal department of health and human services to:

(i) Receive federal matching funds for administrative costs and services provided under the program to persons enrolled in medicaid;

(ii) Align the eligibility and benefit standards of the foundational community supports program established pursuant to the waiver, entitled "medicaid transformation project" and initially approved November 2017, between the authority and the federal centers for medicare and medicaid services, as amended and reauthorized, with the standards of the program, including extending the duration of the benefits under the foundational community supports program to not less than 12 months; and

(iii) Implement a medical and psychiatric respite care benefit for certain persons enrolled in medicaid.

(5)(a) By December 1, 2022, the authority and the office shall report to the governor and the legislature on preparedness for the first year of program implementation, including the estimated enrollment, estimated program costs, estimated supportive housing unit availability, funding availability for the program from all sources, efforts to improve billing and administrative burdens for foundational community supports providers, efforts to streamline continuity of care and system connection for persons who are potentially eligible for foundational community supports, and any statutory or budgetary needs to successfully implement the first year of the program.

(b) By December 1, 2023, the authority and the office shall report to the governor and the legislature on the progress of the first year of program implementation and preparedness for the second year of program implementation.

(c) By December 1, 2024, the authority and the office shall report to the governor and the legislature on the progress of the first two years of program implementation and preparedness for ongoing housing acquisition and development.

(d) By December 1, 2026, the authority and the office shall report to the governor and the legislature on the full implementation of the program, including the number of persons served by the program, available permanent supportive housing units, estimated unmet demand for the program, ongoing funding requirements for the program, and funding availability for the program from all sources. Beginning December 1, 2027, the authority and the office shall provide annual updates to the governor and the legislature on the status of the program.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, there is created the office of apple health and homes within the department.

(2) Activities of the office of apple health and homes must be carried out by a director of the office of apple health and homes, supervised by the director of the department or their designee.

(3) The office of apple health and homes is responsible for leading efforts under this section and coordinating a spectrum of practice efforts related to providing permanent supportive housing, including leading efforts related to every aspect of creating housing, operating housing, obtaining services, and delivering those services to connect people with housing and maintain them in that housing.

(4) The office of apple health and homes shall:

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under section 3 of this act;

(b) Collaborate with department divisions responsible for making awards or loans to appropriate housing providers to acquire, build, and operate the housing units, including but not limited to nonprofit community organizations, local counties and cities, public housing authorities, and public development authorities;

(c) Collaborate with the authority on administrative functions, oversight, and reporting requirements, as necessary to implement the apple health and homes program established under section 3 of this act;

(d) Establish metrics and collect racially disaggregated data from the authority and the department related to the program's effect on providing persons with permanent supportive housing, moving people into independent housing, long-term housing stability, improving health outcomes for people in the program, estimated reduced health care spending to the state on persons enrolled in the program, and outcomes related to social determinants of health;

(e) Develop a publicly accessible dashboard to make key program outcomes available to the public. Key program outcomes include, but are not limited to, the number of people served by the program and the number of housing units created by the office;

(f) Create work plans and establish milestones to achieve the goal of providing permanent supportive housing for all eligible individuals; and

(g) Oversee the allocation of community support services provider and housing provider capacity-building grants to further the state's interests of enhancing the ability of community support services providers and housing providers to deliver community support services and permanent supportive housing and assure that an initial infrastructure is established to create strong networks of community support services providers and housing providers.

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

(a) "Community support services provider" has the same meaning as in section 2 of this act.

(b) "Coordinating entity" has the same meaning as in section 2 of this act.

(c) "Housing provider" has the same meaning as in section 2 of this act.

(d) "Permanent supportive housing" has the same meaning as in section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

The apple health and homes account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for permanent supportive housing programs administered by the office created in section 5 of this act, including acquisition and development of permanent supportive housing units, operations, maintenance, and services costs of permanent supportive housing units, project-based vouchers, provider grants, and other purposes authorized by appropriations made in the operating budget. The department must prioritize allocating at least 10 percent of the expenditures from the account to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness and behavioral health conditions, including black, indigenous, and other people of color, lesbian, gay, bisexual, queer, transgender, and other gender diverse individuals. When selecting projects supported by funds from the account, the office shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities of this act on a statewide basis, including in rural areas and in geographically diverse parts of the state.

Sec. 7. RCW 36.22.176 and 2021 c 214 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); ~~((and))~~

(c)(i) The remainder of funds must be distributed to the home security fund account, with no less than 60 percent of funds to be used for project-based vouchers for nonprofit housing providers or public housing authorities, housing services, rapid rehousing, emergency housing, ~~((or))~~ acquisition, or operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030 for persons with disabilities. Permanent supportive housing programs administered by the office of apple health and homes created in section 5 of this act are also eligible to use these funds. Priority for use must be given to ~~((project based vouchers and related services, housing acquisition, or emergency housing, for))~~ purposes intended to house persons who are chronically homeless or maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children. ~~((At least 50 percent of persons receiving a project based voucher, rapid rehousing, emergency housing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement.))~~ In addition, funds may be used for eviction prevention rental assistance pursuant to RCW 43.185C.185, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.

(ii) The department shall provide counties with the right of first refusal to receive grant funds distributed under this subsection (c). If a county refuses the funds or does not respond within a time frame established by the department, the department shall identify an alternative grantee. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of

previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

NEW SECTION. Sec. 8. Subject to amounts appropriated from the apple health and homes account created in section 6 of this act the department of commerce shall establish a rapid permanent supportive housing acquisition and development program to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 and to public development authorities established under RCW 35.21.730 through 35.21.755, for the acquisition or the construction of permanent supportive housing units, subject to the following conditions and limitations:

(1) Awards or loans provided under this section may be used to construct permanent supportive housing units or to acquire real property for quick conversion into permanent supportive housing units which may include predevelopment or development activities, renovation, and building update costs. Awards or loans provided under this section may not be used for operating or maintenance costs associated with providing permanent supportive housing, supportive services, or debt service.

(2) Projects acquired or constructed under this section must serve individuals eligible for a community support services benefit through the apple health and homes program, as established in section 3 of this act.

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, including but not limited to:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the construction or acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants through the end of the award or loan contract.

(4) The department of commerce shall provide a progress report on its website by June 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(5)(a) The funding in this section shall be allocated on an ongoing basis until all funds are expended. The department of commerce shall dispense funds to qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(b) The department of commerce shall ensure that proposals that reach the greatest public benefit, as defined by the department, are prioritized. For the purposes of this subsection, "greatest public benefit" must include, but is not limited to:

(i) The greatest number of qualifying permanent supportive housing units created by the state investment, determined by comparing simultaneous applications for funding from the same geographic region; and

(ii) Equitable geographic distribution, to the extent possible, relative to need, as determined by the establishment of regional targets.

NEW SECTION. **Sec. 9.** A new section is added to chapter 44.28 RCW to read as follows:

The joint committee must review the efficacy of the apple health and homes program established by this act and report its findings to the appropriate committees of the legislature by December 1, 2027. The review must include a recommendation on whether this program should be continued without change or should be amended or repealed.

NEW SECTION. **Sec. 10.** This act may be known and cited as the apple health and homes act."

On page 1, line 3 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 36.22.176; adding new sections to chapter 74.09 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 44.28 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chopp and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1866, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1866, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dufault, Graham, Kraft, McCaslin, Sutherland, Vick and Young.

Excused: Representatives Klippert and Ormsby.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

March 9, 2022

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1015
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1153
SUBSTITUTE HOUSE BILL NO. 1389
HOUSE BILL NO. 1430
SUBSTITUTE HOUSE BILL NO. 1590
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643
SUBSTITUTE HOUSE BILL NO. 1655
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1691
HOUSE BILL NO. 1748
SECOND SUBSTITUTE HOUSE BILL NO. 1751
HOUSE BILL NO. 1785
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1799
SUBSTITUTE HOUSE BILL NO. 1800
HOUSE BILL NO. 1805
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1815
SECOND SUBSTITUTE HOUSE BILL NO. 1835
HOUSE BILL NO. 1859
SECOND SUBSTITUTE HOUSE BILL NO. 1860
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881
SUBSTITUTE HOUSE BILL NO. 1901
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956
HOUSE BILL NO. 2024
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2075
SECOND SUBSTITUTE HOUSE BILL NO. 2078
SECOND SUBSTITUTE SENATE BILL NO. 5664
SENATE BILL NO. 5687
SECOND SUBSTITUTE SENATE BILL NO. 5695
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5702
SENATE BILL NO. 5713
SECOND SUBSTITUTE SENATE BILL NO. 5720
SUBSTITUTE SENATE BILL NO. 5729
ENGROSSED SUBSTITUTE SENATE BILL NO.
5761
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5764
SENATE BILL NO. 5788
SECOND SUBSTITUTE SENATE BILL NO. 5789
SUBSTITUTE SENATE BILL NO. 5790
SECOND SUBSTITUTE SENATE BILL NO. 5793

The Speaker called upon Representative Orwall to
preside.

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

MESSAGES FROM THE SENATE

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the
following bill and passed the bill as amended by the House:

SUBSTITUTE SENATE BILL NO. 5741,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5002,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5245,
SUBSTITUTE SENATE BILL NO. 5376,
SUBSTITUTE SENATE BILL NO. 5528,
SENATE BILL NO. 5529,
SECOND SUBSTITUTE SENATE BILL NO. 5532,
SUBSTITUTE SENATE BILL NO. 5555,
SENATE BILL NO. 5566,
SENATE BILL NO. 5585,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600,
SUBSTITUTE SENATE BILL NO. 5610,
SENATE BILL NO. 5612,
SECOND SUBSTITUTE SENATE BILL NO. 5619,
SUBSTITUTE SENATE BILL NO. 5644,
SECOND SUBSTITUTE SENATE BILL NO. 5649,
SUBSTITUTE SENATE BILL NO. 5651,
SENATE BILL NO. 5657,
SUBSTITUTE SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 5728,
SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 9, 2022

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5085,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5268,
SENATE BILL NO. 5498,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5544,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5628,
SENATE BILL NO. 5634,
SUBSTITUTE SENATE BILL NO. 5749,

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5796,
SUBSTITUTE SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5818,
SUBSTITUTE SENATE BILL NO. 5819,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5842,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5847,
SENATE BILL NO. 5855,
SENATE BILL NO. 5868,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5878,
SUBSTITUTE SENATE BILL NO. 5883,
SENATE BILL NO. 5898,
SENATE BILL NO. 5929,
SUBSTITUTE SENATE BILL NO. 5961,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4669, by Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, and Young

WHEREAS, Representative Laurie Dolan was elected to the House of Representatives in 2016 to represent the 22nd Legislative District and has served the people of Washington with grace and fortitude; and

WHEREAS, Prior to being elected to office, she served as a long-time educator and leader in Spokane Public Schools and as the Policy Director for former Washington State Governor, Chris Gregoire; and

WHEREAS, Her years of service as an educator and dedication to public education led her to sponsor enrollment stabilization during the COVID-19 pandemic to ensure our schools remained funded at prepandemic enrollment levels; and

WHEREAS, Representative Dolan worked closely with the Office of the Superintendent of Public Instruction and the League of Women Voters to add civics education as a mandatory high school graduation requirement; and

WHEREAS, She established "Regional School Safety Centers" across the state in all nine educational service districts, staffed by experts to train school staff with the tools needed to recognize when a student may be a danger to him or herself or to others and ensure they receive the help needed; and

WHEREAS, She led efforts to train our School Resource Officers to improve their skill set and understanding of working with diverse student populations; and

WHEREAS, As a two-time cancer survivor and while currently fighting multiple myeloma, Representative Dolan pushed for changes in our health care system and voted for the expansion of affordable, accessible health care for all Washingtonians; and

WHEREAS, Representative Dolan is known and valued by her legislative colleagues for her hard work, commitment, and service-minded leadership for the people of the 22nd district and Washington state; and

WHEREAS, She worked tirelessly for our students, our hard-working state employees, and for improvements to K-12 education in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Representative Laurie Dolan's service to this institution and to our democracy.

Representatives Bateman, Harris, Riccelli, Rude and Stonier spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Dolan's legislative career and wished her well on her retirement.

With the consent of the House, HOUSE RESOLUTION NO. 4669 was adopted.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 5002
ENGROSSED SUBSTITUTE SENATE BILL NO.
5245
SUBSTITUTE SENATE BILL NO. 5376
SUBSTITUTE SENATE BILL NO. 5528
SENATE BILL NO. 5529
SECOND SUBSTITUTE SENATE BILL NO. 5532
SUBSTITUTE SENATE BILL NO. 5555
SENATE BILL NO. 5566
SENATE BILL NO. 5585
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5600
SUBSTITUTE SENATE BILL NO. 5610
SENATE BILL NO. 5612
SECOND SUBSTITUTE SENATE BILL NO. 5619
SUBSTITUTE SENATE BILL NO. 5644
SECOND SUBSTITUTE SENATE BILL NO. 5649
SUBSTITUTE SENATE BILL NO. 5651
SENATE BILL NO. 5657

SUBSTITUTE SENATE BILL NO. 5722
 SUBSTITUTE SENATE BILL NO. 5728
 SUBSTITUTE SENATE BILL NO. 5910
 SECOND SUBSTITUTE SENATE BILL NO. 5085
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5268
 SENATE BILL NO. 5498
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5544
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5628
 SENATE BILL NO. 5634
 SUBSTITUTE SENATE BILL NO. 5749
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5796
 SUBSTITUTE SENATE BILL NO. 5810
 SUBSTITUTE SENATE BILL NO. 5819
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5842
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5847
 SENATE BILL NO. 5855
 SENATE BILL NO. 5868
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5878
 SUBSTITUTE SENATE BILL NO. 5883
 SENATE BILL NO. 5898
 SENATE BILL NO. 5929
 SUBSTITUTE SENATE BILL NO. 5961

The Speaker called upon Representative Orwall to
 preside.

MESSAGE FROM THE SENATE

March 9, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1530,

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

SECOND READING

**SUBSTITUTE SENATE BILL NO. 5799, by Senate
 Committee on Business, Financial Services & Trade
 (originally sponsored by Robinson and Lovick)**

**Modifying the application of the workforce education
 investment surcharge to provider clinics and affiliated
 organizations. Revised for 1st Substitute: Modifying the
 application of the workforce education investment**

**advanced computing surcharge to provider clinics and
 affiliated organizations.**

The bill was read the second time.

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

Representative Berg spoke in favor of the passage of the
 bill.

Representative Orcutt spoke against the passage of the
 bill.

The Speaker (Representative Orwall presiding) stated
 the question before the House to be the final passage of
 Substitute Senate Bill No. 5799.

ROLL CALL

The Clerk called the roll on the final passage of
 Substitute Senate Bill No. 5799, and the bill passed the
 House by the following vote: Yeas, 66; Nays, 31; Absent,
 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Boehnke,
 Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault,
 Eslick, Gilday, Goehner, Graham, Harris, Jacobsen, Klicker,
 Kraft, Kretz, Maycumber, McCaslin, McEntire,
 Mosbrucker, Orcutt, Robertson, Rude, Steele, Sutherland,
 Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5799, having
 received the necessary constitutional majority, was declared
 passed.

**ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5755, by Senate Committee on Ways & Means
 (originally sponsored by Trudeau, Billig, Nobles,
 Saldaña and Wellman)**

**Authorizing certain cities to establish a limited sales
 and use tax incentive program to encourage
 redevelopment of vacant lands in urban areas. Revised
 for 2nd Substitute: Authorizing certain cities to establish
 a limited sales and use tax incentive program to
 encourage redevelopment of underdeveloped lands in
 urban areas.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 59, March 9, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Harris-Talley spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5755, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5755, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

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

Voting nay: Representatives Barkis, Boehnke, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Klicker, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5901, by Senators Randall, Billig, Holy, Mullet, Nguyen and Saldaña

Concerning economic development tax incentives for targeted counties.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was before the

House for purpose of amendment. (For Committee amendment, see Journal, Day 58, March 8, 2022).

Representative Orcutt moved the adoption of amendment (1377) to the committee striking amendment:

On page 10, beginning on line 29 of the striking amendment, after "equipment." strike all material through "\$400,000." on line 31

On page 12, beginning on line 11 of the striking amendment, after "equipment." strike all material through "\$400,000." on line 14

Representative Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1377) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Frame spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5901, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5901, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Corry, Dufault, Eslick, Gilday, Goehner, Griffey, Hoff, Jacobsen, Kraft, Kretz, MacEwen,

McCaslin, McEntire, Orcutt, Robertson, Steele, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Young.

Excused: Representative Klippert.

ENGROSSED SENATE BILL NO. 5901, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5849, by Senator Warnick

Concerning tax incentives.

The bill was read the second time.

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

Representatives Orcutt, Ramel and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5849.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5849, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Klippert.

ENGROSSED SENATE BILL NO. 5849, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Randall, Hunt, Kuderer and Mullet)

Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen

long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses. (REVISED FOR ENGROSSED: Providing substantial tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses.) Revised for 1st Substitute: Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic t

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 58, March 8, 2022).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul, Orcutt and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5714, by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle, Lias, Gildon, Lovelett, Mullet, Nguyen and Rolfes)

Creating a sales and use tax deferral program for solar canopies placed on large-scale commercial parking lots and other similar areas.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1376):

On page 5, line 3, after "receive a" insert "100 hundred percent"

On page 5, beginning on line 4, after "this act" strike all material through "faith efforts" on page 6, line 23

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Berg spoke against the adoption of the amendment.

Amendment (1376) was not adopted.

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

Representative Ramel spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5714.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5714, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen,

Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5714, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Wilson, L. and Mullet)

Concerning the revised uniform unclaimed property act.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 48, February 26, 2022).

Representative Stokesbary moved the adoption of amendment (1236) to the committee striking amendment:

On page 2, line 25, after "(10)" insert "Financial organization loyalty program" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or other promotional program established by a financial organization for the purposes of rewarding a relationship with a sponsoring entity.

(a) "Direct monetary consideration" does not include an annual or periodic fee charged for joining any such award, reward, loyalty, rebate, or promotional program.

(b) "Financial organization loyalty program" includes both a physical and an electronic record.

(c) An award, reward, benefit, loyalty, incentive, rebate, or promotional program is not excluded from the definition of "financial organization loyalty program" because the record is redeemable for money or cash or is otherwise monetized by the issuer.

(11)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, line 28, after "(iv)" insert "A financial organization loyalty program;

(v)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 4, after "gift certificate," insert "financial organization loyalty program,"

On page 7, line 20, after "content;" strike "or"

On page 7, line 21, after "(c)" insert "A financial organization loyalty program; or

(d)"

Correct any internal references accordingly.

Representative Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1236) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (1235) to the committee striking amendment:

On page 5, line 29, after "merchandise;" strike "and"

On page 5, line 30, after "(vi)" insert "Property due or owing from a business association to another business association, including without limitation accounts receivable credit balances; and

(vii)"

Correct any internal references accordingly.

Representatives Stokesbary and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1235) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (1237) to the committee striking amendment:

On page 9, line 13, after "card," strike "one year" and insert "three years"

Representatives Stokesbary and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Frame spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1237) to the committee striking amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Frame spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5531, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5531, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

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

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

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5531, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1924, by Representatives Tharinger, Chapman and Fey

Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.

The bill was read the second time.

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

Representatives Tharinger and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1924.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1924, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

HOUSE BILL NO. 1924, having received the necessary constitutional majority, was declared passed.

With the consent of the House, HOUSE BILL NO. 1924 was immediately transmitted to the Senate.

There being no objection, the House adjourned until 11:00 a.m., March 10, 2022, the 60th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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

2022 Regular Session
Convened January 10, 2022
Adjourned Sine Die March 10, 2022

VOLUME 4



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

Compiled and edited by Gary Holt, House Journal Clerk

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SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 10, 2022

The House was called to order at 11:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

March 10, 2022

The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Rachel Swenson, Grace Lutheran Church, Des Moines, Washington.

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

POINT OF PERSONAL PRIVILEGE

Representatives Ortiz-Self and Harris thanked the members cafeteria staff for all their hard work and wonderful food throughout session.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

MESSAGES FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1641,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,
SECOND SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED HOUSE BILL NO. 1990,
SUBSTITUTE HOUSE BILL NO. 2099,

and the same are herewith transmitted.

Sarah Bannister, Secretary

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1074,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1181,
HOUSE BILL NO. 1376,
SUBSTITUTE HOUSE BILL NO. 1571,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1630,
SUBSTITUTE HOUSE BILL NO. 1644,
SUBSTITUTE HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1703,
SUBSTITUTE HOUSE BILL NO. 1725,
SUBSTITUTE HOUSE BILL NO. 1773,
SUBSTITUTE HOUSE BILL NO. 1779,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1812,
HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 1902,
HOUSE BILL NO. 1975,
SECOND SUBSTITUTE HOUSE BILL NO. 2008,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1173,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1329,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1357,
SUBSTITUTE HOUSE BILL NO. 1616,
SECOND SUBSTITUTE HOUSE BILL NO. 1664,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1688,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1689,
SUBSTITUTE HOUSE BILL NO. 1706,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1723,
SUBSTITUTE HOUSE BILL NO. 1728,
ENGROSSED HOUSE BILL NO. 1851,

SECOND SUBSTITUTE HOUSE BILL NO. 1890,
 SUBSTITUTE HOUSE BILL NO. 1893,
 SUBSTITUTE HOUSE BILL NO. 2057,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2076,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1241,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1497,
 SUBSTITUTE HOUSE BILL NO. 1593,
 SUBSTITUTE HOUSE BILL NO. 1617,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1629,
 HOUSE BILL NO. 1647,
 HOUSE BILL NO. 1648,
 HOUSE BILL NO. 1651,
 HOUSE BILL NO. 1700,
 SUBSTITUTE HOUSE BILL NO. 1701,
 HOUSE BILL NO. 1704,
 SUBSTITUTE HOUSE BILL NO. 1708,
 HOUSE BILL NO. 1738,
 HOUSE BILL NO. 1739,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
 5714,
 SUBSTITUTE SENATE BILL NO. 5741,
 SUBSTITUTE SENATE BILL NO. 5753,
 SUBSTITUTE SENATE BILL NO. 5799,
 ENGROSSED SENATE BILL NO. 5849,
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5874,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

INTRODUCTION & FIRST READING

HB 2138 by Representative Walsh

AN ACT Relating to reducing the cumulative tax rate upon fuel licensees to half the amount that is imposed in 2022; amending RCW 82.38.030, 82.08.020, and 82.12.020; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HCR 4408 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4409 by Representatives Sullivan and Kretz

Adjourning SINE DIE.

There being no objection, the bill and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4408 and HOUSE CONCURRENT RESOLUTION NO. 4409 which were read the first time, and under suspension of the rules, were placed on the third reading calendar.

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

THIRD READING

MESSAGE FROM THE SENATE

March 9, 2022

Madame Speaker:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694 to second reading for purpose of amendment(s). The Senate further adopted amendment 1694-S.E AMS LOVE S5447.1 and passed the measure as amended.

On page 2, line 13, after "By" strike "~~((June))~~ September" and insert "June"

On page 2, line 16, after "deadline of" strike "September" and insert "June"

On page 2, line 19, after "By" strike "~~((June))~~ September" and insert "June"

On page 2, line 22, after "By" strike all material through "at least" and insert "June 1, 2024, and"

On page 2, line 26, after "By" strike all material through "at least" and insert "June 1, 2025, and"

On page 2, line 31, after "By" strike all material through "at least" and insert "June 1, 2027, and"

On page 2, line 35, after "By" strike all material through "at least" and insert "June 1, 2028, and"

On page 4, line 6, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 4, beginning on line 10, after "must" strike all material through "publication" on line 13 and insert "submit a report"

On page 6, at the beginning of line 1, strike "~~(Every)~~ At least every" and insert "Every"

On page 6, beginning on line 3, after "must" strike all material through "publication" on line 5 and insert "report"

On page 7, line 10, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 7, beginning on line 14, after "must" strike all material through "publication" on line 16 and insert "submit a report"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Berry and Dye spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1694, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Chase, Dent, Dufault, Eslick, Hoff, Kraft, Kretz, McCaslin, McEntire, Sutherland, Vick, Walsh, Ybarra and Young.

Excused: Representative Chandler.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

March 9, 2022

Engrossed Substitute Senate Bill No. 5689

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, making supplemental transportation appropriations for the 2021-2023 fiscal biennium, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-2998.3 be adopted.

Strike everything after the enacting clause and insert the following:

"2021-2023 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2021 c 333 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation (~~(\$546,000)~~)

\$554,000

Sec. 102. 2021 c 333 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State
Appropriation (~~(\$1,346,000)~~)

\$1,394,000

Sec. 103. 2021 c 333 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State
Appropriation (~~(\$668,000)~~)

\$674,000

Sec. 104. 2021 c 333 s 107 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Motor Vehicle Account—State
Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to

the legislature by December 1, (~~2021~~) 2022.

Sec. 105. 2021 c 333 s 109 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation
(~~(\$5,777,000)~~)

\$6,334,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first \$150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of \$16 per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2021, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

Sec. 106. 2021 c 333 s 113 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Puget Sound (~~Ferry~~) Capital
Construction Account

(~~(Puget Sound Capital Construction
Account)~~)—State Appropriation
(~~(\$300,000)~~)

\$450,000

Multimodal Transportation Account—
State

Appropriation \$200,000
TOTAL APPROPRIATION (~~(\$500,000)~~)
\$650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$300,000)~~) \$450,000 of the Puget Sound (~~ferry~~) capital construction account—state is provided solely for an independent review of the Washington state ferry system's design-build contracting process for (~~the~~) hybrid-electric (~~Olympic class~~) vessels. (~~The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid electric vessel.~~) The review must (~~include recommendations to benefit the full program for the design and construction of five hybrid electric vessels~~) compare Washington state ferry's policies and practices for design-build contracting to best practices, both domestically and internationally, and recommend best practices that would benefit the Washington state ferry system as well as any updates to existing RCW needed to implement recommendations. The review must evaluate opportunities in the contracting process to decrease vessel construction costs and ensure operational efficiencies. The joint legislative audit and review committee must report to the legislature with the findings by (~~October 1, 2022~~) June 30, 2023.

(2) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of

long-term leases based on the periodic land value appraisals under the terms of the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

NEW SECTION. Sec. 107. A new section is added to 2021 c 333 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

Waste Tire Removal Account—State
Appropriation \$200,000

The appropriation in this section is subject to the following conditions and limitations: The entire waste tire removal account—state appropriation is provided solely for a comprehensive evaluation of the waste tire clean-up program. The evaluation must include, but is not limited to, the following: An inventory of all major tire piles that exist by county and an identification of whether those tire piles are on public or private lands; an assessment of the ability to recover tire clean-up and disposal costs from the responsible parties for each of those sites; and an inventory of major tire piles that were previously placed in marine waters in an attempt to establish artificial reefs, including a review of the environmental and safety issues associated with those marine tire piles. Based on the information gathered, the final report must include recommendations for the highest and best use of approximately \$2,000,000 in time-limited resources for tire pile clean-up activities and recommendations to improve the department of ecology's current waste tire clean-up program in the future.

NEW SECTION. Sec. 108. A new section is added to 2021 c 333 (uncodified) to read as follows:**FOR THE OFFICE OF THE GOVERNOR**

State Patrol Highway Account—State
Appropriation \$650,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$350,000 of the state patrol highway account–state appropriation is provided solely to the state office of equity solely for a contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in chapter . . . (Substitute House Bill No. 2057), Laws of 2022. The state office of equity shall work with the department of enterprise services to conduct broad outreach for the consultant to ensure that the pool of potential consultants demonstrates familiarity with diversity, equity, and inclusion recruitment and retention efforts in law enforcement.

(b) \$100,000 of the state patrol highway account–state appropriation is provided solely to the state office of equity solely for a study to analyze existing state barriers to hiring commissioned officers. The study shall make recommendations to amend current state patrol hiring practices and underlying statutes that may need revision. Recommendations are due to the governor and appropriate committees of the legislature by December 1, 2022.

(c) \$200,000 of the state patrol highway account–state appropriation is provided solely to the state office of equity solely for facilitating long-term policy and system change to achieve equity in Washington state patrol hiring practices, including assisting Washington state patrol in applying an equity lens in all aspects of agency decision making, including program development, policy development, budgeting, and hiring. Activities to support this purpose may include an engagement plan with the communities served by the Washington state patrol and technical assistance to the Washington state patrol to build its internal capacity to sustain meaningful engagement with communities in all aspects of agency decision making.

(2) If chapter . . . (Substitute House Bill No. 2057), Laws of 2022 (strengthening diversity, equity, and inclusion in the state patrol workforce) is not enacted by June 30, 2022, the amount provided in the section lapses.

NEW SECTION. Sec. 109. A new section is added to 2021 c 333 (uncodified) to

read as follows:**FOR WASHINGTON STATE UNIVERSITY**

Motor Vehicle	Account–State
Appropriation \$200,000	
Multimodal Transportation	Account–State
Appropriation	\$225,000
TOTAL APPROPRIATION	\$425,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle account–state appropriation is provided solely for costs related to chapter . . . (Engrossed Second Substitute House Bill No. 1815), Laws of 2022 (catalytic converter theft). If chapter . . . (Engrossed Second Substitute House Bill No. 1815), Laws of 2022 is not enacted by June 30, 2022, then the amounts provided in this subsection lapse.

(2) \$225,000 of multimodal transportation account–state is provided solely to convene a work group to review the legal findings and holdings by the Washington supreme court in *City of Seattle v. Long* and to make recommendations in amending provisions concerning the towing and impound of vehicles under chapter 46.55 RCW. The work group must include relevant stakeholders including, but not limited to, vehicle resident advocates, nonprofit legal services organizations, tow truck operators or associations, municipal court representatives, fire chiefs and marshals, and representatives from cities and counties. The work group must meet at least three times and evaluate the following: The need to identify additional parties authorized to receive notice of and redeem impounded vehicles used as residences; the most effective and appropriate methods to identify vehicles used as residences before and after impound; the need to modify impound notice periods and forms; the need to modify impound hearing and public auction procedures and timelines for vehicles used as residences; the need to modify retention policies and timelines concerning impounded vehicles used as residences; which factors and considerations are appropriate for courts to evaluate when determining if towing and storage fees are excessive; the appropriate persons or entities and process to reimburse tow truck operators when excessive towing and storage fees

are reduced; any other necessary procedural modifications or protections required, including homestead act protections, concerning impounded vehicles used as residences; and any other technical amendments or policy considerations discussed by the work group. The final report, including any work group findings and recommended legislative changes, must be submitted to the appropriate committees of the legislature and the governor by December 1, 2022.

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2021 c 333 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation (~~(\$4,625,000)~~)

\$5,125,000

Highway Safety Account—Federal Appropriation (~~(\$27,202,000)~~)

\$27,324,000

Highway Safety Account—Private/Local Appropriation \$60,000

Cooper Jones Active Transportation Safety Account—

State Appropriation \$400,000

School Zone Safety Account—State Appropriation \$850,000

TOTAL APPROPRIATION (~~(\$32,737,000)~~)

\$33,759,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the

determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, (~~2022~~) 2023.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and

vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(4) \$400,000 of the Cooper Jones active transportation safety account—state appropriation is provided solely for grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the commission in consultation with the Cooper Jones active transportation safety council. However, the funds must be held in unallotted status until the commission submits a spending plan to the transportation committees of the legislature and the governor.

(5) \$485,000 of the highway safety account—state appropriation and \$50,000 of the highway safety account—federal appropriation are provided solely to develop a statewide public awareness campaign to inform and educate Washington citizens about the slow down and move over law, RCW 46.61.212. The educational campaign must include the use of public service announcements and written and digital informative and educational materials distributed by reasonable means. The Washington traffic safety commission and the department of licensing, working independently or in collaboration or both, shall develop the public awareness campaign using any available resources, as well as federal and other grant funds that may, from time to time, become available for this purpose.

Sec. 202. 2021 c 333 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State
Appropriation (~~(\$1,134,000)~~)

\$1,155,000

Motor Vehicle Account—State
Appropriation (~~(\$4,760,000)~~)

\$4,821,000

County Arterial Preservation Account—
State

Appropriation (~~(\$1,669,000)~~)

\$1,693,000

TOTAL APPROPRIATION
(~~(\$7,563,000)~~)

\$7,669,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

(2) Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 203. 2021 c 333 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—
State

Appropriation (~~(\$4,510,000)~~)

\$4,577,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress

report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 204. 2021 c 333 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State
Appropriation (~~(\$2,679,000)~~)

\$3,197,000

Multimodal Transportation Account—
State

Appropriation (~~(\$420,000)~~)

\$1,620,000

TOTAL APPROPRIATION
(~~(\$3,099,000)~~)

\$4,817,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or

taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) \$50,000 of the motor vehicle account-state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

(a) Issue bonds for bridge construction;

(b) Collect tolls; and

(c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) \$220,000 of the multimodal transportation account-state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter 258, Laws of 2021 (broadband along state highways). If chapter 258, Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) \$215,000 of the motor vehicle account-state appropriation is provided solely for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing

inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) \$400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) \$200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation

committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) \$200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

(i) Assess the magnitude of potential impact;

(ii) Assess the potential difficulty level of implementation; and

(iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

(i) Specific cooperative private sector and government actions;

(ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;

(iii) Incentive-based government programs to spur private sector innovation and investment; and

(iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

(8) \$400,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to conduct a study to determine how many nondrivers are in Washington state and the demographics of this population. The joint transportation committee is directed to conduct a survey, conduct research, develop a dataset, and conduct analysis on the nondriving population of Washington state. The analysis must include, but is not limited to: (a) Reasons for not driving; (b) demographics of who is not driving to include age, disability status, rural or urban residence, and other available demographic information; and (c) availability of transportation options for nondrivers and the impact those options have on their access to services, economic opportunity, recreation, education, and other aspects of community life. A report must be provided to the transportation committees of the legislature by February 1, 2023.

(9) \$250,000 of multimodal transportation account-state appropriation is for a comprehensive evaluation of the Washington state patrol's fleet of Cessna aircraft. The evaluation must include, but is not limited to, the following: (a) An assessment of the current use and performance, including outcomes measures, associated with the aircraft; (b) the timing of any needed replacement of the aircraft; (c) the feasibility, cost, and benefits associated with replacing the aircraft with ones powered by alternative fuel; and (d) a review of

innovative technologies, including unmanned aerial aircraft, to achieve the desired outcomes. The final report must be submitted by December 1, 2022.

(10) \$400,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to conduct an independent review of an ultra high-speed ground transportation corridor between Portland, Oregon and Vancouver, British Columbia. The review should include an assessment of the assumptions included in the studies overseen by the Washington state department of transportation: A 2017 to 2018 feasibility study; a 2019 business case analysis; and a 2020 report with recommendations for a governance framework, strategic engagement plan, and financial strategy. The joint transportation committee shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(11) \$150,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to examine options and provide recommendations for a state program to assist with the establishment of powered micromobility device lending libraries. The purpose of the powered micromobility device lending libraries is to provide low-cost or no-cost, reliable, and healthier modes of transportation to vulnerable communities. It is anticipated that the powered micromobility device lending libraries would be managed by community nonprofit organizations, local governments, higher education institutions, school districts, or federally recognized tribal governments. The options that should be examined include, but are not limited to: A state-funded grant program for the purchase of powered micromobility devices to be used in powered micromobility device lending libraries, direct technical assistance for establishing community-based powered micromobility device lending libraries, and direct-to-consumer incentives to applicants to purchase powered micromobility. Recommendations must specify how to prioritize program benefits for vulnerable populations and overburdened communities, including tribes, seniors, low-income populations, and communities with high environmental burdens. Powered micromobility devices to be examined by this study are devices that do not exceed product speed of 30

miles per hour or product weight of 100 pounds and include electric bicycles, electric cargo bikes, electric standing scooters, and other mobility devices under 50 pounds in weight that do not use fossil fuels. The joint transportation committee shall provide a report with its findings to the transportation committees of the legislature by June 30, 2023.

(12)(a) Within existing resources the joint transportation committee must convene a work group to discuss, collaborate, and develop recommendations to the committee on the distribution of federal-aid highway formula program funding from the infrastructure investment and jobs act to state and local government in future biennia. In addition to the executive committee of the joint transportation committee the work group shall include the governor's office, governor's staff from the office of financial management as well as one representative of each of the following:

(i) The Washington state association of counties;

(ii) Metropolitan planning organizations;

(iii) Regional transportation planning organizations;

(iv) The association of Washington cities;

(v) Tribes;

(vi) The Washington state department of transportation;

(vii) The Washington public ports association; and

(viii) The Washington state transit association.

(b) The Washington state department of transportation shall provide technical overviews, information, and updates on federal requirements, regulations and guidance from the United States department of transportation on spending federal-aid highway formula program funding.

(c) As the work group develops recommendations, Washington state department of transportation staff shall provide technical review of the recommendations to ensure federal requirements, including federal performance measures, can be met.

(d) Work group meetings shall be open to interested stakeholders and include opportunities for public comment.

(e) Following the meetings of the work group, the joint transportation committee shall consult with the governor's office prior to the committee recommending a distribution of federal aid highway formula program funding.

(f) The joint transportation committee, with recognition of the state's history of collaboration and open discussion, shall provide recommendations to the legislature on the allocation of the infrastructure investment and jobs act funding by September 30, 2022.

(13) \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study to assess opportunities to encourage high-consumption fuel users, including users of diesel fuel and gasoline, as well as in consideration of fleet usage, to switch to electric vehicles, where any zero-emissions vehicle is considered an electric vehicle. The purpose of the study is to significantly advance policymakers' understanding of the dynamics impacting consumer decisions to transition from a fossil-fueled vehicle to an electric vehicle, and to evaluate potential policies to help encourage this transition, including related to the availability of electric vehicle recharging infrastructure. A report on the study must be submitted to the transportation committees of the legislature and the governor by July 1, 2023. The legislature intends for the study to result in the collection of data to determine, at a minimum, the following:

(a) Which high-consumption users of fuel can switch to electric vehicles for a high percentage of their driving needs;

(b) How much money can high-consumption fuel users save by switching to electric vehicles;

(c) How many gallons of fuel are displaced by high-consumption fuel users switching to electric vehicles;

(d) What policies, including related to electric vehicle charging infrastructure, would encourage high-consumption fuel users to make the switch to electric vehicles;

(e) What high-consumption fuel users' attitudes and perceptions about electric vehicles are;

(f) What barriers, concerns, and viewpoints are held by high-consumption fuel users in relation to electric vehicles; and

(g) What messages are most effective for transitioning high-consumption fuel users to electric vehicles.

Sec. 205. 2021 c 333 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account-State Appropriation (~~(\$2,438,000)~~)

\$3,804,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account-State Appropriation \$127,000

State Route Number 520 Corridor Account-State

Appropriation \$276,000

Tacoma Narrows Toll Bridge Account-State

Appropriation \$180,000

Alaskan Way Viaduct Replacement Project Account-

State Appropriation \$172,000

TOTAL APPROPRIATION (~~(\$3,193,000)~~)

\$4,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must

be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service providers to support automated mileage reporting and periodic payment services.

~~((3))~~ (2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation, \$276,000 of the state route number 520 corridor account-state appropriation, \$180,000 of the Tacoma Narrows toll bridge account-state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account-state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

Sec. 206. 2021 c 333 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account-State

Appropriation (~~(\$831,000)~~)
\$843,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 207. 2021 c 333 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account-State
 Appropriation (~~(\$517,391,000)~~)

\$524,348,000

State Patrol Highway Account-Federal
 Appropriation (~~(\$15,838,000)~~)

\$16,433,000

State Patrol Highway Account-Private/Local

Appropriation (~~(\$4,267,000)~~)

\$4,314,000

Highway Safety Account-State
 Appropriation (~~(\$1,214,000)~~)

\$1,292,000

Ignition Interlock Device Revolving
 Account-State

Appropriation (~~(\$5,053,000)~~)

\$2,243,000

Multimodal Transportation Account-State

Appropriation (~~(\$288,000)~~)

\$293,000

State Route Number 520 Corridor
 Account-State

Appropriation \$433,000

Tacoma Narrows Toll Bridge Account-State

Appropriation \$77,000

I-405 and SR 167 Express Toll Lanes
 Account-State

Appropriation \$1,348,000

TOTAL APPROPRIATION
 (~~(\$545,909,000)~~)

\$550,781,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account-state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes,

and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~of this act~~), chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account-state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account-state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review

requirements of section 701 (~~of this act~~), chapter 333, Laws of 2021.

(6) (~~(\$7,962,000)~~) \$6,422,000 of the state patrol highway account-state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account-state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation, \$433,000 of the state route number 520 corridor account-state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account-state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account-state appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account-state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account-state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account-state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations). ~~((If chapter 329, Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(14) \$46,000 of the state patrol highway account-state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics). ~~((If chapter 320, Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(15) \$46,000 of the state patrol highway account-state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers). ~~((If chapter 324, Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to

address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the ~~((2022))~~ 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$331,000 of the state patrol highway account-state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter . . . (Substitute House Bill No. 2057), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$793,000 of the state patrol highway account-state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the governor and the transportation committees of the legislature by November 1, 2022.

(20) \$14,788,000 of the state patrol highway account-state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime,

travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the miniacademy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

(21) \$122,000 of the state patrol highway account-state appropriation, \$1,000 of the highway safety account-state appropriation, and \$4,000 of the ignition interlock account-state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) \$250,000 of the state patrol highway account-state appropriation is provided solely for implementation of chapter (Engrossed Substitute House Bill No. 2037), Laws of 2022 (peace officers/use of force). If chapter . . . (Engrossed Substitute House Bill No. 2037), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$949,000 of the state patrol highway account-state is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices into the program, including the timeliness of inspections.

(24) The Washington state patrol shall oversee a pilot program whereby registered tow truck operators may respond to a regional transit authority's request for impoundment of unauthorized vehicles. Under the pilot program, in order for an unauthorized vehicle to be subject to impoundment at the regional transit authority's request, the vehicle must be left unattended within the right-of-way used by a regional transit

authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety. By July 1, 2023, the state patrol shall submit a report to the governor and the transportation committees of the legislature regarding the outcomes of the pilot program, and recommendations on whether the pilot program should continue or be enacted on a permanent basis.

Sec. 208. 2021 c 333 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account-State
Appropriation \$34,000

Motorcycle Safety Education Account-State

Appropriation ((~~\$4,994,000~~))
\$5,016,000

Limited Fish and Wildlife Account-State

Appropriation ((~~\$917,000~~))
\$922,000

Highway Safety Account-State
Appropriation ((~~\$241,868,000~~))

\$242,712,000

Highway Safety Account-Federal
Appropriation \$1,294,000

Motor Vehicle Account-State
Appropriation ((~~\$73,327,000~~))

\$80,449,000

Motor Vehicle Account-Federal
Appropriation ((~~\$150,000~~))

\$400,000

Motor Vehicle Account-Private/Local
Appropriation ((~~\$6,600,000~~))

\$1,336,000

Ignition Interlock Device Revolving
Account-State

Appropriation ((~~\$6,071,000~~))
\$6,123,000

Department of Licensing Services
Account-State

Appropriation ((~~\$8,157,000~~))
\$7,964,000

License Plate Technology Account—State
Appropriation

~~((\$4,250,000))~~

\$4,092,000

Abandoned Recreational Vehicle
Account—State

Appropriation ~~((\$3,066,000))~~

\$3,078,000

Limousine Carriers Account—State
Appropriation \$110,000

Electric Vehicle Account—State
Appropriation ~~((\$405,000))~~

\$425,000

DOL Technology Improvement & Data
Management

Account—State Appropriation
~~((\$748,000))~~

\$874,000

Agency Financial Transaction Account—
State

Appropriation ~~((\$21,257,000))~~

\$22,257,000

~~((Driver Licensing Technology Support
Account—~~

~~State Appropriation \$1,373,000))~~

TOTAL APPROPRIATION
~~((\$374,521,000))~~

\$377,086,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of

charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3)(a) For the 2021-2023 biennium, the department shall charge ~~((\$6,600,000))~~ \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 ~~((of this act))~~, chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account-state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account-state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents). ~~((If chapter 158, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(8) ~~(((\$1,373,000))~~ \$929,000 of the ~~((driver licensing technology support))~~ highway safety account-state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions). ~~((If chapter 240, Laws of 2021 is not enacted by June 30, 2021, the~~

~~amount provided in this subsection lapses.))~~

(9) \$23,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter 10 ~~((Engrossed Substitute House Bill No. 1078))~~, Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 of the abandoned recreational vehicle disposal account-state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) \$54,000 of the motor vehicle account-state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216 ~~((of this act))~~, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire

nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a

decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216 (~~of this act~~), chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(12) \$434,000 of the highway safety account-state appropriation is provided solely for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(13) The department shall consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(14) \$100,000 of the highway safety account-state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) \$965,000 of the motor vehicle account-state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate

production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) \$28,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5750), Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter . . . (Substitute Senate Bill No. 5750), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$268,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(18) \$113,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5631), Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter . . . (Substitute Senate Bill No. 5631), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$18,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5741), Laws of 2022 (Patches pal special license plates). If chapter . . . (Substitute Senate Bill No. 5741), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$350,000 of the highway safety account-state appropriation is provided solely to expand driver's license

assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) \$6,139,000 of the highway safety account-state appropriation, \$1,849,000 of the motor vehicle account-state appropriation, \$203,000 of the department of licensing services account-state appropriation, and \$105,000 of the department of licensing technology improvement and data management account-state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) \$28,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1181), Laws of 2022 (veterans and military suicide). If chapter . . . (Engrossed Second Substitute House Bill No. 1181), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$83,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1984), Laws of 2022 (vehicle registration certificate addresses). If chapter . . . (Substitute House Bill No. 1984), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) \$57,000 of the motor vehicle account-state appropriation is provided

solely for the implementation of chapter . . . (House Bill No. 2074), Laws of 2022 (off-road vehicles fees). If chapter . . . (House Bill No. 2074), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(25) \$18,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1530), Laws of 2022 (wine special license plate). If chapter . . . (Engrossed Substitute House Bill No. 1530), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) \$316,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1790), Laws of 2022 (temporary license plates). If chapter . . . (Substitute House Bill No. 1790), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) \$251,000 of the highway safety account-state appropriation is provided solely for the department to: (a) Provide each driver's license, identicaid, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

Sec. 209. 2021 c 333 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TOLL OPERATIONS AND MAINTENANCE-PROGRAM B

State Route Number 520 Corridor Account-State

Appropriation ((~~\$53,689,000~~))
\$58,356,000

State Route Number 520 Civil Penalties Account-State

Appropriation ((~~\$4,122,000~~))
\$4,163,000
Tacoma Narrows Toll Bridge Account-State
Appropriation ((~~\$29,809,000~~))
\$31,102,000
Alaskan Way Viaduct Replacement Project Account-State
Appropriation ((~~\$20,840,000~~))
\$21,806,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account-State Appropriation ((~~\$23,910,000~~))
\$24,647,000
TOTAL APPROPRIATION ((~~\$132,370,000~~))
\$140,074,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account-state appropriation and \$12,484,000 of the state route number 520 corridor account-state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the

entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) (~~(\$708,000)~~) \$1,189,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation, (~~(\$1,651,000)~~) \$2,783,000 of the state route number 520 corridor account-state appropriation, (~~(\$709,000)~~) \$1,218,000 of the Tacoma Narrows toll bridge account-state appropriation, and (~~(\$932,000)~~) \$1,568,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium (~~, and are subject to the conditions, limitations, and review provided in section 701 of this act.~~

~~(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation).~~

((~~e~~)) (b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) (~~Out of funding appropriated in this section,~~) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation, \$288,000 of the state route number 520 corridor account-state appropriation, \$128,000 of the Tacoma Narrows toll bridge account-state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely for the department (~~shall~~) to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and

any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and

incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) (~~(\$1,516,000)~~) \$4,554,000 of the state route number 520 corridor account—state appropriation (~~(is)~~) and \$580,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the

department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(12) \$14,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation, \$32,000 of the state route number 520 corridor account-state appropriation, \$22,000 of the Tacoma Narrows toll bridge account-state appropriation, and \$27,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely to implement chapter . . . (Substitute House Bill No. 1790), Laws of 2022 (temporary license plates). If chapter . . . (Substitute House Bill No. 1790), Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

Sec. 210. 2021 c 333 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-INFORMATION TECHNOLOGY-PROGRAM C

Transportation Partnership Account-State

Appropriation ((~~\$1,377,000~~))
\$1,461,000

Motor Vehicle Account-State
Appropriation ((~~\$97,026,000~~))

\$101,010,000

Puget Sound Ferry Operations Account-State

Appropriation ((~~\$263,000~~))
\$307,000

Multimodal Transportation Account-State

Appropriation ((~~\$6,986,000~~))

\$7,013,000

Transportation 2003 Account (Nickel Account)-State

Appropriation ((~~\$1,393,000~~))
\$1,461,000

TOTAL APPROPRIATION
((~~\$107,045,000~~))

\$111,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,273,000 of the multimodal transportation account-state appropriation and \$4,273,000 of the motor vehicle account-state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 ((of this act)), chapter 333, Laws of 2021.

(2) \$2,404,000 of the motor vehicle account-state appropriation and \$119,000 of the multimodal transportation account-state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

Sec. 211. 2021 c 333 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION-PROGRAM D-OPERATING

Motor Vehicle Account-State
Appropriation ((~~\$35,574,000~~))

\$36,843,000

State Route Number 520 Corridor
Account-State

Appropriation \$34,000

TOTAL APPROPRIATION
 ((~~\$35,608,000~~))
 \$36,877,000

\$8,127,000
 Aeronautics Account-Federal
 Appropriation \$3,916,000

Aeronautics Account-Private/Local
 Appropriation \$60,000

Multimodal Transportation Account-
State
Appropriation \$150,000

TOTAL APPROPRIATION
 ((~~\$12,031,000~~))
\$12,253,000

The appropriations in this section are subject to the following conditions and limitations: \$780,000 of the motor vehicle account-state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,888,000 of the aeronautics account-state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

NEW SECTION. Sec. 212. A new section is added to 2021 c 333 (uncodified) to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION EQUIPMENT FUND-PROGRAM E**

(2) \$257,000 of the aeronautics account-state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 (~~of this act~~), chapter 333, Laws of 2021.

Motor Vehicle Account-State
 Appropriation \$12,396,000

The appropriation in this section is subject to the following conditions and limitations:

(3) \$280,000 of the aeronautics account-state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(1) \$10,396,000 of the motor vehicle account-state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(4)(a) \$150,000 of the multimodal transportation account-state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(2) \$2,000,000 of the motor vehicle account-state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

Sec. 213. 2021 c 333 s 212 (uncodified) is amended to read as follows:

(b) Community engagement efforts may include:

FOR THE DEPARTMENT OF TRANSPORTATION-AVIATION-PROGRAM F

Aeronautics Account-State
 Appropriation (~~\$8,055,000~~)

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

Sec. 214. 2021 c 333 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PROGRAM DELIVERY MANAGEMENT AND SUPPORT-PROGRAM H

Motor Vehicle	Account-State
Appropriation	((\$59,138,000))

\$58,254,000

Motor Vehicle	Account-Federal
Appropriation	\$500,000

Multimodal Transportation	Account-State
Appropriation	\$758,000

TOTAL	APPROPRIATION
((\$60,396,000))	

\$59,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical

development of the property, is one of the significant uses of the property.

~~(3) ((\$1,600,000 of the motor vehicle account state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.~~

~~(4))~~ The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

~~((5))~~ (4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

~~((6) \$300,000))~~ (5) \$535,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds). ~~((If chapter 217, Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~

~~(7) \$500,000))~~ (6) \$1,026,000 of the multimodal transportation account-state appropriation is provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force). ~~((If chapter 314, Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.))~~

(7) \$2,399,000 of the motor vehicle account-state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the

funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

Sec. 215. 2021 c 333 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PUBLIC-PRIVATE PARTNERSHIPS-PROGRAM K

Motor Vehicle Account-State	
Appropriation	(\$675,000)
	\$685,000
Electric Vehicle Account-State	
Appropriation	(\$9,900,000)
	\$11,900,000
Multimodal Transportation Account-State	
Appropriation	\$3,290,000
TOTAL APPROPRIATION	(\$13,865,000)
	\$15,875,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride

facilities, as authorized in RCW 47.04.295.

(2) (~~(\$8,900,000)~~) \$10,900,000 of the electric vehicle account-state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account-state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) \$1,000,000 of the electric vehicle account-state appropriation and \$500,000 of the multimodal transportation account-state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(5) \$140,000 of the multimodal transportation account-state appropriation is provided solely for the

purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

(6) \$250,000 of the multimodal transportation account-state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

Sec. 216. 2021 c 333 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-HIGHWAY MAINTENANCE-PROGRAM M

Motor Vehicle Account-State
Appropriation (~~(\$496,925,000)~~)

\$505,015,000

Motor Vehicle Account-Federal
Appropriation \$7,000,000

Motor Vehicle Account-Local
Appropriation \$17,000

State Route Number 520 Corridor
Account-State

Appropriation (~~(\$4,082,000)~~)

\$4,657,000

Tacoma Narrows Toll Bridge Account-State

Appropriation (~~(\$1,479,000)~~)

\$1,560,000

Alaskan Way Viaduct Replacement
Project Account-

State Appropriation
(~~(\$8,157,000)~~)

\$8,611,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account-State Appropriation
(~~(\$2,545,000)~~)

\$2,594,000

Waste Tire Removal Account-State
Appropriation \$5,000,000

TOTAL	APPROPRIATION
((\$520,188,000))	
<u>\$534,454,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by

homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 of the motor vehicle account—state appropriation (~~is~~) and \$5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with

local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing (~~((that is not on the rights of way))~~) or for debris clean up on highway rights-of-way. (~~((The department may))~~) A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are (~~((participating as part of a state or local government agreement to provide))~~) providing enhanced safety (~~((related activities along state))~~) to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning (~~((October 1, 2021))~~) November 1, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve

the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account-state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local governments and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites

remain safe and secure for the traveling public.

(11) \$12,096,000 of the motor vehicle account–state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(12) \$5,400,000 of the motor vehicle account–state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.

(13) \$17,000 of the motor vehicle account–local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

(14) \$100,000 of the motor vehicle account–state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going

west to east in the international district.

(15)(a) \$2,500,000 of the motor vehicle account–state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter . . . (Substitute House Bill No. 1655), Laws of 2022 (safety rest areas).

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

(16)(a) \$50,000 of the motor vehicle account–state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(d) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(e) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(f) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

(17) During the 2021-2023 fiscal biennium, the department shall conduct a pilot program authorizing commercial motor vehicles, as defined in RCW 46.25.010, that are used in commerce solely to transport property to park in areas designated by the department as chain up and chain off areas along United States route number 2 and Interstate 90 between May 1st and November 1st of each calendar year of the biennium. Under the pilot program, parking is permitted for up to an hour beyond federally mandated rest periods when signage posted by the department authorizes the parking of these commercial motor vehicles. Beginning January 1, 2023, the department shall post and maintain signage authorizing the parking of these commercial motor vehicles in chain up and chain off areas that it determines: (a) Have sufficient space to accommodate commercial motor vehicles parking for an extended period of time; and (b) where other safety concerns have been addressed. The department shall notify the Washington state patrol and the transportation committees of the

legislature when it posts signage authorizing commercial motor vehicle parking in a chain up or chain off area.

Sec. 217. 2021 c 333 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q-OPERATING

Motor Vehicle Account-State
Appropriation (~~(\$74,406,000)~~)

\$73,760,000

Motor Vehicle Account-Federal
Appropriation \$2,050,000

Motor Vehicle Account-Private/Local
Appropriation (~~(\$250,000)~~)

\$295,000

State Route Number 520 Corridor
Account-State

Appropriation \$225,000

Tacoma Narrows Toll Bridge Account-State

Appropriation \$40,000

Alaskan Way Viaduct Replacement
Project Account-

State Appropriation \$1,112,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account-State Appropriation
\$20,000

Agency Financial Transaction Account-State

Appropriation \$100,000

TOTAL APPROPRIATION
(~~(\$78,103,000)~~)

\$77,602,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account-state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and

identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208 (~~(of this act)~~), chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208 (~~(of this act)~~), chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) \$2,574,000 of the motor vehicle account-state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(5) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

Sec. 218. 2021 c 333 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION MANAGEMENT AND SUPPORT-PROGRAM S

Motor Vehicle Account-State
Appropriation (~~(\$37,361,000)~~)

\$37,365,000

Motor Vehicle Account-Federal
Appropriation \$780,000

Motor Vehicle Account-Private/Local
Appropriation \$500,000

Puget Sound Ferry Operations Account-State

Appropriation \$266,000

Multimodal Transportation Account-State

Appropriation \$5,129,000

State Route Number 520 Corridor Account-State

Appropriation \$186,000

Tacoma Narrows Toll Bridge Account-State

Appropriation \$150,000

Alaskan Way Viaduct Replacement Project Account-

State Appropriation \$121,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account-State Appropriation \$77,000

TOTAL APPROPRIATION
(~~(\$44,304,000)~~)

\$44,574,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the multimodal transportation account-state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: ~~((+1))~~ (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; ~~((+2))~~ (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be

directed toward the efforts outlined in (b) of this subsection (~~((2) of this section~~)). The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,446,000 of the motor vehicle account-state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) \$774,000 of the motor vehicle account-state appropriation and \$266,000 of the Puget Sound ferry operations account-state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

Sec. 219. 2021 c 333 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION PLANNING, DATA, AND RESEARCH-PROGRAM T

Motor Vehicle Account-State
Appropriation (~~(\$27,057,000)~~)

\$26,483,000

Motor Vehicle Account-Federal
Appropriation \$34,865,000

Motor Vehicle Account-Private/Local
Appropriation \$400,000

Multimodal Transportation Account-State
Appropriation (~~(\$919,000)~~)

\$1,902,000

Multimodal Transportation Account-Federal
Appropriation \$2,809,000

Multimodal Transportation Account-Private/Local
Appropriation \$100,000

State Route Number 520 Corridor
Account-State
Appropriation (~~(\$406,000)~~)

\$451,000

Interstate 405 and State Route Number 167 Express
Toll Lanes Account-State Appropriation \$2,879,000

TOTAL APPROPRIATION
(~~(\$69,435,000)~~)

\$69,889,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,080,000 of the motor vehicle account-federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing

emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) (~~(\$250,000)~~) \$500,000 of the multimodal transportation account-state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) (~~(\$406,000)~~) \$451,000 of the state route number 520 corridor account-state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction,

maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A (~~final~~) draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) \$5,900,000 of the motor vehicle account-federal appropriation and \$400,000 of the motor vehicle account-private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects(~~(7 provided that the department may not expend any amounts provided in this section on a long range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development)~~).

(6) \$800,000 of the motor vehicle account-state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account-state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

(8) \$1,654,000 of the motor vehicle account-state appropriation and \$108,000 of the multimodal transportation account-state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department

must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) \$450,000 of the motor vehicle account-state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10)(a) \$250,000 of the multimodal transportation account-state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the

transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) \$600,000 of the multimodal transportation account-state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning SR 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by January 1, 2025.

Sec. 220. 2021 c 333 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-CHARGES FROM OTHER AGENCIES-PROGRAM U

Aeronautics Account-State
Appropriation \$1,000

Transportation Partnership Account-State

Appropriation ((~~\$23,000~~))
\$25,000

Motor Vehicle Account-State
Appropriation ((~~\$99,515,000~~))

\$101,849,000

Puget Sound Ferry Operations Account-State

Appropriation ((~~\$220,000~~))
\$244,000
 State Route Number 520 Corridor
 Account-State
 Appropriation \$26,000
 Connecting Washington Account-State
 Appropriation ((~~\$184,000~~))
\$203,000
 Multimodal Transportation Account-State
 Appropriation ((~~\$4,795,000~~))
\$4,968,000
 Tacoma Narrows Toll Bridge Account-State
 Appropriation \$19,000
 Alaskan Way Viaduct Replacement
 Project Account-State
 State Appropriation \$14,000
 Interstate 405 and State Route Number
 167 Express
 Toll Lanes Account-State Appropriation
 \$15,000
 TOTAL APPROPRIATION
 ((~~\$104,812,000~~))
\$107,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by

type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 221. 2021 c 333 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PUBLIC TRANSPORTATION-PROGRAM V

State Vehicle Parking Account-State
 Appropriation \$784,000

Regional Mobility Grant Program
 Account-State

Appropriation ((~~\$104,478,000~~))

\$115,488,000

Rural Mobility Grant Program Account-State

Appropriation ((~~\$23,169,000~~))

\$33,283,000

Multimodal Transportation Account-State

Appropriation ((~~\$131,150,000~~))

\$134,754,000

Multimodal Transportation Account-Federal

Appropriation \$3,574,000

Multimodal Transportation Account-
Local

Appropriation \$100,000

TOTAL APPROPRIATION

~~((273,254,000))~~

\$287,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,821,000 of the multimodal transportation account-state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account-state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account-state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) ~~((33,168,000))~~ \$33,283,000 of the rural mobility grant program account-state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account-state appropriation is provided solely for a ~~((vanpool))~~ public transit rideshare grant program for: (a) Public transit agencies to add ~~((vanpools))~~ or replace ~~((vans))~~ rideshare vehicles; and (b) incentives ~~((for employers))~~ and outreach to increase ~~((employee vanpool))~~ rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) ~~((26,800,000))~~ \$37,809,000 of the regional mobility grant program account-state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ March 9, 2022, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account-state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ March 9, 2022, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects

receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account-state appropriation and \$784,000 of the state vehicle parking account-state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account-state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason

County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account-state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) (a) Except as provided otherwise in this subsection, (~~(\$28,263,000)~~) \$29,030,000 of the multimodal transportation account-state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) March 9, 2022. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, \$900,000 of the multimodal transportation account-state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$21,858,000)~~) \$23,349,000 of the multimodal transportation account-state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account-state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account-state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(14)(a) \$500,000 of the multimodal transportation account-state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that

might be necessary for other transit providers to institute similar programs.

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15)(a) \$250,000 of the multimodal transportation account-state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

(16) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

Sec. 222. 2021 c 333 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-MARINE-PROGRAM X

Puget Sound Ferry Operations Account-State

Appropriation (~~(\$416,614,000)~~)

\$430,388,000

Puget Sound Ferry Operations Account—
Federal

Appropriation (~~(\$124,000,000)~~)
 \$156,789,000

Puget Sound Ferry Operations Account—
Private/Local

Appropriation \$121,000

TOTAL APPROPRIATION
 (~~(\$540,735,000)~~)
 \$587,298,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) (~~(\$17,000,000)~~) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and \$53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation

is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation (~~(is)~~) and \$2,000,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation (is) and \$697,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) (~~(\$1,978,000 of the Puget Sound ferry operations account state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans, to provide Saturday service on the Fauntleroy Vashon Southworth route, and to resume late night service on other routes in the system.~~)

(9) ~~Within amounts provided in this section,~~) \$484,000 of the Puget Sound ferry operations account—federal is provided solely for the department (shall) to contract (with uniformed officers) for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be

limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

~~((10))~~ (9) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

~~((11))~~ (10) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

~~((12))~~ (11) \$735,000 of the Puget Sound ferry operations account—state appropriation ~~((is))~~ and \$410,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for familiarization for new assignments of engine crew and terminal staff.

~~((13))~~ (12) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

(13) \$250,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14)(a) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for Washington state ferries to:

(i) Continuously recruit and hire deck, engine, and terminal staff;

(ii) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime

workers from communities underrepresented in the ferry system;

(iii) Enhance employee retention by standardizing on-call worker schedules;

(iv) Increase training and development opportunities for employees; and

(v) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) \$248,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for labor at the Vashon terminal.

(16) \$194,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for operating costs at the Mukilteo terminal.

(17) \$294,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(19) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on-site, electricity usage, and actual electricity cost savings. The report is due to the transportation committees of the legislature by June 30, 2023.

(20) \$93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to partner with local community

colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21)(a) \$300,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

(i) Washington state ferries;

(ii) San Juan county council;

(iii) Anacortes and San Juan Islands ferry advisory committee members;

(iv) San Juan economic development council;

(v) City of Anacortes;

(vi) City of Friday Harbor;

(vii) Skagit transit;

(viii) Skagit RTPO;

(ix) Eastsound;

(x) Lopez Village;

(xi) Transit dependent populations; and

(xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(22)(a) During negotiations of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(23) To the extent that an activity funded by federal funds in this section is not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

Sec. 223. 2021 c 333 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State

Appropriation ((~~\$80,704,000~~))
\$68,430,000

Multimodal Transportation Account—Private/Local

Appropriation \$46,000

Multimodal Transportation Account—Federal

Appropriation \$500,000

TOTAL APPROPRIATION
 ((~~\$81,250,000~~))
\$68,976,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the

Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

(3) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(a) Developing an organizational framework that facilitates input in decision-making from all parties;

(b) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(c) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(d) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(e) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

Sec. 224. 2021 c 333 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-LOCAL PROGRAMS-PROGRAM Z-OPERATING

Motor Vehicle Account-State
Appropriation (~~(\$11,954,000)~~)

\$12,451,000

Motor Vehicle Account-Federal
Appropriation \$2,567,000

Multiuse Roadway Safety Account-State
Appropriation \$900,000

Multimodal Transportation Account-State

Appropriation \$250,000

TOTAL APPROPRIATION
(~~(\$15,421,000)~~)

\$16,168,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multiuse roadway safety account-state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account-state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

~~((3)(a) By October 1, 2021, the department must report to the office of~~

~~financial management and the transportation committees with recommendations regarding:~~

~~(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and~~

~~(ii) Cost sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.~~

~~(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.)~~

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2021 c 333 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation ((~~\$16,577,000~~))
\$17,769,000

Freight Mobility Multimodal Account—State

Appropriation ((~~\$15,195,000~~))
\$14,004,000

TOTAL APPROPRIATION
 ((~~\$31,772,000~~))
\$31,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) March 9, 2022, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on ((~~the~~)) LEAP Transportation Document ((2021-2)) 2022-2 ALL ((PROJECT list)) PROJECTS as developed March 9, 2022;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

Sec. 302. 2021 c 333 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation (~~(\$4,196,000)~~)
\$4,803,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) \$3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 for emergency repairs;

(b) \$350,000 for fuel tank decommissioning;

(c) \$750,000 for generator and electrical replacement;

(d) \$195,000 for the exterior envelope of the Yakima office;

(e) \$466,000 for equipment shelters;

(f) \$650,000 for the weatherization projects;

(g) \$200,000 for roof replacements reappropriation; and

(h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

Sec. 303. 2021 c 333 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation \$55,028,000

Motor Vehicle Account—State Appropriation \$1,456,000

County Arterial Preservation Account—State

Appropriation (~~(\$37,379,000)~~)

\$44,653,000

TOTAL APPROPRIATION
 (~~(\$93,863,000)~~)

\$101,137,000

Sec. 304. 2021 c 333 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation (~~(\$10,852,000)~~)

\$16,076,000

Connecting Washington Account—State
Appropriation (~~(\$3,289,000)~~)

\$3,667,000

TOTAL APPROPRIATION
(~~(\$14,141,000)~~)

\$19,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) \$4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

Sec. 305. 2021 c 333 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation 2003 Account (Nickel Account)—State

Appropriation (~~(\$149,000)~~)

\$482,000

Transportation Partnership Account—State

Appropriation (~~(\$119,053,000)~~)

\$232,566,000

Motor Vehicle Account—State
Appropriation (~~(\$89,717,000)~~)

\$246,948,000

Motor Vehicle Account—Federal
Appropriation (~~(\$388,903,000)~~)

\$251,835,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$400,000,000

Motor Vehicle Account—Private/Local
Appropriation (~~(\$48,628,000)~~)

\$56,192,000

Connecting Washington Account—State
Appropriation (~~(\$2,881,033,000)~~)

\$2,063,783,000

Special Category C Account—State
Appropriation (~~(\$105,363,000)~~)

\$86,198,000

Multimodal Transportation Account—State

Appropriation (~~(\$10,784,000)~~)

\$10,792,000

Puget Sound Gateway Facility Account—State

Appropriation \$8,400,000

State Route Number 520 Corridor Account—State

Appropriation (~~(\$15,940,000)~~)

\$70,886,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State
Appropriation (~~(\$30,308,000)~~)

\$217,282,000

Move Ahead WA Account—State
Appropriation \$10,771,000

Move Ahead WA Account—Federal
Appropriation \$7,200,000

TOTAL APPROPRIATION
(~~(\$4,089,878,000)~~)

\$3,663,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2021-1)~~) 2022-1 as developed (~~(April 23, 2021)~~) March 9, 2022, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and

limitations in section 601 (~~of this act~~), chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account-state appropriation and motor vehicle account-federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) March 9, 2022, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001), as long as the application of the funds is not inconsistent with subsection (26) of this section.

(3) Within the motor vehicle account-state appropriation and motor vehicle account-federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account-state appropriation includes up to (~~(\$2,230,636,000)~~) \$326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account-state appropriation includes up to (~~(\$82,475,000)~~) \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account-state appropriation includes up to (~~(\$28,411,000)~~) \$124,629,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) (~~(\$60,450,000)~~) \$161,792,000 of the transportation partnership account-state appropriation, (~~(\$2,258,000)~~) \$3,882,000 of the motor vehicle account-private/local appropriation, \$9,000,000 of the motor vehicle account-state appropriation, \$1,000 of the transportation 2003 account (nickel

account)-state appropriation, and (~~(\$984,000)~~) \$985,000 of the multimodal transportation account-state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account-state funds and motor vehicle account-state funds.

(8) (~~(\$193,699,000)~~) \$186,820,000 of the connecting Washington account-state appropriation (~~(is)~~) and \$488,000 of the motor vehicle account-local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

(9)(a) (~~(\$14,827,000)~~) \$177,982,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan

and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) (~~(\$492,349,000)~~) \$329,681,000 of the connecting Washington account-state appropriation, \$70,886,000 of the state route number 520 corridor account-state appropriation, and (~~(\$355,000)~~) \$1,021,000 of the motor vehicle account-private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection (10), \$100,000 of the state route number 520 corridor account-state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature to provide an additional \$1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.

(11) (~~(\$382,880,000)~~) \$361,296,000 of the connecting Washington account-state appropriation, \$4,800,000 of the multimodal transportation account-state appropriation, (~~(\$17,869,000)~~) \$13,725,000 of the motor vehicle account-private/local appropriation, \$7,200,000 of the move ahead WA account-federal appropriation, \$8,400,000 of the Puget Sound Gateway facility account-state appropriation, and (~~(\$82,165,000)~~) \$85,015,000 of the motor vehicle account-federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall

continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall (~~(construct a full single point urban)~~) consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 (~~(and a full directional interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges)~~).

(d) Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account-state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account-state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(12)(a) (~~(\$26,928,000)~~) \$25,378,000 of the motor vehicle account-state appropriation and (~~(\$1,671,000)~~) \$413,000 of the motor vehicle account-private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that

would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(13)(a) ~~\$400,000,000~~ of the coronavirus state fiscal recovery fund-federal appropriation, ~~((\$529,577,000))~~ \$25,327,000 of the connecting Washington account-state appropriation, ~~((\$194,959,000))~~ \$35,263,000 of the motor vehicle account-federal appropriation, \$5,618,000 of the motor vehicle account-local appropriation, \$9,016,000 of the transportation partnership account-state appropriation, and ~~((\$1,849,000))~~ \$149,776,000 of the motor vehicle account-state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. ~~((Of the amounts provided in this subsection, \$400,000,000 of the connecting Washington account state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (OBI4001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.))~~

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account-federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 ~~((of this act))~~, chapter 333, Laws of 2021.

(14) ~~((\$14,669,000))~~ \$14,367,000 of the connecting Washington account-state appropriation, \$311,000 of the motor vehicle account-state appropriation, and ~~((\$3,037,000))~~ \$3,149,000 of the motor vehicle account-private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total

project on the list referenced in subsection (1) of this section.

(15) (~~(\$15,189,000)~~) \$16,984,000 of the motor vehicle account-federal appropriation, (~~(\$259,000)~~) \$269,000 of the motor vehicle account-state appropriation, and (~~(\$15,481,000)~~) \$17,900,000 of the Interstate 405 and state route number 167 express toll lanes account-state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) (~~(\$18,914,000)~~) \$18,915,000 of the Special Category C account-state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) (~~(\$1,000,000)~~) \$2,500,000 of the connecting Washington account-state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

(18) (~~(\$1,090,000)~~) \$1,237,000 of the motor vehicle account-state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) (~~(\$12,139,000)~~) \$2,197,000 of the motor vehicle account-state appropriation and (~~(\$9,104,000)~~) \$749,000 of the connecting Washington account-state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) (~~(\$1,378,000)~~) \$1,455,000 of the motor vehicle account-federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) (~~(\$915,000)~~) \$1,000,000 of the motor vehicle account-state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) (~~(\$6,581,000)~~) \$7,185,000 of the connecting Washington account-state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(24) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

(25) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled

concrete materials are exempt from chapter 173-350 WAC.

(26) \$2,738,000 of the motor vehicle account-state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

(27) \$12,635,000 of the connecting Washington account-state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(28) \$450,000 of the motor vehicle account-state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must:

(a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900; and

(b) work with the Skyway coalition to lead community planning engagement and active transportation activities.

(29) \$5,694,000 of the connecting Washington account-state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project.

(30) \$500,000 of the motor vehicle account-state appropriation is provided

solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

Sec. 306. 2021 c 333 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PRESERVATION-PROGRAM P

Recreational Vehicle Account-State Appropriation \$1,520,000

Transportation 2003 Account (Nickel Account)-State

Appropriation ((~~\$49,105,000~~))
\$53,911,000

Transportation Partnership Account-State

Appropriation ((~~\$15,183,000~~))
\$21,441,000

Motor Vehicle Account-State Appropriation ((~~\$85,444,000~~))

\$111,174,000

Motor Vehicle Account-Federal Appropriation ((~~\$489,602,000~~))

\$545,560,000

Motor Vehicle Account-Private/Local Appropriation ((~~\$10,792,000~~))

\$13,735,000

Connecting Washington Account-State Appropriation ((~~\$159,043,000~~))

\$224,342,000

State Route Number 520 Corridor Account-State

Appropriation ((~~\$1,891,000~~))
\$2,143,000

Tacoma Narrows Toll Bridge Account-State

Appropriation ((~~\$9,730,000~~))
\$5,676,000

Alaskan Way Viaduct Replacement Project Account-

State Appropriation ((~~\$314,000~~))
\$391,000

Interstate 405 and State Route Number
167 Express

Toll Lanes Account—State Appropriation
(~~(\$26,039,000)~~)

\$12,830,000

TOTAL APPROPRIATION
(~~(\$848,663,000)~~)

\$992,723,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2021-1)~~) 2022-1 as developed (~~(April 23, 2021)~~) March 9, 2022, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 (~~(of this act)~~), chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) March 9, 2022, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001), as long as the application of the funds is not inconsistent with subsection (10) of this section.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns

raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) (~~(\$5,166,000)~~) \$8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 (~~(of this act)~~), chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account-state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(9) \$1,700,000 of the motor vehicle account-state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

Sec. 307. 2021 c 333 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q-CAPITAL

Motor Vehicle Account-State
Appropriation (~~(\$8,273,000)~~)

\$9,618,000

Motor Vehicle Account-Federal
Appropriation (~~(\$5,289,000)~~)

\$11,215,000

Motor Vehicle Account-Private/Local
Appropriation \$500,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account-State Appropriation
\$900,000

TOTAL APPROPRIATION
(~~(\$14,962,000)~~)

\$22,233,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$579,000 of the motor vehicle account-state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) (~~(\$1,000,000)~~) \$1,001,000 of the motor vehicle account-state appropriation (~~(is)~~) and \$2,060,000 of

the motor vehicle account-federal appropriation are provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

Sec. 308. 2021 c 333 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-WASHINGTON STATE FERRIES CONSTRUCTION-PROGRAM W

Puget Sound Capital Construction
Account-State

Appropriation (~~(\$128,759,000)~~)

\$167,533,000

Puget Sound Capital Construction
Account-Federal

Appropriation (~~(\$139,188,000)~~)

\$180,571,000

Puget Sound Capital Construction
Account-

Private/Local Appropriation
(~~(\$312,000)~~)

\$2,181,000

Transportation Partnership Account-
State

Appropriation (~~(\$8,410,000)~~)

\$9,432,000

Connecting Washington Account-State
Appropriation (~~(\$75,640,000)~~)

\$99,141,000

Capital Vessel Replacement Account-
State

Appropriation (~~(\$152,453,000)~~)

\$45,668,000

Motor Vehicle Account-State
Appropriation \$1,000

Transportation 2003 Account (Nickel
Account)-State

Appropriation \$987,000

TOTAL APPROPRIATION
(~~(\$504,762,000)~~)

\$505,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23, 2021)) March 9, 2022, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) (~~(\$5,000,000)~~) \$12,232,000 of the Puget Sound capital construction account-state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) (~~(\$1,277,000)~~) \$2,385,000 of the Puget Sound capital construction account-state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the

development of a new, interoperable ticketing system.

(5) (~~(\$24,750,000)~~) \$28,134,000 of the Puget Sound capital construction account-state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account-state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) (~~(\$152,453,000)~~) \$45,668,000 of the capital vessel replacement account-state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-

auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

(7) The capital vessel replacement account-state appropriation includes up to ~~(((\$152,453,000))~~ \$45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) \$4,200,000 of the connecting Washington account-state appropriation ~~((and \$2,200,000 of the Puget Sound operating account [Puget Sound capital construction account] federal appropriation are))~~ is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

Sec. 309. 2021 c 333 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y-CAPITAL

Essential Rail Assistance Account-State

Appropriation ~~(((\$550,000))~~

\$1,108,000

Transportation Infrastructure Account-State

Appropriation ~~(((\$5,456,000))~~

\$6,218,000

Multimodal Transportation Account-State

Appropriation ~~(((\$82,493,000))~~

\$118,320,000

Multimodal Transportation Account-Federal

Appropriation ~~(((\$41,219,000))~~

\$6,567,000

Multimodal Transportation Account-Private/Local

<u>Appropriation</u>	<u>\$13,000</u>	
<u>Motor</u>	<u>Vehicle</u>	<u>Account-State</u>
<u>Appropriation \$1,810,000</u>		
TOTAL		APPROPRIATION
(((\$129,718,000))		
<u>\$134,036,000</u>		

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ March 9, 2022, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account-state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) ~~(((\$6,817,000))~~ \$7,041,000 of the multimodal transportation account-state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account-state appropriation and \$1,100,000 of the multimodal transportation account-state appropriation are provided solely to reimburse Highline Grain, LLC for

approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) (~~(\$550,000)~~) \$1,008,000 of the essential rail assistance account-state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account-state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) (~~(\$33,964,000)~~) \$32,996,000 of the multimodal transportation account-state appropriation (~~and \$37,500,000 of the multimodal transportation account-federal appropriation are~~) is provided solely for Passenger Rail Equipment Replacement (project ~~((700010C.))~~) 700010C). The ~~((appropriations))~~ appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) (~~(\$223,000 of the multimodal transportation account state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.~~

~~(9))~~ It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$500,000 of the multimodal transportation account-state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

Sec. 310. 2021 c 333 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-LOCAL PROGRAMS-PROGRAM Z-CAPITAL

Highway Infrastructure Account-State Appropriation (~~(\$793,000)~~)

\$1,744,000

Highway Infrastructure Account—
Federal Appropriation
~~((\$1,600,000))~~
\$2,935,000

Transportation Partnership Account—
State
Appropriation ~~((\$750,000))~~
\$1,000,000

Motor Vehicle Account—State
Appropriation ~~((\$11,064,000))~~
\$25,101,000

Motor Vehicle Account—Federal
Appropriation ~~((\$55,751,000))~~
\$79,306,000

Motor Vehicle Account—Private/Local
Appropriation \$6,600,000

Connecting Washington Account—State
Appropriation ~~((\$123,292,000))~~
\$178,464,000

Multimodal Transportation Account—
State
Appropriation ~~((\$71,615,000))~~
\$96,975,000

TOTAL APPROPRIATION
~~((\$271,465,000))~~
\$392,125,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2021-2))~~ 2022-2 ALL PROJECTS as developed ~~((April 23, 2021))~~ March 9, 2022, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ~~((\$32,613,000))~~ (i) \$46,163,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this

subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) ~~((\$19,344,000))~~ \$26,086,000 of the motor vehicle account—federal appropriation and ~~((\$17,397,000))~~ \$21,656,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) ~~((\$6,561,000))~~ \$11,987,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) ~~((\$12,500,000))~~ \$17,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network

projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) (~~(\$11,679,000)~~) \$35,411,000 of the motor vehicle account-federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) \$400,000 of the multimodal transportation account-state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) \$8,524,000 of the connecting Washington account-state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) \$500,000 of the motor vehicle account-state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) \$1,063,000 of the motor vehicle account-state appropriation is provided solely for repairs and rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) \$300,000 of the motor vehicle account-state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

Sec. 311. 2021 c 333 s 313 (uncodified) is amended to read as follows:

QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except for ferry projects subject to the reporting requirements established in section 309 (~~of this act~~), chapter 333, Laws of 2021, that must include:

(1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

NEW SECTION. Sec. 312. A new section is added to 2021 c 333 (uncodified) to read as follows: **FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION-FUNDS MANAGEMENT**

(1) As part of the department of transportation's 2023-2025 biennial budget request, the department shall provide an overview of capital funds

management challenges and recommendations for funds management strategies that would improve the likelihood of increasing performance associated with the following outcomes:

(a) Streamlined delivery of the department's capital program and local government capital projects;

(b) Increased likelihood that federal funds are committed and used prior to debt backed capital resources;

(c) Reduced overall time and cost of administrative efforts of the department and local governments;

(d) Ensured federal government contributions regarding its share toward overhead costs;

(e) Increased disadvantaged business enterprise program participation and/or funding;

(f) Maximized amount of federal redistributed and grant funding received by the state, including how to position the state for providing state matching funds for federal grant opportunities;

(g) Increased clarity on how federal funds are administered;

(h) Identification of opportunities to leverage current and future toll credits secured by the state; and

(i) Minimized risk of audit findings related to federal funds.

(2) The department may provide recommendations on the transportation appropriations act structure and project list amendments to most efficiently utilize state and federal capital funds.

(3) As part of the department's 2023-2025 biennial budget request, the department shall also report on:

(a) The federal grant programs it has applied for;

(b) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply; and

(c) The potential to use a federal fund exchange program to most efficiently use state and local federal funds.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2021 c 333 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State

Appropriation ((~~\$904,000~~))
\$794,000

Connecting Washington Account—State
 Appropriation ((~~\$11,153,000~~))

\$1,633,000

Special Category C Account—State
 Appropriation ((~~\$412,000~~))

\$257,000

Highway Bond Retirement Account—State
 Appropriation ((~~\$1,483,793,000~~))

\$1,408,622,000

Ferry Bond Retirement Account—State
 Appropriation \$17,150,000

Transportation Improvement Board Bond Retirement

Account—State Appropriation
 ((~~\$11,770,000~~))

\$18,152,000

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation
 ((~~\$29,323,000~~))

\$26,278,000

Toll Facility Bond Retirement Account—State

Appropriation \$76,376,000

TOTAL APPROPRIATION
 ((~~\$1,630,881,000~~))

\$1,542,811,000

The appropriations in this section are subject to the following conditions and limitations: \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

Sec. 402. 2021 c 333 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND

REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—
State

Appropriation ((~~\$181,000~~))

\$150,000

Connecting Washington Account—State
Appropriation ((~~\$2,231,000~~))

\$327,000

Special Category C Account—State
Appropriation ((~~\$82,000~~))

\$51,000

Transportation Improvement Account—
State

Appropriation \$20,000

TOTAL APPROPRIATION
((~~\$2,494,000~~))

\$548,000

Sec. 403. 2021 c 333 s 403
(uncodified) is amended to read as
follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State
Appropriation: For motor

vehicle fuel tax statutory
distributions to

cities and counties
((~~\$467,390,000~~))

\$474,003,000

Multimodal Transportation Account—
State

Appropriation: For distribution to
cities and

counties \$26,786,000

Motor Vehicle Account—State
Appropriation: For

distribution to cities and counties
\$23,438,000

Sec. 404. 2021 c 333 s 404
(uncodified) is amended to read as
follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State
Appropriation: For motor

vehicle fuel tax refunds and statutory

transfers ((~~\$1,974,599,000~~))

\$2,000,419,000

Sec. 405. 2021 c 333 s 405
(uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State
Appropriation: For motor

vehicle fuel tax refunds and transfers
((~~\$235,675,000~~))

\$240,330,000

Sec. 406. 2021 c 333 s 406
(uncodified) is amended to read as
follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State
Appropriation:

For transfer to the State Patrol
Highway

Account—State \$47,000,000

(2)(a) Transportation Partnership
Account—State

Appropriation: For transfer to the
Capital Vessel

Replacement Account—State
((~~\$152,453,000~~))

\$45,468,000

(b) The amount transferred in this
subsection represents proceeds from the
sale of bonds authorized in RCW
47.10.873.

(3)(a) Transportation Partnership
Account—State

Appropriation: For transfer to the
Tacoma Narrows Toll Bridge Account—State
\$30,293,000

(b) It is the intent of the legislature
that this transfer is temporary, for the
purpose of minimizing the impact of toll
increases. An equivalent reimbursing
transfer is to occur after the debt
service and deferred sales tax on the
Tacoma Narrows bridge construction costs
are fully repaid in accordance with
chapter 195, Laws of 2018.

(4)(a) Motor Vehicle Account—State
Appropriation:

For transfer to Alaskan Way Viaduct
Replacement Project

Account-State \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account-State Appropriation:

For transfer to the County Arterial Preservation

Account-State \$7,666,000

(6) Motor Vehicle Account-State Appropriation:

For transfer to the Freight Mobility Investment

Account-State \$5,511,000

(7) Motor Vehicle Account-State Appropriation:

For transfer to the Rural Arterial Trust Account-State \$9,331,000

(8) Motor Vehicle Account-State Appropriation:

For transfer to the Transportation Improvement

Account-State \$9,688,000

(9) Rural Mobility Grant Program Account-State

Appropriation: For transfer to the Multimodal

Transportation Account-State
\$3,000,000

(10)(a) State Route Number 520 Civil Penalties

Account-State Appropriation: For transfer to the

Motor Vehicle Account-State

\$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(11) State Route Number 520 Civil Penalties

Account-State Appropriation: For transfer to the

State Route Number 520 Corridor Account-State \$1,532,000

(12) Capital Vessel Replacement Account-State

Appropriation: For transfer to the Connecting

Washington Account-State
\$35,000,000

(13)(a) Capital Vessel Replacement Account-State

Appropriation: For transfer to the Transportation

Partnership Account-State
~~(\$10,305,000)~~

\$1,542,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation Account-State

Appropriation: For transfer to the Complete Streets

Grant Program Account-State
\$14,670,000

(15) Multimodal Transportation Account-State

Appropriation: For transfer to the Connecting

Washington Account-State
\$200,000,000

(16) Multimodal Transportation Account-State

Appropriation: For transfer to the Freight Mobility

Multimodal Account-State
\$4,011,000

(17) Multimodal Transportation Account-State

Appropriation: For transfer to the Ignition Interlock

Device Revolving Account-State
\$600,000

(18) Multimodal Transportation Account-State

Appropriation: For transfer to the Pilotage

Account-State ~~(\$1,500,000)~~

\$2,000,000

(19) Multimodal Transportation
Account-State

Appropriation: For transfer to the
Puget Sound

Capital Construction Account-State
((~~\$60,000,000~~))
\$816,700,000

(20) Multimodal Transportation
Account-State

Appropriation: For transfer to the
Regional Mobility

Grant Program Account-State
\$27,679,000

(21) Multimodal Transportation
Account-State

Appropriation: For transfer to the
Rural Mobility

Grant Program Account-State
\$15,223,000

(22)(a) Alaskan Way Viaduct
Replacement Project

Account-State Appropriation: For
transfer to the

Transportation Partnership Account-
State \$22,884,000

(b) The amount transferred in this
subsection represents repayment of debt
service incurred for the construction of
the SR 99/Alaskan Way Viaduct Replacement
project (809936Z).

(23) Tacoma Narrows Toll Bridge
Account-State

Appropriation: For transfer to the
Motor Vehicle

Account-State \$950,000

(24) Puget Sound Ferry Operations
Account-State

Appropriation: For transfer to the
Puget Sound

Capital Construction Account-State
\$60,000,000

(25)(a) General Fund Account-State

Appropriation: For transfer to the
State Patrol

Highway Account-State \$625,000

(b) The state treasurer shall transfer
the funds only after receiving
notification from the Washington state
patrol under section 207(2) (~~of this
act~~), chapter 333, Laws of 2021.

(26) Motor Vehicle Account-State

Appropriation: For transfer to the
Puget Sound

Capital Construction Account-State
\$30,000,000

(27) Multimodal Transportation
Account-State

Appropriation: For transfer to the I-
405 and SR 167

Express Toll Lanes Account-State
\$268,433,000

(28) Multimodal Transportation
Account-State

Appropriation: For transfer to the
Move Ahead WA

Account-State \$874,081,000

(29) Multimodal Transportation
Account-State

Appropriation: For transfer to the
State Route

Number 520 Corridor Account-State
\$70,786,000

(30) Motor Vehicle Account-State

Appropriation: For transfer to the
Connecting Washington

Account-State \$80,000,000

(31) Move Ahead WA Account-State

Appropriation: For transfer to the
Connecting Washington

Account-State \$600,000,000

(32) Transportation Improvement
Account-State

Appropriation: For transfer to the
Transportation

Improvement Board Bond Retirement
Account \$6,451,550

Sec. 407. 2021 c 333 s 407
(uncodified) is amended to read as
follows:

**FOR THE STATE TREASURER-BOND
RETIREMENT AND INTEREST, AND ONGOING BOND
REGISTRATION AND TRANSFER CHARGES: FOR
DEBT TO BE PAID BY STATUTORILY PRESCRIBED
REVENUE**

Toll Facility Bond Retirement Account-
Federal

Appropriation \$199,129,000

Toll Facility Bond Retirement Account—
State

Appropriation \$25,372,000

TOTAL APPROPRIATION \$224,501,000

COMPENSATION

NEW SECTION. Sec. 501. A new section is added to 2021 c 333 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 through 519 of this act represent the results of the collective bargaining process from reopening the 2021-2023 contracts for the limited purpose of bargaining over compensation, and are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in part V of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

Sec. 502. 2021 c 333 s 503 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—OPEIU**

(1) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

(2) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 503. 2021 c 333 s 504 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—FASPAA**

(1) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 504. 2021 c 333 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—SEIU LOCAL 6**

(1) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 505. 2021 c 333 s 506 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—CARPENTERS**

(1) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 506. 2021 c 333 s 507 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—METAL TRADES**

(1) An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9((%)) percent general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

(2) An agreement has been reached between the governor and the Puget Sound metal trades council pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 507. 2021 c 333 s 508 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MEBA-UL**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association

unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 508. 2021 c 333 s 509 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MEBA-L**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 509. 2021 c 333 s 510 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MEBA—PORT ENGINEERS**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not

requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 510. 2021 c 333 s 511 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MM&P MATES**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates, and does not include the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 511. 2021 c 333 s 512 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MM&P MASTERS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 512. 2021 c 333 s 513 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—MM&P WATCH CENTER SUPERVISORS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 513. 2021 c 333 s 514 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE
DIVISION COLLECTIVE BARGAINING
AGREEMENTS—IBU**

(1) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 514. 2021 c 333 s 515 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WFSE

(1) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 515. 2021 c 333 s 516 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 516. 2021 c 333 s 517 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WPEA

(1) An agreement has been reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does

include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 517. 2021 c 333 s 518 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS

(1) An agreement has been reached for the 2019-2021 biennium between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in position that do not require the position to be backfilled. The agreement includes and funding is provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

(2) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 518. 2021 c 333 s 519 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 519. 2021 c 333 s 520 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP
LIEUTENANTS AND CAPTAINS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 520. 2021 c 333 s 521 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—
HEALTH CARE—COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding

rate shall not exceed (~~(\$1091)~~) \$1,130 per eligible employee.

The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

Sec. 521. 2021 c 333 s 522 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES
OUTSIDE HEALTH CARE COALITION—INSURANCE
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed (~~(\$1091)~~) \$1,130 per eligible employee.

Sec. 522. 2021 c 333 s 523 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1091)~~) \$1,130 per eligible employee.

NEW SECTION. Sec. 523. A new section is added to 2021 c 333 (uncodified) to read as follows: **GENERAL WAGE INCREASES**

(1) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or RCW 41.56.475.

(2) Funding is provided for a 3.25 percent salary increase effective July 1, 2022, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a 3.25 percent salary increase effective July 1, 2022 for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries of elected officials.

NEW SECTION. Sec. 524. A new section is added to 2021 c 333 (uncodified) to read as follows: **COMPENSATION-PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems as provided in this section.

(1) An increase of 0.14 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system. An increase of 0.27 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Senate Bill No. 5676 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If Senate Bill No. 5676 is not enacted by June 30, 2022, this subsection lapses.

(2) An increase of 0.10 percent is funded for state employer contributions to the public safety employees' retirement system. These increases are

provided for the cost to provide an enhanced disability benefit to members of this system who experience a qualifying catastrophic disability on the job, as provided in House Bill No. 1669 (PSERS disability benefits). If House Bill No. 1669 is not enacted by June 30, 2022, this subsection lapses.

NEW SECTION. Sec. 525. The following acts or parts of acts are each repealed:

- (1) 2021 c 333 s 526 (uncodified);
- (2) 2021 c 333 s 527 (uncodified);
- (3) 2021 c 333 s 528 (uncodified);
- (4) 2021 c 333 s 529 (uncodified);
- (5) 2021 c 333 s 530 (uncodified);
- (6) 2021 c 333 s 531 (uncodified);
- (7) 2021 c 333 s 532 (uncodified);
- (8) 2021 c 333 s 533 (uncodified);
- (9) 2021 c 333 s 534 (uncodified);
- (10) 2021 c 333 s 535 (uncodified);
- (11) 2021 c 333 s 536 (uncodified); and
- (12) 2021 c 333 s 537 (uncodified).

IMPLEMENTING PROVISIONS

Sec. 601. 2021 c 333 s 601 (uncodified) is amended to read as follows:

MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((~~2021-1~~) 2022-1 as developed ((~~April 23, 2021~~) March 9, 2022, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a

transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (1) of this subsection, transfers may only be made in fiscal year 2023;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (1) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1),

provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order

that most reduces administrative burden and minimizes the use of bond proceeds:

(i) Projects on LEAP Transportation Document ((~~2021-2~~) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~) March 9, 2022; or

(ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

Sec. 602. 2021 c 333 s 606 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2021-2~~) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~) March 9, 2022). The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

Sec. 701. 2021 c 333 s 701 (uncodified) is amended to read as follows:

INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the chief information officer shall maintain an

information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than 30 percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional

projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement(~~(, new csc system and operator)~~), PROPEL - WSDOT support of one Washington, and capital systems replacement.

Sec. 702. RCW 47.01.071 and 2016 c 35 s 1 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, except during the 2021-2023 fiscal biennium, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for

the operations of the commission as required by RCW 47.01.061;

(6) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 703. RCW 46.01.385 and 2021 c 32 s 2 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 fiscal biennium, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing its staffing shortages.

Sec. 704. RCW 47.01.505 and 2017 c 288 s 4 are each amended to read as follows:

(1) On behalf of the state, the legislature of the state of Washington invites the legislature of the state of Oregon to participate in a joint legislative action committee regarding the construction of a new Interstate 5 bridge spanning the Columbia river that achieves the following purposes:

(a) Works with both states' departments of transportation and

transportation commissions and stakeholders to begin a process toward project development. It is assumed that the appropriate local and bistate entities already tasked with related work will also be included when the legislative and interagency agreements are ready to move forward. The legislative action committee must convene its first meeting by December 15, 2017;

(b) Reviews and confirms lead roles related to permitting, construction, operation, and maintenance of a future Interstate 5 bridge project;

(c) Establishes a process to seek public comment on the Interstate 5 bridge project development plan selected and presents final recommendations for the process and financing to both states;

(d) Works to ensure that there are sufficient resources available to both states' departments of transportation to inventory and utilize existing data and any prior relevant work to allow for nonduplicative and efficient decision making regarding a new project;

(e) Examines all of the potential mass transit options available for a future Interstate 5 bridge project;

(f) Utilizes design-build procurement, or an equivalent or better innovation delivery method, and determines the least costly, most efficient project management and best practices tools consistent with work already completed including, but not limited to, height, navigation needs, transparency, economic development, and other critical elements, while minimizing the impacts of congestion during construction;

(g) Considers the creation of a Columbia river bridge authority to review bridge needs for possible repair, maintenance, or new construction, prioritizing those needs and making recommendations to both states with regard to financing specific projects, timing, authorities, and operations; and

(h) Provides a report to the legislatures of each state that details the findings and recommendations of the legislative action committee by December 15, 2018. The report must also contain a recommendation as to whether the Interstate 5 project should be designated by the legislature of the state of Washington as a project of statewide

significance and by the state of Oregon with an equivalent designation.

(2)(a) The joint Oregon-Washington legislative action committee is established, with sixteen members as provided in this subsection:

(i) The speaker and minority leader of the house of representatives of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's house of representatives.

(ii) The majority leader and minority leader of the senate of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's senate.

(b) The legislative action committee shall choose its cochairs from among its membership, one each from the senate and the house of representatives of both states.

(c) Executive agencies, including the departments of transportation and the transportation commissions, shall cooperate with the committee and provide information and other assistance as the cochairs may reasonably request.

(d) Staff support for the legislative action committee must be provided by the Washington house of representatives office of program research, Washington senate committee services, and, contingent upon the acceptance by the legislature of the state of Oregon of the invitation in subsection (1) of this section to participate in the legislative action committee, the Oregon legislative policy and research office.

(e) Legislative members of the legislative action committee are reimbursed for travel expenses. For Washington legislative members, this reimbursement must be in accordance with RCW 44.04.120.

(f) The expenses of the legislative action committee must be paid jointly by both states' senate and house of representatives. In Washington, committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(g) Each meeting of the legislative action committee must allow an opportunity for public comment.

Legislative action committee meetings must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives of both states.

(h) The Washington members of the joint Oregon-Washington legislative action committee shall report back to the Washington state legislature, by August 1, 2022, regarding the progress of the committee and its work to advance the project to build a new Interstate 5 bridge spanning the Columbia river. The report must include a description of the locally preferred alternative ultimately identified as part of the interstate bridge replacement project.

Sec. 705. RCW 70A.205.415 and 2009 c 261 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles, measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account. During the 2021-2023 fiscal biennium, appropriations from the waste tire removal account may be made for the department of transportation to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way.

Sec. 706. RCW 46.68.410 and 2010 c 161 s 812 are each amended to read as follows:

(1) The vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed as follows:

~~((1) Fifteen dollars))~~ (a) \$15 to the state patrol highway account created in RCW 46.68.030; and

~~((2) Fifty dollars))~~ (b) \$50 to the motor vehicle fund created in RCW 46.68.070.

(2) During the 2021-2023 fiscal biennium, the entire vehicle identification number inspection fee collected under RCW 46.17.130 must be distributed to the state patrol highway account created in RCW 46.68.030.

Sec. 707. 2021 c 333 s 719 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands;

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

(i) Initiating a broad review of potential sites;

(ii) Recommending a final short list of no more than six locations by February 15, 2022;

(iii) Identifying the top two locations from the final six locations by October 15, 2022; and

(iv) Identifying a single preferred location for a new primary commercial aviation facility by ~~((February))~~ June 15, 2023; and

(c) A projected timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by ~~((February))~~ June 15, 2023. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(4) This section expires June 30, 2023.

Sec. 708. RCW 46.55.010 and 2005 c 88 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ~~((one hundred twenty))~~ 120 consecutive hours.

(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.

(3) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(8) "Residential property" means property that has no more than four living units located on it.

(9) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345.

(10) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(11) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(12) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(13) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(14) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately
- (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (iv) During the 2021-2023 fiscal biennium, within the right-of-way used by a regional transit authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety Immediately
- (b) Private locations:
- (i) On residential property Immediately
- (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
- (iii) On private, nonresidential property, not posted 24 hours

Sec. 709. RCW 46.55.080 and 2018 c 22 s 12 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(14), it may be impounded by a registered tow truck operator at the

direction of a law enforcement officer, authorized regional transit authority representative under the conditions described in RCW 46.55.010(14)(a)(iv), or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer, authorized regional transit authority representative, or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

Sec. 710. RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through

its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) Regional transit authorities created under chapter 81.112 RCW;
- (e) The former owner of the property from whom the state acquired title;
- (f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;
- (g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within ~~((fifteen))~~ 15 days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;
- (h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance

through the Washington housing trust fund created in chapter 43.185 RCW; ~~((or))~~

(j) During the 2021-2023 fiscal biennium, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to ~~((ten))~~ 10 percent of the fair market value of the real property or ~~((five thousand dollars))~~ \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within ~~((sixty))~~ 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office

of financial management and the joint transportation committee.

NEW SECTION. Sec. 711. Section 706 of this act takes effect only if chapter . . . (Substitute Senate Bill No. 5778), Laws of 2022 (addressing the current backlog of vehicle inspections) is not enacted by June 30, 2022.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and that the bill do pass as recommended by the Conference Committee:

Senators King, Liias and Saldana
Representatives Barkis, Fey and Wylie

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Fey, Robertson, Wylie and Barkis spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5689 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5689, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 93; Nays, 5; Absent, 0; Excused, 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen,

Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, and Ybarra

Voting nay: Representatives Chandler, Klippert, Kraft, Sutherland, and Young

ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5689 was immediately transmitted to the Senate.

CONFERENCE COMMITTEE REPORT

March 9, 2022

Engrossed Substitute Senate Bill No. 5974

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, addressing transportation resources, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-2991.3 be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends that \$500,000,000 of the amounts in the 16-year move ahead WA investment program must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium.

Part I

Climate Commitment Act Allocations

Sec. 101. RCW 70A.65.240 and 2021 c 316 s 27 are each amended to read as follows:

(1) The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. These can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution, other than specified in this section, and shall be made in accordance with subsection (2) of this section. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

(2) Appropriations in an omnibus transportation appropriations act from the carbon emissions reduction account shall be made exclusively to fund the following activities:

- (a) Active transportation;
- (b) Transit programs and projects;
- (c) Alternative fuel and electrification;
- (d) Ferries; and
- (e) Rail.

NEW SECTION. Sec. 102. A new section is added to chapter 46.68 RCW to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active

transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account.

NEW SECTION. Sec. 103. A new section is added to chapter 46.68 RCW to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account.

Sec. 104. RCW 70A.65.030 and 2021 c 316 s 4 are each amended to read as follows:

(1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, ~~((or))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 103 of this act, or the climate active transportation account created in section 102 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not

less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, ~~((or))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in section 103 of this act, or the climate active transportation account created in section 102 of this act, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward

meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 314, Laws of 2021, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

Sec. 105. RCW 70A.65.040 and 2021 c 316 s 5 are each amended to read as follows:

(1) The environmental justice council created in RCW 70A.02.110 must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in RCW 70A.65.060 through 70A.65.210, and the programs funded from the carbon emissions reduction account created in RCW 70A.65.240 ~~((and from))~~, the climate investment account created in RCW 70A.65.250, the climate transit programs account created in section 103 of this act, and the climate active transportation account created in section 102 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.02 RCW to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in RCW 70A.65.060 through 70A.65.210 including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under RCW 70A.65.110, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in RCW 70A.65.250 for the purpose of providing environmental benefits and

reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under RCW 70A.65.020 and 70A.65.030; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

Part II

Aircraft Fuel Tax, Stolen Vehicle Check, Dealer

Temporary Permit, Enhanced Driver's License and Identocard, Driver's

Abstract, License Plate, Documentary Service, and Other

Driver and Vehicle Fees

Sec. 201. RCW 82.42.020 and 2013 c 225 s 302 are each amended to read as follows:

There is levied upon every distributor of aircraft fuel, an excise tax at the rate of ((eleven)) 18 cents on each

gallon of aircraft fuel sold, delivered, or used in this state. There must be collected from every user of aircraft fuel either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020. The taxes imposed by this chapter must be collected and paid to the state but once in respect to any aircraft fuel.

Sec. 202. RCW 46.17.200 and 2014 c 80 s 4 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Original issue	(10. \$ 00) <u>\$50.00</u>	RCW 46.68.070
Reflexivity	\$ 2.00	RCW 46.68.070
Replacement	(10. \$ 00) <u>\$30.00</u>	RCW 46.68.070
Original issue, motorcycle	(4. \$ 0) <u>\$20.00</u>	RCW 46.68.070
Replacement, motorcycle	(4. \$ 0) <u>\$12.00</u>	RCW 46.68.070
Original issue, moped	\$ 1.50	RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200(9)(a), of ((twenty dollars)) \$20 if the owner wishes to retain the current license plate number upon license plate

replacement, unless the owner or type of vehicle is exempt from payment. The ~~((twenty dollar))~~ \$20 fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ~~((ten dollar))~~ \$10 license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ~~((ten dollar))~~ \$10 license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a ~~((five dollar))~~ \$5 license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to ~~((five dollars))~~ \$5 per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(3) \$40 of the original issue license plate fee imposed under subsection (1)(a) of this section and \$16 of the original issue motorcycle license plate fee imposed under subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act.

(4) \$20 of the replacement license plate fee imposed under subsection (1)(a) of this section and \$8 of the replacement motorcycle license plate fee imposed under subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act.

Sec. 203. RCW 46.17.120 and 2020 c 239 s 1 are each amended to read as follows:

(1) Before accepting an application for a certificate of title for a vehicle previously registered in any other state

or country, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fee of ~~((fifteen dollars))~~ \$50. ~~((The fifteen dollar fee))~~

(a) \$15 of the fee required by this section must be distributed under RCW 46.68.020.

(b) \$35 of the fee required by this section must be deposited in the move ahead WA account created in section 401 of this act.

(2) Beginning July 1, 2026, before accepting an application for a certificate of title for a vehicle previously registered in any other state or country, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay, in addition to the fee specified in subsection (1) of this section, a fee of \$25 which must be deposited in the move ahead WA account created in section 401 of this act.

(3) An applicant is exempt from the ~~((fifteen dollar fee))~~ fees specified in this section if the applicant previously registered the vehicle in Washington state and maintained ownership of the vehicle while registered in another state or country.

Sec. 204. RCW 46.17.400 and 2011 c 171 s 62 are each amended to read as follows:

(1) Before accepting an application for one of the following permits, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay the following permit fee by permit type in addition to any other fee or tax required by law:

PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
(a) Dealer temporary	(15.00) \$40.00	RCW 46.16A.30	RCW 46.68.030
(b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
(c) Farm vehicle trip	\$ 6.25	RCW 46.16A.33	RCW 46.68.035

PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
(d) Nonresident military	\$ 10.00	RCW 46.16A.340	RCW 46.68.070
(e) Nonresident temporary snowmobile	\$ 5.00	RCW 46.10.450	RCW 46.68.350
(f) Special fuel trip	\$ 30.00	RCW 82.38.100	RCW 46.68.460
(g) Temporary ORV use	\$ 7.00	RCW 46.09.430	RCW 46.68.045
(h) Vehicle trip	\$ 25.00	RCW 46.16A.320	RCW 46.68.455

(2) Permit fees as provided in subsection (1) of this section are in addition to the filing fee required under RCW 46.17.005, except an additional filing fee may not be charged for:

- (a) Dealer temporary permits;
- (b) Special fuel trip permits; and
- (c) Vehicle trip permits.

(3) (~~Five dollars~~) \$5 of the (~~fifteen dollar~~) \$40 dealer temporary permit fee provided in subsection (1)(a) of this section must be credited to the payment of vehicle license fees at the time application for registration is made. \$25 of the \$40 dealer temporary permit fee provided in subsection (1)(a) of this section must be deposited in the move ahead WA account created in section 401 of this act. The remainder must be deposited to the state patrol highway account created in RCW 46.68.030.

Sec. 205. RCW 46.20.202 and 2021 c 317 s 21 and 2021 c 158 s 9 are each reenacted and amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of

implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning ~~((on July 23, 2017))~~ October 1, 2022, the fee for an enhanced driver's license or enhanced identicard is ~~((thirty two dollars))~~ \$56, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the fee for each class is ~~((four dollars))~~ \$7 for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5)(a) The first \$4 per year of issuance, to a maximum of \$32 of the enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a)(i) or ~~((b))~~ (ii) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

~~((a))~~ (i) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

~~((b))~~ (ii) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

~~((c))~~ (iii) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of

fuel, including a low carbon fuel standard or clean fuel standard.

(b) \$24 of the enhanced driver's license and enhanced identicard fee under this section must be deposited into the move ahead WA flexible account created in section 402 of this act. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than eight years, the amount deposited into the move ahead WA flexible account created in section 402 of this act is \$3 for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

Sec. 206. RCW 46.52.130 and 2021 c 93 s 8 are each amended to read as follows:

Upon a proper request, the department may only furnish information contained in an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

(ii) Whether the vehicles were legally parked or moving;

(iii) Whether the vehicles were occupied at the time of the accident; and

(iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** Unless otherwise required in this section, the release of an abstract does not require a signed statement by the subject of the abstract. An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or agents acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) The department may provide employers or their agents a three-year insurance carrier driving record of existing employees only for the purposes of sharing the driving record with its insurance carrier for underwriting. Employers may not provide the employees' full driving records to its insurance carrier.

(iii) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or the agent(s) acting on behalf of an employer or prospective employer of the named individual for purposes unrelated to driving by the individual when a driving record is required by federal or state law, or the employee or prospective employee will be handling heavy equipment or machinery.

(iv) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information

is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes agents to obtain this information on their behalf, this must be noted in the statement. The statement must also note that any information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee may not be used by the employer or prospective employer, or an agent authorized to obtain this information on their behalf, unless required by federal regulation or law. The employer or prospective employer must afford the employee or prospective employee an opportunity to demonstrate that an adjudication contained in the abstract is subject to a court order sealing the juvenile record.

(v) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(vi) No employer or prospective employer, nor any agents of an employer or prospective employer, may use information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee for any purpose unless required by federal regulation or law. The employee or prospective employee must furnish a copy of the court order sealing the juvenile record to the employer or prospective employer, or the agents of the employer or prospective employer, as may be required to ensure the application of this subsection.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The

prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agents of a transit authority checking prospective or existing volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agents:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty, or by registered tow truck operators as defined in RCW 46.55.010 in the performance of their occupational duties while at the scene of a roadside impound or recovery so long as they are not issued a citation. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred

prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agents, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agents, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles. For the purposes of this subsection, "commercial motor vehicle" has the same meaning as in RCW 46.25.010(6).

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of health to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **Attorneys—City attorneys, county prosecuting attorneys, and named individual's attorney of record.** An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting

attorneys, or the named individual's attorney of record. City attorneys, county prosecuting attorneys, or the named individual's attorney of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) State colleges, universities, or agencies, or units of local government.

An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031, or their agents, for employment and risk management purposes. "Unit of local government" includes an insurance pool established under RCW 48.62.031.

(i) Superintendent of public instruction.

(i) An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(ii) The superintendent of public instruction is exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section.

(j) State and federal agencies. An abstract of the driving record maintained by the department may be furnished to state and federal agencies, or their agents, in carrying out its functions.

(k) Transportation network companies.

An abstract of the full driving record maintained by the department may be furnished to a transportation network company or its agents acting on its behalf of the named individual for purposes related to driving by the individual as a condition of being a contracted driver.

(l) Research. (i) The department may furnish driving record data to state agencies and bona fide scientific research organizations. The department may require review and approval by an institutional review board. For the

purposes of this subsection, "research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, or by a scientific research professional associated with a bona fide scientific research organization with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(ii) The state agency, or a scientific research professional associated with a bona fide scientific research organization, are exempt from paying the fees related to the reviewing of records and the fee required in subsection (5) of this section. However, the department may charge a cost-recovery fee for the actual cost of providing the data.

(3) Reviewing of driving records.

(a) In addition to the methods described herein, the director may enter into a contractual agreement for the purpose of reviewing the driving records of existing employees for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that does not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(b) The department may provide reviewing services to the following entities:

(i) Employers for existing employees, or their agents;

(ii) Transit authorities for current vanpool drivers, or their agents;

(iii) Insurance carriers for current policyholders, or their agents;

(iv) State colleges, universities, or agencies, or units of local government, or their agents;

(v) The office of the superintendent of public instruction for school bus drivers statewide; and

(vi) Transportation network companies, or their agents.

(4) Release to third parties prohibited. (a) Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (1) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(b) The following release of records to third parties are hereby authorized:

(i) Employers may divulge driving records to regulatory bodies, as defined by the department by rule, such as the United States department of transportation and the federal motor carrier safety administration.

(ii) Employers may divulge a three-year driving record to their insurance carrier for underwriting purposes.

(iii) Employers may divulge driving records to contracted motor carrier consultants for the purposes of ensuring driver compliance and risk management.

(5) (~~Fee~~) Fees. (a) The director shall collect a (~~(thirteen dollar)~~) \$15 fee for each abstract of a person's driving record furnished by the department. After depositing \$2 of the driver's abstract fee in the move ahead WA flexible account created in section 402 of this act, the remainder shall be distributed as follows:

(i) Fifty percent (~~(of the fee)~~) must be deposited in the highway safety fund(~~(7)~~); and (~~(fifty)~~)

(ii) Fifty percent (~~(of the fee)~~) must be deposited according to RCW 46.68.038.

(b) Beginning July 1, 2029, the director shall collect an additional \$2 fee for each abstract of a person's driving record furnished by the department. The \$2 additional driver's abstract fee must be deposited in the move ahead WA flexible account created in section 402 of this act.

(c) City attorneys and county prosecuting attorneys are exempt from paying the fees specified in (a) and (b) of this subsection for an abstract of a person's driving record furnished by the

department for use in criminal proceedings.

(6) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

(7) Effective July 1, 2019, the contents of a driving abstract pursuant to this section shall not include any information related to sealed juvenile records unless that information is required by federal law or regulation.

Sec. 207. RCW 46.17.015 and 2010 c 161 s 502 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a (~~(twenty five)~~) 25 cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.68.370.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license plate technology fee, except for a vehicle registered under RCW 46.16A.455(3).

(3) The revenue from the license plate technology fee imposed on vehicles registered under RCW 46.16A.455(3) must be deposited in the move ahead WA account created in section 401 of this act.

Sec. 208. RCW 46.17.025 and 2010 c 161 s 503 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a (~~(fifty)~~) 50 cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not subject to the license service fee, except for a vehicle registered under RCW 46.16A.455(3).

(3) The revenue from the license service fee imposed on vehicles registered under RCW 46.16A.455(3) must be deposited in the move ahead WA account created in section 401 of this act.

Sec. 209. RCW 46.20.200 and 2012 c 80 s 10 are each amended to read as follows:

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of ~~((twenty dollars))~~ \$20 to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of ~~((ten dollars))~~ \$20 and surrender of the permit, identicard, or driver's license being replaced.

Sec. 210. RCW 46.68.041 and 2020 c 330 s 18 are each amended to read as follows:

(1) Except as provided in ~~((subsection))~~ subsections (2) and (3) of this section, the department ~~((shall))~~ must forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who ~~((shall))~~ must deposit such moneys to the credit of the highway safety fund.

(2) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) ~~((shall))~~ must be deposited in the impaired driving safety account.

(3) Fifty percent of the revenue from the fees imposed under RCW 46.20.200(2) must be deposited in the move ahead WA flexible account created in section 402 of this act.

Sec. 211. RCW 46.70.180 and 2017 c 41 s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a

smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed ~~((one hundred fifty dollars))~~ \$200 per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount up to (~~one hundred fifty dollars~~) \$200 may be added to the sale price or the capitalized cost.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within the "bushing" period, which is four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated,

directly or indirectly, in the misrepresentation.

A dealer may inform a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by sending an email message to the buyer's or lessee's supplied email address, by phone call, by leaving a voice message or sending a text message to a phone number provided by the buyer or lessee, by in-person oral communication, by mailing a letter by first-class mail if the buyer or lessee expresses a preference for a letter or declines to provide an email address and a phone number capable of receiving a free text message, or by another means agreed to by the buyer or lessee or approved by the department, effective upon the execution, mailing, or sending of the communication and before expiration of the "bushing" period;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of (~~five hundred~~) 500 miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit"

instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or

lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or (~~one thousand dollars~~) \$1,000, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

Part III

General Fund and Other Related Support

Sec. 301. RCW 82.32.385 and 2020 c 219 s 703 are each amended to read as follows:

(1) Beginning September 2019 and ending December 2019, by the last day of September and December, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((thirteen million six hundred eighty thousand dollars))~~) \$13,680,000.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 (~~((thirteen million six hundred eighty thousand dollars))~~) \$13,680,000.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the

connecting Washington account created in RCW 46.68.395 (~~((thirteen million eight hundred five thousand dollars))~~) \$13,805,000.

(4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((thirteen million nine hundred eighty seven thousand dollars))~~) \$13,987,000.

(5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((eleven million six hundred fifty eight thousand dollars))~~) \$11,658,000.

(6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((seven million five hundred sixty four thousand dollars))~~) \$7,564,000.

(7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 (~~((four million fifty six thousand dollars))~~) \$4,056,000.

(8) For fiscal year 2026 through fiscal year 2038, the state treasurer must transfer from the general fund to the move ahead WA flexible account created in section 402 of this act \$31,000,000 each fiscal year in four equal quarterly transfers. This amount represents the estimated state sales and use tax generated from new transportation projects and activities funded as a result of this act.

(9) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the general fund to the move ahead WA flexible account created in section 402 of this act \$57,000,000 each fiscal year in four equal quarterly transfers.

Sec. 302. RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s 7031 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Moneys in the account may be transferred to the move ahead WA account to provide support of public works projects funded in the move ahead WA program. Not more than ~~((twenty))~~ 20 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ~~((ten))~~ 10 percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may

appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

(2) For fiscal year 2024 through fiscal year 2038, the state treasurer must transfer from the public works assistance account to the move ahead WA account created in section 401 of this act \$57,000,000 each fiscal year in four equal quarterly transfers.

Sec. 303. RCW 82.08.993 and 2021 c 171 s 2 are each amended to read as follows:

(1)(a) Subject to the limitations in this subsection, beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, ~~((fifty))~~ 50 percent of the tax levied by RCW 82.08.020 does not apply to sales or leases of new electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b)(i) By the end of the fifth working day of each month, until the expiration of the exemption as described in (c) of this subsection, the department must determine the cumulative number of vehicles that have claimed the exemption as described in (a) of this subsection.

(ii) The department of licensing must collect and provide, upon request, information in a form or manner as required by the department to determine the number of exemptions that have been claimed.

(c) The exemption under this section expires after the last day of the calendar month immediately following the month the department determines that the total number of vehicles exempt under (a) of this subsection reaches 650. All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under (a) of this subsection on lease payments due through the remainder of the lease.

(d) The department must provide notification on its website monthly on the amount of exemptions that have been applied for, the amount issued, and the amount remaining before the limit described in (c) of this subsection has been reached, and, once that limit has been reached, the date the exemption

expires pursuant to (c) of this subsection.

(e) A person may not claim the exemption under this subsection if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(f) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles.

(2)(a) Subject to the limitations in this subsection (2), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, the entire tax levied by RCW 82.08.020 does not apply to the sale or lease of used electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles. However, the maximum value amount eligible for the exemption under (a) of this subsection is the lesser of either ~~((sixteen thousand dollars))~~ \$16,000 or the fair market value of the vehicle.

(c) A person may not claim the exemption under this subsection (2) if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(3)(a) For qualifying vehicles sold by a person licensed to do business in the state of Washington, the seller must keep records necessary for the department to verify eligibility under this section. The seller reporting the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) For vehicles purchased from (i) a seller that is not licensed to do business in the state of Washington, or (ii) a private party, the buyer must keep records necessary for the department to verify eligibility under this section. The buyer claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; date of sale; sales price; and the total amount qualifying for the incentive claimed for each vehicle. This information must be provided in a form and manner prescribed by the department.

(4)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section and RCW 82.12.817 until the expiration of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria.

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsections (1) and (2) of this section.

~~(5) ((On the last day of July, October, January, and April of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior fiscal quarter but for the exemptions provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(6))~~ By the last day of August 2023, and annually thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of fuel cell electric vehicles that qualified for the exemptions under this section and RCW 82.12.817 by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start

date, under this section and RCW 82.12.817; and estimates of the future costs of leased vehicles that qualified for the exemptions under this section and RCW 82.12.817.

~~((7))~~ (6)(a) Sales of vehicles delivered to the buyer after the expiration of this section, or leased vehicles for which the lease agreement was signed after the expiration of this section, do not qualify for the exemptions under this section.

(b) All leased vehicles that qualified for the exemption under this section before the expiration of this section must continue to receive the exemption on any lease payments due through the remainder of the lease.

~~((8))~~ (7) For the purposes of this section:

(a) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(b) "Fuel cell" means a technology that uses an electrochemical reaction to generate electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Selling price" and "sales price" have the same meaning as in RCW 82.08.010.

(e) "Used vehicle" has the same meaning as in RCW 46.04.660.

~~((9))~~ (8) This section expires June 30, 2029.

Sec. 304. RCW 82.12.817 and 2021 c 171 s 3 are each amended to read as follows:

(1) Subject to the limitations in this subsection and RCW 82.08.993(1)(c), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, ~~((fifty))~~ 50 percent of the tax levied by RCW 82.12.020 does not apply to sales or leases of new electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(2)(a) Subject to the limitations in this subsection (2), beginning July 1, 2022, with sales made or lease agreements signed on or after this date until the expiration of this section, the entire

tax levied by RCW 82.12.020 does not apply to the sale or lease of used electric passenger cars, light duty trucks, and medium duty passenger vehicles, that are powered by a fuel cell.

(b) The per vehicle exemption must be based on the sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles. However, the maximum value amount eligible for the exemption under (a) of this subsection is the lesser of either ~~((sixteen thousand dollars))~~ \$16,000 or the fair market value of the vehicle.

(c) A person may not claim the exemption under this subsection (2) if the person claims the exemption under RCW 82.08.9999 or 82.12.9999.

(3) The buyer must keep records necessary for the department to verify eligibility under this section. The buyer claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

~~(4) ((On the last day of July, October, January, and April of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior fiscal quarter but for the exemptions provided in this section. Information provided by the department to the state treasurer must be based on the best available data.~~

~~(5))~~(a) Sales of vehicles delivered to the buyer after the expiration of this section, or leased vehicles for which the lease agreement was signed after the expiration of this section, do not qualify for the exemptions under this section.

(b) All leased vehicles that qualified for the exemption under this section before the expiration of this section must continue to receive the exemption on any lease payments due through the remainder of the lease.

~~((+6))~~ (5) The definitions in RCW 82.08.993 apply to this section.

~~((+7))~~ (6) This section expires June 30, 2029.

Sec. 305. RCW 82.08.9999 and 2021 c 145 s 13 are each amended to read as follows:

(1) Beginning August 1, 2019, with sales made or lease agreements signed on or after the qualification period start date:

(a) The tax levied by RCW 82.08.020 does not apply as provided in (b) of this subsection to sales or leases of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least ~~((thirty))~~ 30 miles using only battery power; and

(iii)(A) Have a vehicle selling price plus trade-in property of like kind for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed ~~((forty five thousand dollars))~~ \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was

signed, does not exceed ~~((thirty thousand dollars))~~ \$30,000;

(b)(i) The exemption in this section is applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's selling price, for sales made; or

(B) The total lease payments made plus any additional selling price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty five thousand dollars))~~ \$25,000;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is ~~((twenty thousand dollars))~~ \$20,000;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is ~~((fifteen thousand dollars))~~ \$15,000.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is ~~((sixteen thousand dollars))~~ \$16,000.

(2) The seller must keep records necessary for the department to verify eligibility under this section. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information

must be provided in a form and manner prescribed by the department.

(3)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section or RCW 82.12.9999 until the expiration date of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria. A seller is not responsible for repayment of the tax exemption under this section and RCW 82.12.9999 for a vehicle if the department of licensing's published list of qualifying vehicle models on the purchase date or the date the lease agreement was signed includes the vehicle model and the department of licensing subsequently removes the vehicle model from the published list, and, if applicable, the vehicle meets the qualifying criterion under subsection (1)(a)(iii)(B) of this section and RCW 82.12.9999(1)(a)(iii)(B).

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsection (1)(a)(iii)(B) of this section and RCW 82.12.9999(1)(a)(iii)(B).

~~(4) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(5))~~ By the last day of October 2019, and every six months thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of vehicles that qualified for the exemption under this section and RCW 82.12.9999 by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and

RCW 82.12.9999; and estimates of the future costs of leased vehicles that qualified for the exemption under this section and RCW 82.12.9999.

~~((6))~~ (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2019, and the rules of the Washington state department of ecology.

(b) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Qualification period end date" means August 1, 2025.

(e) "Qualification period start date" means August 1, 2019.

(f) "Used vehicle" has the same meaning as in RCW 46.04.660.

~~((7))~~ (6)(a) Sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

~~((8))~~ (7) This section expires August 1, 2028.

~~((9))~~ (8) This section is supported by the revenues generated in RCW 46.17.324, and therefore takes effect only if RCW 46.17.324 is enacted by June 30, 2019.

Sec. 306. RCW 82.12.9999 and 2019 c 287 s 10 are each amended to read as follows:

(1) Beginning August 1, 2019, beginning with sales made or lease

agreements signed on or after the qualification period start date:

(a) The provisions of this chapter do not apply as provided in (b) of this subsection in respect to the use of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least (~~thirty~~) 30 miles using only battery power; and

(iii)(A) Have a fair market value at the time use tax is imposed for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~forty five thousand dollars~~) \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~thirty thousand dollars~~) \$30,000; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~forty five thousand dollars~~) \$45,000; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed (~~thirty thousand dollars~~) \$30,000;

(b)(i) The exemption in this section is only applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's purchase price, for sales made; or

(B) The total lease payments made plus any additional purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is (~~twenty five thousand dollars~~) \$25,000;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is (~~twenty thousand dollars~~) \$20,000;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is (~~fifteen thousand dollars~~) \$15,000.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is (~~sixteen thousand dollars~~) \$16,000.

(2)(a) The seller must keep records necessary for the department to verify eligibility under this section, except as provided in (b) of this subsection. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; fair market value of the vehicle; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) (a) of this subsection applies only if the seller or person claiming the exemption is a vehicle dealer, as defined under RCW 46.70.011. When the seller is not a vehicle dealer, the department of licensing must establish a process for granting the tax exemption under this section for use tax otherwise collected at the time the ownership of a vehicle is transferred when the vehicle qualifies for the use tax exemption under subsection (1)(a) of this section, and must provide any information required under (a) of this subsection that it obtains as part of the vehicle titling and registration process for these

vehicles to the department on at least a quarterly basis.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data.~~

~~(4))~~(a) Vehicles purchased or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

~~((5))~~ (4) The definitions in RCW 82.08.9999 apply to this section.

~~((6))~~ (5) This section is supported by the revenues generated in RCW 46.17.324, and therefore takes effect only if RCW 46.17.324 is enacted by June 30, 2019.

~~((7))~~ (6) This section expires August 1, 2028.

Sec. 307. RCW 82.04.4496 and 2019 c 287 s 8 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gr oss Vehic	Increm ental	Maxi mum	Maxim um
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le Weigh t	Cost Amount	Credit Amount Per Vehicl e	Annual Credit Per Vehicle Class
Up to 14,00 0 pound s	75% of incremen tal cost	\$25, 000	\$2,00 0,000
14 ,001 to 26,50 0 pound s	75% of incremen tal cost	\$50, 000	\$2,00 0,000
Ab ove 26,50 0 pound s	75% of incremen tal cost	\$100 ,000	\$2,00 0,000

(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to ~~((fifty))~~ 50 percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of ~~((two million dollars))~~ \$2,000,000.

(b) On September 1st of each year, any unused credits from any category identified in (a) of this subsection must be made available to applicants applying for credits under any other category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.16.0496 is subject to a maximum annual credit amount of ~~((six million dollars))~~ \$6,000,000, and a maximum total credit amount of ~~((thirty two and one half million~~

~~dollars~~) \$32,500,000 since the credit became available on July 15, 2015.

(c) The credit provided in (a)(i) of this subsection is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of (~~twenty five thousand dollars~~) \$25,000 or (~~five~~) 50 percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of (~~two hundred fifty thousand dollars~~) \$250,000 or (~~twenty five~~) 25 vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.16 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.16.0496, during any calendar year to exceed (~~six million dollars~~) \$6,000,000. The department must provide notification on its website monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.16.0496 to exceed (~~thirty two and one half million dollars~~) \$32,500,000. The department must provide notification on its website monthly on the total amount of credits

that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within (~~(fifteen)~~) 15 days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit;

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within (~~(thirty)~~) 30 days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of each vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply

for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its website monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit and total limit are reached;

(b) Within (~~(fifteen)~~) 15 days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within (~~(fifteen)~~) 15 days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within (~~(fifteen)~~) 15 days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel;

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction

or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

~~(14) ((a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.~~

~~(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.~~

~~(15))~~ The department must conduct outreach to interested parties to obtain input on how best to streamline the application process required for the credit made available in this section and RCW 82.16.0496 to further adoption of alternative fuel technologies in commercial vehicle fleets, and must incorporate the findings resulting from this outreach effort into the rules and practices it adopts to implement and administer this section and RCW 82.16.0496 to the extent permitted under law.

~~((16))~~ (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative fuel vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a clean alternative fuel vehicle.

(b) "Auto transportation company" means any corporation or person owning, controlling, operating, or managing any

motor propelled vehicle, used in the business of transporting persons for compensation over public highways within the state of Washington, between fixed points or over a regular route. For the purposes of this section, "auto transportation company" also includes the following categories of providers irrespective of whether they provide service between fixed points or over a regular route: "Private, nonprofit transportation provider" as defined in RCW 81.66.010, "charter party carrier" as defined in RCW 81.70.020, and paratransit service providers who primarily provide special needs transportation to individuals with disabilities and the elderly.

(c) "Clean alternative fuel" means electricity, dimethyl ether, hydrogen, methane, natural gas, liquefied natural gas, compressed natural gas, or propane.

(d) "Commercial vehicle" means any commercial vehicle that is purchased by a private business and that is used exclusively in the provision of commercial services or the transportation of commodities, merchandise, produce, refuse, freight, animals, or passengers, and that is displaying a Washington state license plate. All commercial vehicles that provide transportation to passengers must be operated by an auto transportation company.

(e) "Gross capitalized cost" means the agreed upon value of the commercial vehicle and including any other items a person pays over the lease term that are included in such cost.

(f) "Lease reduction factor" means the vehicle gross capitalized cost less the residual value, divided by the gross capitalized cost.

(g) "Qualifying used commercial vehicle" means vehicles that:

(i) Have an odometer reading of less than ~~((four hundred fifty thousand))~~ 450,000 miles;

(ii) Are less than ~~((ten))~~ 10 years past their original date of manufacture;

(iii) Were modified after the initial purchase with a United States environmental protection agency certified conversion that would allow the propulsion units to be principally powered by a clean alternative fuel; and

(iv) Are being sold for the first time after modification.

(h) "Residual value" means the lease-end value of the vehicle as determined by the lessor, at the end of the lease term included in the lease contract.

~~((17))~~ (16) Credits may be earned under this section from January 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached.

Sec. 308. RCW 82.16.0496 and 2019 c 287 s 13 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	75% of incremental cost	\$50,000	\$2,000,000

Above 26,500 pounds	75% of incremental cost	\$100,000	\$2,000,000
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(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to ~~((fifty))~~ 50 percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of ~~((two million dollars))~~ \$2,000,000.

(b) On September 1st of each year, any unused credits from any category identified in (a) of this subsection must be made available to applicants applying for credits under any other category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.04.4496 is subject to a maximum annual credit amount of ~~((six million dollars))~~ \$6,000,000, and a maximum total credit amount of ~~((thirty-two and one-half million dollars))~~ \$32,500,000 beginning July 15, 2015.

(c) The credit provided in (a)(i) of this subsection is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of ~~((twenty-five thousand dollars))~~ \$25,000 or ~~((fifty))~~ 50 percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of (~~two hundred fifty thousand dollars~~) \$250,000 or (~~twenty five~~) 25 vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.04.4496, during any calendar year to exceed (~~six million dollars~~) \$6,000,000. The department must provide notification on its website monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.04.4496 to exceed (~~thirty two and one half million dollars~~) \$32,500,000. The department must provide notification on its website monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within (~~fifteen~~) 15 days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit;

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within ~~((thirty))~~ 30 days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of the vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its website monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit and total limit are reached;

(b) Within ~~((fifteen))~~ 15 days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the

vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within ~~((fifteen))~~ 15 days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within ~~((fifteen))~~ 15 days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel;

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) The definitions in RCW 82.04.4496 apply to this section.

(14) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

~~(15) ((a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the~~

~~preceding calendar quarter ending on the last day of December, March, June, and September, respectively.~~

~~(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.~~

~~(16))~~ Credits may be earned under this section from January 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, until the maximum total credit amount in subsection (1)(b) of this section is reached.

Sec. 309. RCW 82.08.816 and 2019 c 287 s 11 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations;

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable

resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

~~((5))~~ (4) This section expires July 1, 2025.

Sec. 310. RCW 82.12.816 and 2019 c 287 s 12 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully

automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ This section expires July 1, 2025.

Sec. 311. RCW 82.70.040 and 2016 c 32 s 3 are each amended to read as follows:

(1)(a) The department must keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department may not allow any credits that would cause the total amount allowed to exceed ~~((two million seven hundred fifty thousand dollars))~~ \$2,750,000 in any fiscal year.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department must ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

(b) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. For credits approved by the department through June 30, 2015, the approved credit may be carried forward and used for tax reporting periods through December 31, 2016. Credits approved after June 30, 2015, must be used for tax reporting periods within the calendar year for which they are approved by the department and may not be carried forward to subsequent tax reporting periods. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person may be approved for tax credits under RCW 82.70.020 in excess of ~~((one hundred thousand dollars))~~ \$100,000 in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, 2024.

~~((5) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by chapter 361, Laws of 2003 are terminated.))~~

Sec. 312. RCW 82.70.050 and 2015 3rd sp.s. c 44 s 415 are each amended to read as follows:

~~((1))~~ The director must on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under RCW 82.70.020 during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

~~((2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must deposit to the general fund a sum equal to the dollar amount of the credit provided under RCW 82.70.020 from the multimodal transportation account.~~

~~(3) This section expires January 1, 2025.))~~

Sec. 313. RCW 82.21.030 and 2021 c 333 s 705 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of hazardous substances in this state. Except as provided in (b) of this subsection, the rate of the tax is seven-tenths of one percent multiplied by the wholesale value of the substance. Moneys collected under this subsection (1)(a) must be deposited in the model toxics control capital account.

(b) Beginning July 1, 2019, the rate of the tax on petroleum products is one dollar and nine cents per barrel. The tax collected under this subsection (1)(b) on petroleum products must be deposited as follows, after first depositing the tax as provided in (c) of this subsection, except that during the 2021-2023 biennium the deposit as provided in (c) of this subsection may be prorated equally across each month of the biennium:

(i) Sixty percent to the model toxics control operating account created under RCW 70A.305.180;

(ii) Twenty-five percent to the model toxics control capital account created under RCW 70A.305.190; and

(iii) Fifteen percent to the model toxics control stormwater account created under RCW 70A.305.200.

(c) Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, (~~(fifty million dollars)~~) \$50,000,000 per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act enacted after June 30, 2023, in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed (~~two billion dollars~~) \$2,000,000,000 per biennium attributable solely to an increase in revenue from the enactment of the act.

(d) The department must compile a list of petroleum products that are not easily measured on a per barrel basis. Petroleum products identified on the list are subject to the rate under (a) of this subsection in lieu of the volumetric rate under (b) of this subsection. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet website. In compiling the list, the department may accept technical assistance from persons that sell, market, or distribute petroleum products and consider any other resource the department finds useful in compiling the list.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(3) Beginning July 1, 2020, and every July 1st thereafter, the rate specified in subsection (1)(b) of this section must be adjusted to reflect the percentage change in the implicit price deflator for nonresidential structures as published by the United States department of commerce, bureau of economic analysis for the most recent (~~(twelve month)~~) 12-month period ending December 31st of the prior year.

Part IV

Account Creation, Local Options, and Other Provisions

NEW SECTION. Sec. 401. A new section is added to chapter 46.68 RCW to read as follows:

The move ahead WA account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as move ahead WA projects or improvements in an omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. Sec. 402. A new section is added to chapter 46.68 RCW to read as follows:

The move ahead WA flexible account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation projects, programs, or activities identified as move ahead WA projects, programs, or activities in an omnibus transportation appropriations act.

Sec. 403. RCW 43.84.092 and 2021 c 199 s 504 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of

earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities

community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan

revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the

Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 404. RCW 43.84.092 and 2021 c 199 s 505 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to

the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply

development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation

account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington

building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 405. RCW 82.47.020 and 1991 c 173 s 1 are each amended to read as follows:

(1) The legislative authority of a border area jurisdiction may, by resolution for the purposes authorized in this chapter and by approval of a

majority of the registered voters of the jurisdiction voting on the proposition at a general or special election, fix and impose an excise tax on the retail sale of motor vehicle fuel and special fuel within the jurisdiction. An election held under this section must be held not more than ~~((twelve))~~ 12 months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition ~~((shall))~~ must state the tax rate that is proposed. The rate of such tax ~~((shall be in increments of one tenth of a cent per gallon and shall))~~ may not exceed ~~((one cent))~~ two cents per gallon for ballot propositions submitted in calendar year 2022. For ballot propositions submitted after calendar year 2022, this two cents per gallon maximum tax rate may be adjusted to reflect the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published by the bureau of economic analysis of the federal department of commerce, for the period of time between calendar year 2022 and when the tax is placed on the ballot for voter approval.

(2) The tax imposed in this section shall be collected and paid to the jurisdiction but once in respect to any motor vehicle fuel or special fuel. This tax shall be in addition to any other tax authorized or imposed by law.

(3) For purposes of this chapter, the term "border area jurisdictions" means all cities and towns within ~~((ten))~~ 10 miles of an international border crossing and any transportation benefit district established under RCW 36.73.020 which has within its boundaries an international border crossing.

Sec. 406. RCW 36.73.065 and 2015 3rd sp.s. c 44 s 309 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the

improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, except:

(a) If authorized by the district voters pursuant to RCW 36.73.160;

(b) With respect to a change in a rebate program, a material change policy adopted pursuant to RCW 36.73.160 is followed and the change does not reduce the percentage level or rebate amount;

(c) For up to ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty four))~~ 24 months; ~~((or))~~

(d) For up to ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of ~~((forty dollars))~~ \$40 has been imposed for at least ~~((twenty four))~~ 24 months and a district has met the requirements of subsection (6) of this section; or

(e) For up to three-tenths of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, pursuant to the sales and use tax authorized in RCW 82.14.0455.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees, taxes, and charges:

(i) Up to ~~((twenty dollars))~~ \$20 of the vehicle fee authorized in RCW 82.80.140;

(ii) Up to ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty four))~~ 24 months;

(iii) Up to ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW

82.80.140 if a vehicle fee of forty dollars has been imposed for at least ~~((twenty four))~~ 24 months and a district has met the requirements of subsection (6) of this section; ~~((or))~~

(iv) A fee or charge in accordance with RCW 36.73.120; or

(v) Up to one-tenth of one percent of the sales and use tax in accordance with RCW 82.14.0455.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities may not impose the fees or charges identified in (a) of this subsection within ~~((one hundred eighty))~~ 180 days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the ~~((one hundred eighty day))~~ 180-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to: (a) ~~((Twenty dollars))~~ \$20 of the vehicle fee authorized in RCW 82.80.140, (b) ~~((forty dollars))~~ \$40 of the vehicle fee authorized in RCW 82.80.140 if a fee of ~~((twenty dollars))~~ \$20 has been imposed for at least ~~((twenty four))~~ 24 months, or (c) ~~((fifty dollars))~~ \$50 of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of ~~((forty dollars))~~ \$40 has been imposed for at least ~~((twenty four))~~ 24 months and a district has met the requirements of subsection (6) of this section.

(6) If a district intends to impose a vehicle fee of more than ~~((forty dollars))~~ \$40 by a majority vote of the

governing body of the district, the governing body must publish notice of this intention, in one or more newspapers of general circulation within the district, by April 1st of the year in which the vehicle fee is to be imposed. If within ~~((ninety))~~ 90 days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the governing body within two weeks. The proposition to impose the vehicle fee must then be submitted to the voters of the district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The vehicle fee may then be imposed only if approved by a majority of the voters of the district voting on the proposition.

Sec. 407. RCW 82.14.0455 and 2010 c 105 s 3 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed ~~((two tenths))~~ three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. Except as provided in subsection (2) of this section, the tax may not be imposed for a period exceeding ~~((ten))~~ 10 years ~~((This tax, if not imposed under the conditions of subsection (2) of this section, may be extended for a period not exceeding ten years))~~ unless renewed with an affirmative vote of the voters voting at ~~((the))~~ an election or a majority vote of the governing board of the district. Each renewal by the voters may extend the tax for additional periods not exceeding 10 years. The governing board of the district may only fix, impose, or extend a sales and use tax of up to one-tenth of

one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The voter-approved sales tax initially imposed under this section after July 1, 2010, may be imposed for a period exceeding ((ten)) 10 years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW.

(3) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

NEW SECTION. Sec. 408. A new section is added to chapter 70A.535 RCW to read as follows:

(1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of RCW 70A.535.030; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of RCW 70A.535.030.

(2) The clean fuels program adopted by the department must be designed such that:

(a) Regulated parties generate deficits and may reconcile the deficits, and thus comply with the clean fuels program standards for a compliance period, by obtaining and retiring credits;

(b) Regulated parties and credit generators may generate credits for fuels used as substitutes or alternatives for gasoline or diesel;

(c) Regulated parties, credit generators, and credit aggregators shall have opportunities to trade credits; and

(d) Regulated parties shall be allowed to carry over to the next compliance period a small deficit without penalty.

(3) The department shall, throughout a compliance period, regularly monitor the availability of fuels needed for compliance with the clean fuels program.

(4)(a) Under the clean fuels program, the department shall monthly calculate the volume-weighted average price of credits and, no later than the last day of the month immediately following the month for which the calculation is completed, post the formula and the nonaggregated data the department used for the calculation and the results of the calculation on the department's website.

(b) In completing the calculation required by this subsection, the department may exclude from the data set credit transfers without a price or other credit transfers made for a price that falls two standard deviations outside of the mean credit price for the month. Data posted on the department's website under this section may not include any individually identifiable information or information that would constitute a trade secret.

(5)(a) Except as provided in this section, the rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 20 percent below 2017 levels by 2038 based on the following schedule:

(i) No more than 0.5 percent each year in 2023 and 2024;

(ii) No more than an additional one percent each year beginning in 2025 through 2027;

(iii) No more than an additional 1.5 percent each year beginning in 2028 through 2031; and

(iv) No change in 2032 and 2033.

(b) The rules must establish a start date for the clean fuels program of no later than January 1, 2023.

(6) Beginning with the program year beginning in calendar year 2028, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the department demonstrates that the following have occurred:

(a) At least a 15 percent net increase in the volume of in-state liquid biofuel production and the use of feedstocks grown or produced within the state relative to the start of the program; and

(b) At least one new or expanded biofuel production facility representing an increase in production capacity or producing, in total, in excess of 60,000,000 gallons of biofuels per year has or have received after July 1, 2021, all necessary siting, operating, and environmental permits post all timely and applicable appeals. As part of the threshold of 60,000,000 gallons of biofuel under this subsection, at least one new facility producing at least 10,000,000 gallons per year must have received all necessary siting, operating, and environmental permits. Timely and applicable appeals must be determined by the attorney general's office.

(7) Beginning with the program year beginning in calendar year 2031, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the:

(a) Joint legislative audit and review committee report required in RCW 70A.535.140 has been completed; and

(b) 2033 regular legislative session has adjourned, in order to allow an opportunity for the legislature to amend the requirements of this chapter in light of the report required in (a) of this subsection.

(8) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(9) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

Sec. 409. RCW 70A.535.010 and 2021 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO₂e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under (~~RCW 70A.535.020~~) section 408 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under (~~RCW 70A.535.020~~) section 408 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief

operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

Sec. 410. RCW 70A.535.030 and 2021 c 317 s 4 are each amended to read as follows:

The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in (~~RCW 70A.535.020~~) section 408 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a

powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon

intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in ~~((RCW 70A.535.020))~~ section 408 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including

changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under ~~((RCW 70A.535.020))~~ section 408 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers, importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in RCW 70A.535.040, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in ~~((RCW 70A.535.020))~~ section 408 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms.

(a) Cost containment mechanisms must include the credit clearance market specified in subsection (8) of this

section and may also include, but are not limited to:

(i) Procedures similar to the credit clearance market required in subsection (8) of this section that provide a means of compliance with the clean fuels program requirements in the event that a regulated person has not been able to acquire sufficient volumes of credits at the end of a compliance period; or

(ii) Similar procedures that ensure that credit prices do not significantly exceed credit prices in other jurisdictions that have adopted similar programs to reduce the carbon intensity of transportation fuels.

(b) Any cost containment mechanisms must be designed to provide financial disincentive for regulated persons to rely on the cost containment mechanism for purposes of program compliance instead of seeking to generate or acquire sufficient credits under the program.

(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in RCW 70A.535.060(1).

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in RCW 70A.535.060(1);

(8)(a)(i) A credit clearance market for any compliance period in which at least one regulated party reports that the regulated party has a net deficit balance at the end of the compliance period, after retirement of all credits held by the regulated party, that is greater than a small deficit. A regulated party described by this subsection is required to participate in the credit clearance market.

(ii) If a regulated party has a small deficit at the end of a compliance period, the regulated party shall notify the department that it will achieve compliance with the clean fuels program during the compliance period by either: (A) Participating in a credit clearance market; or (B) carrying forward the small deficit.

(b) For the purposes of administering a credit clearance market required by this section, the department shall:

(i) Allow any regulated party, credit generator, or credit aggregator that holds excess credits at the end of the compliance period to voluntarily participate in the credit clearance market as a seller by pledging a specified number of credits for sale in the market;

(ii) Require each regulated party participating in the credit clearance market as purchaser of credits to:

(A) Have retired all credits in the regulated party's possession prior to participating in the credit clearance market; and

(B) Purchase the specified number of the total pledged credits that the department has determined are that regulated party's pro rata share of the pledged credits;

(iii) Require all sellers to:

(A) Agree to sell pledged credits at a price no higher than a maximum price for credits;

(B) Accept all offers to purchase pledged credits at the maximum price for credits; and

(C) Agree to withhold any pledged credits from sale in any transaction outside of the credit clearance market until the end of the credit clearance market, or if no credit clearance market is held in a given year, then until the date on which the department announces it will not be held.

(c)(i) The department shall set a maximum price for credits in a credit clearance market, consistent with states that have adopted similar clean fuels programs, not to exceed \$200 in 2018 dollars for 2023.

(ii) For 2024 and subsequent years, the maximum price may exceed \$200 in 2018 dollars, but only to the extent that a greater maximum price for credits is necessary to annually adjust for inflation, beginning on January 1, 2024, pursuant to the increase, if any, from the preceding calendar year in the consumer price index for all urban consumers, west region (all items), as published by the bureau of labor statistics of the United States department of labor.

(d) A regulated party that has a net deficit balance after the close of a credit clearance market:

(i) Must carry over the remaining deficits into the next compliance period; and

(ii) May not be subject to interest greater than five percent, penalties, or assertions of noncompliance that accrue based on the carryover of deficits under this subsection.

(e) If a regulated party has been required under (a) of this subsection to participate as a purchaser in two consecutive credit clearance markets and continues to have a net deficit balance after the close of the second consecutive credit clearance market, the department shall complete, no later than two months after the close of the second credit clearance market, an analysis of the root cause of an inability of the regulated party to retire the remaining deficits. The department may recommend and implement any remedy that the department determines is necessary to address the root cause identified in the analysis including, but not limited to, issuing a deferral, provided that the remedy implemented does not:

(i) Require a regulated party to purchase credits for an amount that exceeds the maximum price for credits in the most recent credit clearance market; or

(ii) Compel a person to sell credits.

(f) If credits sold in a credit clearance market are subsequently invalidated as a result of fraud or any other form of noncompliance on the part of the generator of the credit, the department may not pursue civil penalties against, or require credit replacement by, the regulated party that purchased the credits unless the regulated party was a party to the fraud or other form of noncompliance.

(g) The department may not disclose the deficit balances or pro rata share purchase requirements of a regulated party that participates in the credit clearance market;

(9) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

Sec. 411. RCW 70A.535.040 and 2021 c 317 s 5 are each amended to read as follows:

(1) The rules adopted under RCW ((~~70A.535.020~~ and)) 70A.535.030 and section 408 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under RCW ((~~70A.535.020~~ and)) 70A.535.030 and section 408 of this act must exempt the following transportation fuels from greenhouse gas emissions intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emissions intensity reduction requirements applicable to transportation fuels specified in ((~~RCW 70A.535.020~~)) section 408 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under RCW ((~~70A.535.020~~ and)) 70A.535.030 and section 408 of this act may include

exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to July 25, 2021, or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

Sec. 412. RCW 70A.535.050 and 2021 c 317 s 6 are each amended to read as follows:

(1) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted under RCW (~~70A.535.020 and~~) 70A.535.030 and section 408 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1) and (2) of this section. The department must limit the number of credits that may be earned each year under subsection (3) of this

section to 10 percent of the total program credits. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

(5)(a) In coordination with the department, the Washington state department of transportation must immediately begin work on identifying the amount of credit revenues likely to be generated under subsection (3) of this section from the state transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. It is the intent of the legislature that these credits will be maximized to allow further investment in efforts to reduce greenhouse gas emissions and decarbonize the transportation sector including, but not limited to, additional funding in future years, for ferry electrification beyond four new hybrid electric vessels, active transportation, and transit programs and projects.

(b) Beginning November 1, 2022, and annually thereafter, the Washington state department of transportation must present a detailed projection of the credit revenues generated under subsection (3) of this section and a preferred reinvestment strategy for the revenues for the following 10-year time period to the joint transportation committee.

Sec. 413. RCW 70A.535.120 and 2021 c 317 s 13 are each amended to read as follows:

(1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under ((RCW 70A.535.020)) section 408 of this act no later than 15 calendar days after the date the department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural

disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under RCW 70A.535.030 if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in RCW 70A.535.100, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

NEW SECTION. Sec. 414. RCW 70A.535.020 (Carbon intensity of transportation fuels—Standards to reduce carbon intensity—Adoption of rules) and 2021 c 317 s 3 are each repealed.

NEW SECTION. Sec. 415. (1) A target is established for the state that all publicly owned and privately owned passenger and light duty vehicles of model year 2030 or later that are sold, purchased, or registered in Washington state be electric vehicles.

(2) On or before December 31, 2023, the interagency electric vehicle coordinating council created in section 428 of this act shall complete a scoping plan for achieving the 2030 target.

NEW SECTION. Sec. 416. A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a bus and bus facilities grant program. The purpose of this competitive grant program is to provide grants to any transit authority for the replacement, expansion, rehabilitation, and purchase of transit rolling stock; construction, modification, or rehabilitation of transit facilities; and funding to adapt to technological change or innovation through the retrofitting of transit rolling stock and facilities.

(2)(a) The department must incorporate environmental justice principles into the grant selection process, with the goal of increasing the distribution of funding to communities based on addressing environmental harms and provide environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(b) The department must incorporate geographic diversity into the grant selection process.

(c) No grantee may receive more than 35 percent of the amount appropriated for the grant program in a particular biennium.

(d) Fuel type may not be a factor in the grant selection process.

(3) The department must establish an advisory committee to carry out the mandates of this section, including assisting with the establishment of grant criteria.

(4) The department must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For the purposes of this section:

(a) "Transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

(b) "Transit rolling stock" means transit vehicles including, but not limited to, buses, ferries, and vans.

NEW SECTION. **Sec. 417.** A new section is added to chapter 47.04 RCW to read as follows:

(1) The legislature finds that many communities across Washington state have not equitably benefited from investments in the active transportation network. The legislature also finds that legacy state transportation facilities designed primarily for vehicle use caused disconnections in safe routes for people who walk, bike, and roll to work and to carry out other daily activities.

(2) To address these investment gaps, the connecting communities program is established within the department. The purpose of the program is to improve active transportation connectivity in communities by:

(a) Providing safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users carrying out their daily activities;

(b) Mitigating for the health, safety, and access impacts of transportation infrastructure that bisects communities and creates obstacles in the local active transportation network;

(c) Investing in greenways providing protected routes for a wide variety of nonvehicular users; and

(d) Facilitating the planning, development, and implementation of projects and activities that will improve the connectivity and safety of the active transportation network.

(3) The department must select projects to propose to the legislature for funding. In selecting projects, the department must consider, at a minimum, the following criteria:

(a) Access to a transit facility, community facility, commercial center, or community-identified assets;

(b) The use of minority and women-owned businesses and community-based organizations in planning, community engagement, design, and construction of the project;

(c) Whether the project will serve:

(i) Overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(ii) Vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing, and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms;

(iii) Household incomes at or below 200 percent of the federal poverty level; and

(iv) People with disabilities;

(d) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(e) Location on or adjacent to tribal lands or locations providing essential services to tribal members;

(f) Crash experience involving pedestrians and bicyclists; and

(g) Identified need by the community, for example in the state active transportation plan or a regional, county, or community plan.

(4) It is the intent of the legislature that the connecting communities program comply with the requirements of chapter 314, Laws of 2021.

(5) The department shall submit a report to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected connecting communities projects for funding by the legislature. The report must also include the status of previously funded projects.

(6) This section expires July 1, 2027.

NEW SECTION. Sec. 418. A new section is added to chapter 47.24 RCW to read as follows:

(1) In order to improve the safety, mobility, and accessibility of state highways, it is the intent of the legislature that the department must incorporate the principles of complete streets with facilities that provide street access with all users in mind, including pedestrians, bicyclists, and public transportation users, notwithstanding the provisions of RCW 47.24.020 concerning responsibility beyond the curb of state rights-of-way. As such, state transportation projects starting design on or after July 1, 2022, and that are \$500,000 or more, must:

(a) Identify those locations on state rights-of-way that do not have a complete and Americans with disabilities act accessible sidewalk or shared-use path, that do not have bicycle facilities in the form of a bike lane or adjacent parallel trail or shared-use path, that have such facilities on a state route within a population center that has a posted speed in excess of 30 miles per hour and no buffer or physical separation from vehicular traffic for pedestrians and bicyclists, and/or that have a design that hampers the ability of motorists to see a crossing pedestrian with sufficient time to stop given posted speed limits and roadway configuration;

(b) Consult with local jurisdictions to confirm existing and planned active transportation connections along or across the location; identification of connections to existing and planned public transportation services, ferry landings, commuter and passenger rail,

and airports; the existing and planned facility type(s) within the local jurisdiction that connect to the location; and the potential use of speed management techniques to minimize crash exposure and severity;

(c) Adjust the speed limit to a lower speed with appropriate modifications to roadway design and operations to achieve the desired operating speed in those locations where this speed management approach aligns with local plans or ordinances, particularly in those contexts that present a higher possibility of serious injury or fatal crashes occurring based on land use context, observed crash data, crash potential, roadway characteristics that are likely to increase exposure, or a combination thereof, in keeping with a safe system approach and with the intention of ultimately eliminating serious and fatal crashes; and

(d) Plan, design, and construct facilities providing context-sensitive solutions that contribute to network connectivity and safety for pedestrians, bicyclists, and people accessing public transportation and other modal connections, such facilities to include Americans with disabilities act accessible sidewalks or shared-use paths, bicyclist facilities, and crossings as needed to integrate the state route into the local network.

(2) Projects undertaken for emergent work required to reopen a state highway in the event of a natural disaster or other emergency repair are not required to comply with the provisions of this section.

(3) Maintenance of facilities constructed under this provision shall be as provided under existing law.

(4) This section does not create a private right of action.

NEW SECTION. Sec. 419. A new section is added to chapter 47.04 RCW to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is

encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

NEW SECTION. **Sec. 420.** A new section is added to chapter 47.04 RCW to read as follows:

For the purposes of submitting a request by October 1, 2022, to Amtrak to adopt a fare policy change, the department shall negotiate with the Oregon department of transportation to determine ridership, revenue, and policy impacts relating to elimination of fares for Amtrak Cascades passengers 18 years of age and younger. It is the intent of the legislature that fares for passengers 18 years of age and younger for service on the Amtrak Cascades corridor be eliminated. The department shall report back to the transportation committees of the legislature with results of negotiations with the Oregon department of transportation and the status of fare policy requests submitted to Amtrak by December 1, 2022.

NEW SECTION. Sec. 421. A new section is added to chapter 47.60 RCW to read as follows:

Consistent with RCW 47.60.315(1)(b), the commission shall adopt an annual fare policy for Washington state ferries to allow all riders 18 years of age and younger to ride free of charge on all system routes. This fare change must apply to both walk-on passengers and passengers in vehicles. The commission is directed to make the initial fare policy change effective no later than October 1, 2022.

NEW SECTION. Sec. 422. A new section is added to chapter 47.66 RCW to read as follows:

(1) The department shall establish a transit support grant program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, in order to qualify for the grants.

(a) Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of "Summary of Public Transportation" published by the department.

(b) No transit agency may receive more than 35 percent of these distributions.

(c) Fuel type may not be a factor in the grant selection process.

(2) To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency. Transit agencies must submit documentation of a zero-fare policy for 18 years of age and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit such fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(3) The department shall, for the purposes of the "Summary of Public Transportation" report, require grantees to report the number of trips that were taken under this program.

(4) For the purposes of this section, "transit agency" or "agency" means a city transit system under RCW 35.58.2721 or

chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, or any special purpose district formed to operate a public transportation system.

Sec. 423. RCW 46.63.170 and 2020 c 224 s 1 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, ~~((+))~~ school speed zone violations~~((+))~~, speed violations on any roadway identified in a school walk area as defined in RCW 28A.160.160, speed violations in public park speed zones, hospital speed zones, speed violations subject to (c) or (d) of this subsection((+)), or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other

relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's website.

(b)(i) Except as provided in (c) and (d) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: ~~((+ii))~~ (A) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; ~~((+iii))~~ (B) railroad crossings; ~~((and -iii))~~ (C) school speed zones; (D) roadways identified in a school walk area as defined in RCW 28A.160.160; (E) public park speed zones, as defined in (b)(ii) of this subsection; and (F) hospital speed zones, as defined in (b)(ii) of this subsection.

(ii) For the purposes of this section:

(A) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of public park property (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

(B) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(c) ~~((Any))~~ In addition to the automated traffic safety cameras authorized under (d) of this subsection, any city west of the Cascade mountains with a population of more than ~~((one hundred ninety five thousand))~~ 195,000 located in a county with a population of fewer than ~~((one million five hundred thousand))~~ 1,500,000 may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d)(i) Cities may operate at least one automated traffic safety camera under this subsection to detect speed violations, subject to the requirements of (d)(ii) of this subsection. Cities may operate one additional automated traffic safety camera to detect speed violations for every 10,000 residents included in the city's population. Cameras must be placed in locations that comply with one of the following:

(A) The location has been identified as a priority location in a local road safety plan that a city has submitted to the Washington state department of transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed;

(B) The location has a significantly higher rate of collisions than the city average in a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

(C) The location is in an area within the city limits designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

(ii) A city locating an automated traffic safety camera under this subsection (1)(d) must complete an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(e) All locations where an automated traffic safety camera is used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection must be clearly marked by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that the driver is entering an area where speed violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and

highways as adopted by the department of transportation under chapter 47.36 RCW.

(f) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

~~((e))~~ (g) A notice of infraction must be mailed to the registered owner of the vehicle within ~~((fourteen))~~ 14 days of the violation, or to the renter of a vehicle within ~~((fourteen))~~ 14 days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (i) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the

discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((h))~~ (j) All locations where an automated traffic safety camera is used must be clearly marked at least ~~((thirty))~~ 30 days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

~~((i))~~ (k) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(l) If a city is operating an automated traffic safety camera to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection, the city shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. This subsection (1)(l) does not apply to automated traffic safety cameras authorized for stoplight,

railroad crossing, or school speed zone violations.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). Except as provided otherwise in subsection (6) of this section, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within (~~(eighteen)~~) 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. The device, including all technology defined under "automated traffic safety camera," must not reveal the face of the driver or the passengers in vehicles, and must not use any facial recognition technology in real time or after capturing any information. If the face of any individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public nor used for any purpose including, but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under this section.

(6)(a)(i) A city with a population greater than (~~(five hundred thousand)~~) 500,000 may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. Under the pilot program, stopping at intersection or crosswalk violations may only be

enforced at the ~~((twenty))~~ 20 intersections where the city would most like to address safety concerns related to stopping at intersection or crosswalk violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are

designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) However, automated traffic safety cameras may not be used on an on-ramp to an interstate.

(d) From June 11, 2020, through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2021, a notice of infraction must be issued, in a manner consistent with subsections (1)~~((e))~~ (g) and (3) of this section, for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). However, the penalty for the violation may not exceed ~~((seventy five dollars))~~ \$75.

(e) For infractions issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state ~~((fifty))~~ 50 percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. The remaining ~~((fifty))~~ 50 percent retained by the city must be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

(f) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection (6), against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

(g) A city that implements a pilot program under this subsection (6) must provide a preliminary report to the transportation committees of the legislature by June 30, ~~((2022))~~ 2024, and a final report by January 1, ~~((2023))~~ 2025, on the pilot program that includes the locations chosen for the automated traffic safety cameras used in the pilot

program, the number of warnings and traffic infractions issued under the pilot program, the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located, the infrastructure improvements made using the penalty moneys as required under (e) of this subsection, an equity analysis that includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

Sec. 424. RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, ~~((or))~~ school speed zone violations~~((+))~~, speed violations on any roadway identified in a school walk area as defined in RCW 28A.160.160, speed violations in public park speed zones, hospital speed zones, or speed violations subject to (c) or (d) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well

as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's website.

(b)(i) Except as provided in (c) and (d) of this subsection, use of automated traffic safety cameras is restricted to the following locations only: ~~((+))~~ (A) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; ~~((+))~~ (B) railroad crossings; ~~(and ~~((+))~~)~~ (C) school speed zones; (D) roadways identified in a school walk area as defined in RCW 28A.160.160; (E) public park speed zones, as defined in (b)(ii) of this subsection; and (F) hospital speed zones, as defined in (b)(ii) of this subsection.

(ii) For the purposes of this section:

(A) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of public park property (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

(B) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(c) ~~((Any))~~ In addition to the automated traffic safety cameras authorized under (d) of this subsection, any city west of the Cascade mountains with a population of more than ~~((one hundred ninety five thousand))~~ 195,000 located in a county with a population of fewer than ~~((one million five hundred thousand))~~ 1,500,000 may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington

state legislature as a pilot project for at least one full year.

(d)(i) Cities may operate at least one automated traffic safety camera under this subsection to detect speed violations, subject to the requirements of (d)(ii) of this subsection. Cities may operate one additional automated traffic safety camera to detect speed violations for every 10,000 residents included in the city's population. Cameras must be placed in locations that comply with one of the following:

(A) The location has been identified as a priority location in a local road safety plan that a city has submitted to the Washington state department of transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed;

(B) The location has a significantly higher rate of collisions than the city average in a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

(C) The location is in an area within the city limits designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

(ii) A city locating an automated traffic safety camera under this subsection (1)(d) must complete an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(e) All locations where an automated traffic safety camera is used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection must be clearly marked by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that the driver is entering an area where speed violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and

guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(f) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

~~((e))~~ (g) A notice of infraction must be mailed to the registered owner of the vehicle within ~~((fourteen))~~ 14 days of the violation, or to the renter of a vehicle within ~~((fourteen))~~ 14 days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (i) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the

exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((h))~~ (j) All locations where an automated traffic safety camera is used must be clearly marked at least ~~((thirty))~~ 30 days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

~~((i))~~ (k) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(l) If a city is operating an automated traffic safety camera to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or speed violations under (d) of this subsection, the city shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480. This subsection (1)(l) does not apply to automated traffic safety cameras authorized for stoplight,

railroad crossing, or school speed zone violations.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within ~~((eighteen))~~ 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.

NEW SECTION. Sec. 425. A new section is added to chapter 47.56 RCW to read as follows:

The legislature recognizes the need to reduce congestion and improve mobility on the Interstate 405 and state route number 167 corridors, and finds that performance on the corridors has not met the goal that average vehicle speeds in the express toll lanes remain above 45 miles per hour at least 90 percent of the time during peak hours. Therefore, the legislature intends that the commission reevaluate options at least every two years to improve performance on the Interstate 405 and state route number 167 corridors, pursuant to RCW 47.56.880 and 47.56.850.

Sec. 426. RCW 70A.65.230 and 2021 c 316 s 26 are each amended to read as follows:

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, ~~((and))~~ the air quality and health disparities improvement account created in RCW 70A.65.280, the climate

transit programs account created in section 103 of this act, and the climate active transportation account created in section 102 of this act, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter 314, Laws of 2021; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW 70A.65.040.

~~((5) No expenditures may be made from the carbon emissions reduction account created in RCW 70A.65.240, the climate investment account created in RCW 70A.65.250, or the air quality and health disparities improvement account created in RCW 70A.65.280 if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under RCW 70A.65.060 that outlines a compliance pathway specific to emissions intensive, trade exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.))~~

NEW SECTION. Sec. 427. The legislature finds that in order to meet the statewide greenhouse gas emissions limits in RCW 70A.45.020 and 70A.45.050, the state must drastically reduce vehicle greenhouse gas emissions. A critical strategy to meet those goals is transitioning to zero emissions vehicles and this transition requires ongoing purposeful interagency coordination and cooperation. As such, it is the intent of the legislature to create a formal interagency council responsible for coordinating the state's transportation electrification efforts to ensure the state is leveraging state and federal resources to the best extent possible and to ensure zero emissions incentives, infrastructure, and opportunities are available and accessible to all Washingtonians.

The legislature further finds that in order to meet the statewide greenhouse gas emissions limits in the transportation sector of the economy, more resources must be directed toward achieving zero emissions transportation and transit, while continuing to relieve energy burdens that exist in overburdened communities.

NEW SECTION. Sec. 428. (1) There is hereby created an interagency electric vehicle coordinating council jointly led by the Washington state department of commerce and the Washington state department of transportation with participation from the following agencies:

- (a) The office of financial management;
- (b) The department of ecology;
- (c) The department of enterprise services;

(d) The state efficiency and environmental performance office;

(e) The department of agriculture;

(f) The department of health;

(g) The utilities and transportation commission;

(h) A representative from the office of the superintendent of public instruction knowledgeable on issues pertaining to student transportation; and

(i) Other agencies with key roles in electrifying the transportation sector.

(2) The Washington state department of commerce and Washington state department of transportation shall assign staff in each agency to lead the council's coordination work and provide ongoing reports to the governor and legislature including, but not limited to, the transportation, energy, economic development, and other appropriate legislative committees.

NEW SECTION. Sec. 429. (1) Interagency electric vehicle coordinating council responsibilities include, but are not limited to:

(a) Development of a statewide transportation electrification strategy to ensure market and infrastructure readiness for all new vehicle sales;

(b) Identification of all electric vehicle infrastructure grant-related funding to include existing and future opportunities, including state, federal, and other funds;

(c) Coordination of grant funding criteria across agency grant programs to most efficiently distribute state and federal electric vehicle-related funding in a manner that is most beneficial to the state, advances best practices, and recommends additional criteria that could be useful in advancing transportation electrification;

(d) Development of a robust public and private outreach plan that includes engaging with:

(i) Community organizers and the environmental justice council to develop community-driven programs to address zero emissions transportation needs and priorities in overburdened communities; and

(ii) Local governments to explore procurement opportunities and work with local government and community programs to support electrification;

(e) Creation of an industry electric vehicle advisory committee; and

(f) Ensuring the statewide transportation electrification strategy, grant distribution, programs, and activities associated with advancing transportation electrification benefit vulnerable and overburdened communities.

(2) The council shall provide an annual report to the appropriate committees of the legislature summarizing electric vehicle implementation progress, gaps, and resource needs.

Sec. 430. RCW 46.68.480 and 2020 c 224 s 2 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(~~(+6)(e)~~) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 431. A new section is added to chapter 47.60 RCW to read as follows:

It is the intent of the legislature to fully fund the vessel and terminal electrification program in accordance with the Washington state ferries 2040 long range plan. The legislature finds that to attain the 2040 target fleet size of 26 vessels, a biennial replacement schedule is necessary to ensure the level of ferry service and reliability expected by the public. Therefore, by June 30, 2025, the legislature will secure funding options, including but not limited to a vessel surcharge, to devote the resources necessary to fulfill the vessel and terminal needs outlined in the 2040 long range plan.

NEW SECTION. Sec. 432. Washington state's target zero program envisions Washington having policies that will lead to zero deaths of people using the

transportation system. For almost two decades more than 200 people have lost their lives annually in circumstances where a vehicle unintentionally left its lane of travel. Such fatalities made up 48 percent of all traffic-related fatalities in 2019. There are multiple ways to make improvements on the highway system that have been proven in other locations to help reduce lane departures and fatalities. Sections 433 and 434 of this act are intended to direct resources towards deploying such improvements by requiring the Washington state department of transportation to create a program that is focused on addressing this specific safety concern.

NEW SECTION. Sec. 433. A new section is added to chapter 47.04 RCW to read as follows:

(1)(a) When an appropriation is made for this purpose, the department shall establish a reducing rural roadway departures program to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death. The program must use data driven methods to determine potential projects, and associated ranking methods for prioritization of funding consistent with chapter 47.05 RCW. Funding under this program may be used to:

(i) Widen roadway shoulders or modify roadway design to improve visibility or reduce lane departure risks;

(ii) Improve markings and paint on roadways, including making markings on roads more visible for vehicles with lane departure technology;

(iii) Apply high friction surface treatments;

(iv) Install rumble strips, signage, lighting, raised barriers, medians, guardrails, cable barriers, or other safety equipment, including deployment of innovative technology and connected infrastructure devices;

(v) Remove or relocate fixed objects from rights-of-way that pose a significant risk of serious injury or death if a vehicle were to collide with the object due to a lane departure;

(vi) Repair or replace existing barriers that are damaged or nonfunctional; or

(vii) Take other reasonable actions that are deemed likely to address or prevent vehicle lane departures in specific areas of concern.

(b) The department must create a program whereby it can distribute funding or install safety improvements based on the prioritization process established under (a) of this subsection. Any installation of safety measures that are not under the jurisdiction of the department must be done with permission from the entity that is responsible for operation and maintenance of the roadway.

(c) The department's program must create a form and application process whereby towns, small cities, counties, and transportation benefit districts may apply for program funding for high risk areas in their jurisdictions in need of safety improvements.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department must issue program funding for purposes defined in (a) and (b) of this subsection in a geographically diverse manner throughout the state. Criteria used to assess a location can include the communities inability or lack of resources to make the corrections themselves and to make corrections where there has been historic disparate impacts.

(e) By December 31st of each year when there is funding distributed in accordance with this program, the department must provide the transportation committees of the legislature and the traffic safety commission with a list of locations that received funding and a description of the safety improvements installed there.

(2) During the first five years of the program, the department must track incidence of lane departures at the locations where the new infrastructure is installed and evaluate the effectiveness of the safety improvements.

Sec. 434. RCW 46.68.060 and 2021 c 333 s 706 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial

responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, ~~((and))~~ chapters 46.72 and 46.72A RCW, and section 433 of this act. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

Sec. 435. RCW 46.68.396 and 2015 3rd sp.s. c 12 s 2 are each amended to read as follows:

The JUDY transportation future funding program account is created in the connecting Washington account established in chapter 44, Laws of 2015 3rd sp. sess. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for preservation projects, to accelerate the schedule of connecting Washington projects identified in chapter 43, Laws of 2015 3rd sp. sess., for new connecting Washington projects, and for principal and interest on bonds authorized for the projects. It is the legislature's intent that moneys not be appropriated from the account until 2024 and that moneys in the account be expended in equal amounts between preservation and improvement projects. Moneys in the account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

Sec. 436. RCW 47.01.480 and 2015 3rd sp.s. c 12 s 1 are each amended to read as follows:

(1)(a) For projects identified as connecting Washington projects and supported by revenues under chapter 44, Laws of 2015 3rd sp. sess., it is the priority of the legislature that the department deliver the named projects. The legislature encourages the department to continue to institutionalize innovation and collaboration in design and project delivery with an eye toward the most efficient use of resources. In doing so, the legislature expects that, for some

projects, costs will be reduced during the project design phase due to the application of practical design. However, significant changes to a project title or scope arising from the application of practical design requires legislative approval. The legislature will utilize existing mechanisms and processes to ensure timely and efficient approval. Practical design-related changes to the scope may be proposed by the department, for the legislature's approval, only if the project's intended performance is substantially unchanged and the local governments and interested stakeholders impacted by the project have been consulted and have reviewed the proposed changes.

(b) To the greatest extent practicable, a contract for the construction of a project with any change to the title or scope, whether significant or not, arising from the application of practical design must not be let until the department has provided a detailed notice describing the change to the chairs and ranking members of the house of representatives and senate transportation committees or, if during the interim, to the joint transportation committee.

(c) To determine the savings attributable to practical design, each connecting Washington project must be evaluated. For design-bid-build projects, the evaluation must occur at the end of the project design phase. For design-build projects, the evaluation must occur at the completion of ~~((thirty))~~ 30 percent design. Each year as a part of its annual budget submittal, the department must include a detailed summary of how practical design has been applied and the associated savings gained. The annual summary must also include for each project: Details regarding any savings gained specifically through changes in the cost of materials, changes in the scope of a project and associated impacts on risk, the retirement of any risk reserves, and unused contingency funds.

(2)(a) The transportation future funding program is intended to provide for future emergent transportation projects, accelerating the schedule for existing connecting Washington projects, and highway preservation investments, beginning in fiscal year 2024, based on savings accrued from the application of practical design and any retired risk or

unused contingency funding on connecting Washington projects.

(b) Beginning July 1, 2016, the department must submit a report to the state treasurer and the transportation committees of the legislature once every six months identifying the amount of savings attributable to the application of practical design, retired risk, and unused contingency funding, and report when the savings become available. The state treasurer must transfer the available amounts identified in the report to the JUDY transportation future funding program account created in RCW 46.68.396.

(c) Beginning in fiscal year 2024, as a part of its budget submittal, the department may provide a list of highway improvement projects or preservation investments for potential legislative approval as part of the transportation future funding program. Highway improvement projects considered for inclusion under the transportation future funding program may include new connecting Washington projects, or accelerate the schedule for existing connecting Washington projects, and must: Address significant safety concerns; alleviate congestion and advance mobility; provide compelling economic development gains; leverage partnership funds from local, federal, or other sources; or require a next phase of funding to build upon initial investments provided by the legislature.

(d) It is the intent of the legislature that if savings attributable to the application of practical design are used to accelerate existing connecting Washington projects, savings must also be used for new connecting Washington projects of equal cost.

NEW SECTION. Sec. 437. A new section is added to chapter 47.06A RCW to read as follows:

A railroad crossing grant program is hereby created in the department, local programs division. The department shall develop a prioritization process to make awards for cities and counties with projects that eliminate at grade highway-rail crossings, improving safety and expediting the movement of vehicles. Awards must be made for matching funds to federal grants.

Sec. 438. RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1) Regional transit authorities that include a county with a population of more than ~~((one million five hundred thousand))~~ 1,500,000 may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of ~~((six thousand))~~ 6,000 pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of ~~((RCW 81.104.160(1)))~~ subsection (1) of this section shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

Sec. 439. RCW 47.66.120 and 2021 c 333 s 721 are each amended to read as follows:

(1)(a) ~~((Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the))~~ The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to twenty percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

Part V

Miscellaneous

NEW SECTION. **Sec. 501.** Sections 415 and 427 through 429 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 502.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 503.** Sections 311 and 403 of this act expire July 1, 2024.

NEW SECTION. **Sec. 504.** Section 404 of this act takes effect July 1, 2024.

Sec. 505. 2020 c 224 s 3 (uncodified) is amended to read as follows:

Section 1 of this act expires June 30, (~~2023~~) 2025.

NEW SECTION. **Sec. 506.** Section 423 of this act expires June 30, 2025.

NEW SECTION. **Sec. 507.** Section 424 of this act takes effect June 30, 2025.

NEW SECTION. **Sec. 508.** Sections 313, 408 through 414, and 421 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 509.** Sections 205, 206, 209, and 210 of this act take effect October 1, 2022.

NEW SECTION. **Sec. 510.** Sections 207 and 208 of this act take effect January 1, 2023, and apply to registrations that become due on or after that date.

NEW SECTION. **Sec. 511.** Sections 1, 101 through 105, 201 through 204, 211, 301 through 312, 401 through 407, 415 through 420, 422, 423, 425 through 439, and 505 of this act take effect July 1, 2022."

and that the bill do pass as recommended by the Conference Committee:

Senators Liias and Saldana
Representatives Fey and Wylie

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5974 and advanced the bill, as recommended by the conference committee, to final passage.

**FINAL PASSAGE OF SENATE BILL AS
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Riccelli and Fey spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Barkis spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5974 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5974, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 54; Nays, 44; Absent, 0; Excused, 0

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5974 was immediately transmitted to the Senate.

CONFERENCE COMMITTEE REPORT

March 9, 2022

Substitute Senate Bill No. 5975

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5975, concerning additive transportation funding and appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-2999.1 be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) An additive omnibus transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2023.

(2) Except as otherwise provided in this act, it is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2022-A as developed March 9, 2022, represents a commitment to provide climate commitment act-related appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2038.

(3) Except as otherwise provided in this act, it is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2022-B as developed March 9, 2022, represents a commitment to provide move ahead WA-related appropriations to the agencies, programs, and activities, at the amounts identified therein, through fiscal year 2038.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for

the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

2021-2023 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2021 c 333 s 110 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State
Appropriation (~~(\$3,210,000)~~)

\$1,577,000

Sec. 102. 2021 c 333 s 111 (uncodified) is amended to read as follows:

FOR THE SENATE

Motor Vehicle Account—State
Appropriation (~~(\$3,085,000)~~)

\$1,518,000

Sec. 103. 2021 c 333 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State
Appropriation (~~(\$1,441,000)~~)

\$1,034,000

Puget Sound Ferry Operations Account—
State

Appropriation \$126,000

Multimodal Transportation Account—
State

Appropriation \$250,000

TOTAL APPROPRIATION
(~~(\$1,817,000)~~)

\$1,410,000

The appropriations in this section are subject to the following conditions and limitations:

\$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer, to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

(1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;

(2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;

(3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;

(4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;

(5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;

(6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and

(7) Cost-benefit analysis detailing the net impact of teleworking on facility

and total costs for the scenarios in subsection (1) of this section.

NEW SECTION. **Sec. 104.** (1) During the 2021-2023 fiscal biennium, the department of agriculture shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department of agriculture shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, to be displayed on motor fuel pumps.

(3) The department of agriculture shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department of agriculture shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department of agriculture shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF LICENSING**

Move Ahead WA Flexible Account—State Appropriation \$1,260,000

Agency Financial Transaction Account—State

Appropriation \$103,000

TOTAL APPROPRIATION \$1,363,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) \$569,000 of the move ahead WA flexible account—state appropriation and \$103,000 of the agency financial transaction account—state are provided for estimated implementation costs associated with new revenues.

(3) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter . . . (Engrossed Substitute Senate Bill No. 5815), Laws of 2022 (homeless identicard).

NEW SECTION. **Sec. 202. FOR THE TRANSPORTATION COMMISSION**

Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF COMMERCE**

Move Ahead WA Flexible Account—State Appropriation \$10,000

Multimodal Transportation Account—Federal

Appropriation \$350,000

TOTAL APPROPRIATION \$360,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for development of a process to select projects to advance the research, development, or manufacturing of sustainable aviation technologies. The purpose is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to, the development of:

- (i) Batteries;
- (ii) Electric motors;
- (iii) Sustainable fuels;
- (iv) Hydrogen electrolyzers and storage; and
- (v) Activities that support the supply chain of (a)(i) through (iv) of this subsection.

(b) In developing the project selection process, the department may consult industry representatives, members of historically underrepresented and unserved communities, and federally recognized tribes, and may seek additional funds for this purpose. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

(2) \$350,000 of the multimodal transportation account—federal appropriation is provided solely for staff support for the interagency electric vehicle coordinating council created in chapter . . . (Engrossed Substitute Senate Bill No. 5974), Laws of 2022, in order to help implement the national electric vehicle program funded in the federal infrastructure investment and jobs act (P.L. 117-58).

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics	Account—State
Appropriation	\$1,000,000
Move Ahead WA Flexible Account—State	
Appropriation	\$10,000
TOTAL APPROPRIATION	\$1,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(2) \$1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Multimodal Transportation Account—Federal	
Appropriation	\$9,822,000

The appropriation in this section is subject to the following conditions and limitations: \$9,822,000 of the multimodal transportation account—federal appropriation is provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council created in chapter . . . (Engrossed Substitute Senate Bill No. 5974), Laws of 2022. The amounts provided in this subsection include staff support for the council. The funding provided in this subsection may be used to support the publicly available mapping

and forecasting tool under RCW 47.01.520, but only to the extent not funded in the omnibus appropriations act.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Move Ahead WA Account—State
Appropriation \$47,000,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q

Move Ahead WA Account—State
Appropriation \$1,850,000

The appropriation in this section is subject to the following conditions and limitations: \$1,850,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$30,000,000 for this purpose.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Move Ahead WA Flexible Account—State
Appropriation \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(1) \$500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; and (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to

subcontractor relationship building, and a capacity building mentorship program.

(2) \$1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Move Ahead WA Flexible Account—State
Appropriation \$1,500,000

Move Ahead WA Flexible Account—Federal
Appropriation \$1,000,000

TOTAL APPROPRIATION \$2,500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the move ahead WA flexible account—state appropriation and \$1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct \$40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(2) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(3) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation

committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(4) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations, community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(5) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(a) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(b) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Move Ahead WA Flexible Account—State Appropriation \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for enhanced funding to the office of minority and women's business enterprises to increase the number of certified women and minority-owned contractors in the transportation sector.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

Climate Transit Programs Account—State Appropriation \$53,436,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) \$3,248,000 of the climate transit programs account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(b) \$10,872,000 of the climate transit programs account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(2) \$33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(3) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(4) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant

proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(5) It is the intent of the legislature that \$520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(6) The department shall submit the projects on LEAP Transportation Document 2022 NL-3 as developed March 9, 2022, in three tiers to the transportation committees of the legislature and the office of financial management by December 1, 2022, prioritizing projects based on community impacts to overburdened communities as defined in RCW 70A.02.010.

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. Sec. 301. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Move Ahead WA	Account—State
Appropriation \$10,000,000	

Climate Active Transportation Account—State

Appropriation \$3,000,000

TOTAL APPROPRIATION \$13,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

(2) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Move Ahead WA	Account—State
Appropriation \$10,000,000	

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Move Ahead WA	Account—State
Appropriation \$32,000,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire move ahead WA account—state appropriation is provided solely for the state highway projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed March 9, 2022.

(2)(a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. Furthermore, it is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board and local governments to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts.

(3)(a) \$10,000,000 of the move ahead WA state—appropriation is provided solely for the stormwater retrofits and improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for this project.

(b) The department shall ensure that \$6,000,000 is provided to the Urban

Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project from the \$500,000,000 provided from stormwater retrofits and improvements over the 16-year move ahead WA investment program.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium.

(4) \$1,000,000 of the move ahead WA account-state appropriation is provided solely for the SR 522 Widening project (L4000031). The department must consider reserving portions of state route 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

(5) \$3,000,000 of the move ahead WA-state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$210,541,000 for planning, design, right-of-way acquisition, interim improvements, and initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility, including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(6) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish Tribe

must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish Tribe. Regularly scheduled tribal consultation meetings with the Suquamish Tribe must continue throughout the duration of any funding program and proposed project approval.

(7) \$10,000,000 of the move ahead WA account-state appropriation is provided solely for the I-5 Columbia River Bridge (L4000054). The legislature finds that the replacement of the I-5 Columbia River Bridge is a project of national significance and is critical for the movement of freight. One span is now 104 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging Interstate Bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia River Bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION-PRESERVATION-PROGRAM P

Move Ahead WA Account-Federal
Appropriation \$140,000,000

The appropriation in this section is subject to the following conditions and limitations: \$140,000,000 of the move ahead WA account-federal appropriation is provided solely for highway preservation (L4000057). The department

must use funding provided in this subsection, along with other funds at its discretion, for the following preservation projects:

- (1) I-5/SB Denny Way-Lakeview Viaduct;
- (2) I-5/SB&NB Concrete and Joint Replacement;
- (3) SR 529/NB Snohomish River - Bridge Rehabilitation and Painting;
- (4) I-5/SB Snohomish River Bridge Painting.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q

Move Ahead WA Account-State
Appropriation \$1,250,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,250,000 of the move ahead WA account-state appropriation is provided solely for the department to establish a reducing rural roadway departures program (L2021122) to provide funding for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious injuries or death pursuant to section 433 of chapter . . . (Substitute Senate Bill No. 5974), Laws of 2022 (transportation resources).

(2) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$20,000,000 for this project.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-WASHINGTON STATE FERRIES CONSTRUCTION-PROGRAM W

Puget Sound Capital Construction
Account-State

Appropriation \$10,000,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000,000 of the Puget Sound capital construction account-state appropriation is provided solely for vessel and terminal preservation projects.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y

Move Ahead WA Flexible Account-State
Appropriation \$10,000,000

Carbon Emissions Reduction Account-State

Appropriation \$50,000,000

TOTAL APPROPRIATION \$60,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire move ahead WA flexible account-state appropriation in this section is provided solely for the rail projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed March 9, 2022.

(2) \$50,000,000 of the carbon emissions reduction account-state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide draft applications for federal grant opportunities to the transportation committees of the legislature for review and comment prior to submission.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-LOCAL PROGRAMS-PROGRAM Z

Move Ahead WA Account-State
Appropriation \$131,900,000

Move Ahead WA Flexible Account-State
Appropriation \$5,000,000

Climate Active Transportation Account-State

Appropriation \$20,182,000

TOTAL APPROPRIATION \$157,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire move ahead WA account-state appropriation is provided solely for the local road projects and activities as listed in LEAP Transportation Document 2022 NL-1 as developed March 9, 2022.

(2) The department shall submit the projects on LEAP Transportation Document 2022 NL-2 as developed March 9, 2022, in three tiers to the transportation committees of the legislature and the office of financial management by December 1, 2022, prioritizing projects

based on community impacts to overburdened communities as defined in RCW 70A.02.010.

(3) \$10,686,000 of the climate active transportation account-state appropriation is provided solely for newly selected safe routes to school grants.

(4) \$9,496,000 of the climate active transportation account-state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(5) It is the intent of the legislature that up to \$14,000,000 will be provided for the Guemes Ferry Boat Replacement Project (L4000124).

(6) \$5,000,000 of the move ahead WA flexible account-state appropriation is provided solely for railroad crossing grant awards which match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(7) It is the intent of the legislature that \$25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia bridge project (L4000123). As part of the project, the Seattle department of transportation (SDOT) must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. SDOT must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the \$25,000,000, \$12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(8)(a) It is the intent of the legislature, over the first five years of the move ahead WA program, that \$50,000,000 will be provided to SDOT to implement Aurora Avenue North Safety

Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and

environmental review to 10 percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER-ADMINISTRATIVE TRANSFERS

(1) Carbon Emissions Reduction Account-State Appropriation:

For transfer to the Puget Sound Ferry Operations Account-State \$600,000

The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

(2)(a) Multimodal Transportation Account-State Appropriation:

For transfer to the Carbon Emissions Reduction Account-State \$127,000,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of ensuring a positive account balance for the remainder of the 2021-2023 fiscal biennium. An equivalent reimbursing transfer is to occur in the 2023-2025 fiscal biennium.

(3) Motor Vehicle Account-State Appropriation: For

transfer to the Move Ahead WA Account-State \$3,607,000

(4) Electric Vehicle Account-State Appropriation:

For transfer to the Move Ahead WA Flexible

Account-State \$16,064,000

(5) Carbon Emissions Reduction Account-State

Appropriation: For transfer to the Climate

Active Transportation Account-State \$23,182,000

(6) Carbon Emissions Reduction Account-State

Appropriation: For transfer to the Climate

Transit Programs Account-State \$53,436,000

MISCELLANEOUS

Sec. 501. RCW 82.44.200 and 2021 c 300 s 5 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and that the bill do pass as recommended by the Conference Committee:

Senators Liias and Saldana
Representatives Fey and Wylie

There being no objection, the House adopted the conference committee report on SUBSTITUTE SENATE BILL NO. 5975 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Ramos and Fey spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Barkis spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5975 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5975, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

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

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

SUBSTITUTE SENATE BILL NO. 5975, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, SUBSTITUTE SENATE BILL NO. 5975 was immediately transmitted to the Senate.

POINT OF PERSONAL PRIVILEGE

Representatives Fey and Barkis recognized the staff of the Committee on Transportation and asked the members to acknowledge them for their hard work and expertise.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED FOURTH SUBSTITUTE HOUSE
BILL NO. 1412
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530
HOUSE BILL NO. 1641
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1663
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866
SECOND SUBSTITUTE HOUSE BILL NO. 1988
ENGROSSED HOUSE BILL NO. 1990
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846
SUBSTITUTE HOUSE BILL NO. 2099

ENGROSSED SUBSTITUTE SENATE BILL NO.

5714

SUBSTITUTE SENATE BILL NO. 5741

SUBSTITUTE SENATE BILL NO. 5753

SUBSTITUTE SENATE BILL NO. 5799

ENGROSSED SENATE BILL NO. 5849

ENGROSSED SUBSTITUTE SENATE BILL NO.

5874

RESOLUTION

HOUSE RESOLUTION NO. 2022-4671, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Jesse Johnson has dutifully and proudly served the people of Washington's 30th legislative district since 2020 and was one of the youngest lawmakers; and

WHEREAS, Representative Johnson was born and raised in the city of Federal Way, graduated from Federal Way High School, and attended college for both his Bachelor of Arts in Political Science and his Masters of Education at the University of Washington; and

WHEREAS, He also served as the youngest city councilmember in Federal Way history when he took office at the age of 27; and

WHEREAS, As the son of a Navy Veteran and a commercial and residential painter, he has prioritized the needs of working families and seniors, students, and families struggling with housing insecurity across the state; and

WHEREAS, Representative Johnson's passion for education and youth development has been a driving focus in his tenure in the Legislature, where he regularly met with students and youth advocates, and championed legislation and budget investments in youth in South King County; and

WHEREAS, His values are rooted in equity, inclusion, and social justice and those values shine through in the work he has done on reducing police violence, preventing youth violence, and in expanding educational opportunities for the young people of Washington state; and

WHEREAS, Approaching the work of being a legislator by listening first and ensuring all voices are present, he prioritized people who did not have traditional pathways to the Legislature, giving respect to all; and

WHEREAS, His approach also included handling pressure with grace by remaining steady and keeping balance in the work even when facing extreme and passionate points of views; and

WHEREAS, Representative Johnson's accomplishments in his short time in the Legislature are vast, including addressing equitable educational outcomes for foster care and homeless children, establishing a statewide environmental sustainability education program, increasing access to baby and child dentistry programs, and working closely with families of victims of police violence to address community concerns and elevate the debate on reasonable use of force; and

WHEREAS, He has said that "Justice is just us coming together to make policy that can have infinite impact" and will be remembered by his colleagues long after he has retired;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Representative Jesse Johnson for his service to the Legislature and recognize his years of public service as a public official and a private volunteer to the people of the state of Washington.

Representatives Goodman, Klippert, Hansen, Mosbrucker and Taylor spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Johnson's legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4671 was adopted.

The Speaker called upon Representative Orwall to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4672, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slater, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Jeremie J. Dufault was born and raised in the Yakima Valley where his family has lived and farmed for nearly a century; and

WHEREAS, He graduated from A.C. Davis High School in Yakima in 1996; and

WHEREAS, Dufault graduated from the University of Pennsylvania, earned a Juris Doctorate degree from Harvard Law School, and graduated from the United States Army Judge Advocate General School at the University of Virginia; and

WHEREAS, He served during wartime in Kuwait and Afghanistan; and

WHEREAS, Dufault is a Lieutenant Colonel in the United States Army Reserve and serves as a Judge Advocate General's (JAG) Corps military lawyer; and

WHEREAS, He is an investor and real estate developer specializing in senior, student, and family housing; and

WHEREAS, Dufault has been committed to public service having served on the Selah City Council, chair of the Yakima County Veterans Board, a member of the Yakima County Economic Development Board, and chair of the Yakima Valley Technical Skills Center General Advisory Council; and

WHEREAS, He is active in his community, including American Legion Selah Post 88 and the Veterans of Foreign Wars; and

WHEREAS, Dufault was elected to the first of two terms in the Washington State House of Representatives in 2018 to represent the 15th Legislative District; and

WHEREAS, He serves as assistant ranking member of the House Finance and Consumer Protection and Business Committees, respectively; and

WHEREAS, Dufault has worked tirelessly for the people, employers, institutions, projects, and communities of the 15th Legislative District, specifically promoting legislation that expanded mental health care capacity, provided housing and services for homeless veterans, and invested in schools, parks, youth programs, and roads in Yakima County; and

WHEREAS, He has fought for constitutional rights, property rights, lower taxes, and transparency in government; and

WHEREAS, Dufault is the loving father of three daughters – Ellie, Lulu, and Addy – whose health, happiness, and prosperity are his top priority;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Dufault's record of public service, both in and out of this chamber, on behalf of his district, his colleagues, and the people of the State of Washington.

There being no objection, HOUSE RESOLUTION NO. 4672 was adopted.

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

MESSAGES FROM THE SENATE

March 10, 2022

MESSAGE FROM THE SENATE

Mme. SPEAKER:

March 10, 2022

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1015,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1153,
SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1590,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1643,
SUBSTITUTE HOUSE BILL NO. 1655,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1673,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1691,
HOUSE BILL NO. 1748,
SECOND SUBSTITUTE HOUSE BILL NO. 1751,
HOUSE BILL NO. 1785,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1799,
SUBSTITUTE HOUSE BILL NO. 1800,
HOUSE BILL NO. 1805,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1622,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1815,
SECOND SUBSTITUTE HOUSE BILL NO. 1835,
HOUSE BILL NO. 1859,
SECOND SUBSTITUTE HOUSE BILL NO. 1860,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1881,
SUBSTITUTE HOUSE BILL NO. 1901,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1956,
HOUSE BILL NO. 2024,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2075,
SECOND SUBSTITUTE HOUSE BILL NO. 2078,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

THIRD READING

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to create the office of state legislative labor relations for the purposes of considering and managing the unique issues raised by legislative collective bargaining. By examining issues set forth in section 2 of this act, the office will provide the legislature with a fuller understanding of how the legislature as an employer can best implement legislation for collective bargaining for legislative employees, which would be administered by the public employment relations commission.

NEW SECTION. **Sec. 2.** (1) The office of state legislative labor relations is created to assist the house of representatives, the senate, and legislative agencies in implementing and managing the process of collective bargaining for employees of the legislative branch of state government.

(2)(a) Subject to (b) of this subsection, the secretary of the senate and the chief clerk of the house of representatives shall employ a director of the office. The director serves at the pleasure of the secretary of the senate and the chief clerk of the house of representatives, who shall fix the director's salary.

(b) The secretary of the senate and the chief clerk of the house of representatives shall, before employing a director, consult with legislative employees, the senate facilities and operations committee, the house executive rules committee, and the human resources officers of the house of representatives, the senate, and legislative agencies.

(c) The director serves as the executive and administrative head of the office and may employ additional employees to assist in carrying out the duties of the office. The duties of the office include, but are not limited to,

conducting negotiations on behalf of the employer.

(d) The director shall contract with an external consultant for the purposes of gathering input from legislative employees, taking into consideration RCW 42.52.020 and rules of the house of representatives and the senate. The gathering of input must be in the form of, at a minimum, surveys.

(3) The director, in consultation with the secretary of the senate, the chief clerk of the house of representatives, and the administrative heads of legislative agencies shall:

(a) Examine issues related to collective bargaining for employees of the house of representatives, the senate, and legislative agencies; and

(b) After consultation with the external consultant, develop best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the house of representatives, the senate, and legislative agencies.

(4)(a) By December 1, 2022, the director shall submit a preliminary report to the appropriate committees of the legislature that provides a progress report on the director's considerations.

(b) By October 1, 2023, the director shall submit a final report to the appropriate committees of the legislature. At a minimum, the final report must address considerations on the following issues:

(i) Which employees of the house of representatives, the senate, and legislative agencies for whom collective bargaining may be appropriate;

(ii) Mandatory, permissive, and prohibited subjects of bargaining;

(iii) Who would negotiate on behalf of the house of representatives, the senate, and legislative agencies, and which entity or entities would be considered the employer for purposes of bargaining;

(iv) Definitions for relevant terms;

(v) Common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;

(vi) Procedures related to the commission certifying exclusive

bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;

(vii) The efficiency and feasibility of coalition bargaining;

(viii) Procedures for approving negotiated collective bargaining agreements;

(ix) Procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements; and

(x) Approaches taken by other state legislatures that have authorized collective bargaining for legislative employees.

(5) The report must include a summary of any statutory changes needed to address the considerations listed in subsection (4) of this section related to the collective bargaining process for legislative employees.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the public employment relations commission.

(2) "Director" means the director of the office of state legislative labor relations.

(3) "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

(4) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

(5) "Legislative agencies" means the joint legislative audit and review committee, the statute law committee, the legislative ethics board, the legislative evaluation and accountability program committee, the office of the state actuary, the legislative service center, the office of legislative support services, the joint

transportation committee, and the redistricting commission.

(6) "Office" means the office of state legislative labor relations.

NEW SECTION. Sec. 4. Collective bargaining negotiations under this chapter shall commence no earlier than May 1, 2024. No collective bargaining agreement entered into under this chapter may take effect prior to July 1, 2025.

NEW SECTION. Sec. 5. (1) Except as may be specifically limited by this chapter, legislative employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Legislative employees shall also have the right to refrain from any or all such activities.

(2) Except as may be specifically limited by this chapter, the commission shall determine all questions pertaining to ascertaining exclusive bargaining representatives for legislative employees and collectively bargaining under this chapter. However, no employee organization shall be recognized or certified as the exclusive bargaining representative of a bargaining unit of employees of the legislative branch unless it receives the votes of a majority of employees in the petitioned for bargaining unit voting in a secret election by mail ballot administered by the commission. The commission's process must allow for an employee, group of employees, employee organizations, employer, or their agents to have the right to petition on any question concerning representation.

(3) The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.

NEW SECTION. Sec. 6. During a legislative session or committee assembly days, nothing contained in this chapter permits or grants to any legislative employee the right to strike,

participate in a work stoppage, or refuse to perform their official duties.

NEW SECTION. Sec. 7. (1) Collective bargaining negotiations under this chapter must commence no later than July 1st of each even-numbered year after a bargaining unit has been certified.

(2) The duration of any collective bargaining agreement shall not exceed one fiscal biennium.

NEW SECTION. Sec. 8. (1) It is an unfair labor practice for an employer in the legislative branch of state government:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

(3) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. Sec. 9. (1) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include, but not be limited to, the following:

(a) The functions and programs of the employer, the use of technology, and the structure of the organization, including the size and composition of standing committees;

(b) The employer's budget and the size of the employer's workforce, including determining the financial basis for layoffs;

(c) The right to direct and supervise employees;

(d) The hours of work during legislative session and the cutoff calendar for a legislative session; and

(e) Retirement plans and retirement benefits.

(2) Except for an applicable code of conduct policy adopted by a chamber of the legislature or a legislative agency, if a conflict exists between policies adopted by the legislature relating to wages, hours, and terms and conditions of employment and a provision of a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with a statute or an applicable term of a code of conduct policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable.

NEW SECTION. Sec. 10. Sections 1 through 9 and 11 of this act constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 11. Sections 3 through 9 of this act take effect May 1, 2024."

On page 1, line 16 of the title, after "employment;" strike the remainder of the title and insert "adding a new chapter to Title 44 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Riccelli spoke in favor of the passage of the bill.

Representative Hoff spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2124, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2124, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1814 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that stimulating local investment in community solar projects continues to be an important part of a state energy strategy by helping to increase energy independence from fossil fuels, promote economic development, hedge against the effects of climate change, and attain environmental benefits. The legislature finds that although previous community solar programs were successful in stimulating these benefits, the programs failed to provide an adequate framework for low-income participation and long-term market certainty. The legislature finds that the vast majority of Washingtonians still do not have access to the benefits of solar energy. The legislature intends to stimulate the deployment of community solar projects for the benefit of all Washingtonians by funding the renewable energy production incentive program for community solar projects and by creating opportunities for broader participation, especially by low-income households and low-income service providers. As of December 2021, the state is 10.3 megawatts short of the 115 megawatts of solar photovoltaic capacity established as a goal under RCW 82.16.155. The legislature therefore intends to provide an incentive sufficient to promote installation of community solar projects through June 30, 2033, at which point the legislature expects to review the effectiveness of enhancing access to community solar projects.

Sec. 2. RCW 82.16.130 and 2017 3rd sp.s. c 36 s 4 are each amended to read as follows:

(1) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to:

(a) Incentive payments made in any fiscal year under RCW 82.16.120 and 82.16.165; and

(b) Any fees a utility is allowed to recover pursuant to RCW 82.16.165(5).

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the ~~((businesses))~~ business's taxable Washington power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for the following:

(a) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(b) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2022.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts due from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under RCW 82.16.165(20), if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer

information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under RCW 82.16.120 expires June 30, 2020. Credits may not be claimed after June 30, 2021.

(7)(a) The right to earn tax credits for incentive payments made under RCW 82.16.165 for the following expires June 30, 2029:

(i) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(ii) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2022.

(b) Credits may not be claimed after June 30, 2030.

(8) This section expires June 30, 2033.

NEW SECTION. Sec. 3. A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2022, a light and power business is allowed a credit against taxes due under this chapter in an amount equal to incentive payments made in any fiscal year under section 5 of this act.

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed 1.5 percent of the business's taxable Washington power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or \$250,000, whichever is greater, for incentive payments made for community solar projects that submit an application for precertification under section 5 of this act on or after July 1, 2022, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2033.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable

under section 5 of this act, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest may be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under section 5 of this act, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under section 5 of this act expires June 30, 2036. Credits may not be claimed under this section after June 30, 2037.

(7) This section expires June 30, 2038.

NEW SECTION. Sec. 4. A new section is added to chapter 82.16 RCW to read as follows:

(1) The definitions in this section apply throughout this section and section 5 of this act unless the context clearly requires otherwise.

(a)(i) "Administrator" means the utility, nonprofit, tribal housing authority as provided in (a)(ii) of this subsection, or other local housing authority that organizes and administers a community solar project as provided in section 5 of this act and RCW 82.16.170.

(ii) A tribal housing authority may only administer a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members.

(b) "Certification" means the authorization issued by the Washington

State University extension energy program establishing a community solar project administrator's eligibility to receive a low-income community solar incentive payment from the electric utility serving the site of the community solar project, on behalf of, and for the purpose of providing direct benefits to, its low-income subscribers, low-income service provider subscribers, and tribal and public agency subscribers.

(c)(i) "Community solar project" means a solar energy system that:

(A) Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 199 kilowatts;

(B) Has, at minimum, either two subscribers or one low-income service provider subscriber; and

(C) Meets the applicable eligibility requirements in section 5 of this act.

(ii) A community solar project may include a storage system with a solar energy system.

(d) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

(e) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(f) "Energy assistance" has the same meaning as provided in RCW 19.405.020.

(g) "Energy burden" has the same meaning as provided in RCW 19.405.020.

(h) "Governing body" has the same meaning as provided in RCW 19.280.020.

(i)(i) "Installed cost" includes only the renewable energy system components and fees that are integral and necessary for the generation and storage of electricity. Components and fees include:

(A) Solar modules and inverters;

(B) Battery systems;

(C) Balance of system, such as racking, wiring, switch gears, and meter bases;

(D) Nonhardware costs incurred up to the date of the final electrical inspection, such as fees associated with engineering, permitting, interconnection, and application;

(E) Labor; and

(F) Sales tax.

(ii) "Installed cost" does not include structures and fixtures that are not integral and necessary to the generation or storage of electricity, such as carports and roofing.

(j) "Interconnection customer" means the person, corporation, partnership, government agency, or other entity that proposes to interconnect, or has executed an interconnection agreement, with the electric utility.

(k) "Low-income" has the same meaning as provided in RCW 19.405.020.

(l) "Low-income service provider" includes, but is not limited to, a local community action agency or local community service agency designated by the department of commerce under chapter 43.63A RCW, local housing authority, tribal housing authority, low-income tribal housing program, affordable housing provider, food bank, or other nonprofit organization that provides services to low-income households as part of their core mission.

(m) "Multifamily residential building" means a building containing more than two sleeping units or dwelling units where occupants are primarily permanent in nature.

(n) "Person" means an individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

(o) "Preferred sites" means rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, stormwater collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland as defined by state and county planning processes.

(p) "Public agency" means any political subdivision of the state including, but not limited to, municipal and county governments, special purpose districts, and local housing authorities, but does not include state agencies.

(q)(i) Except as otherwise provided in (q)(ii) of this subsection, "qualifying subscriber" means a low-income subscriber, low-income service provider

subscriber, tribal agency subscriber, or public agency subscriber.

(ii) For tribal agency subscribers and public agency subscribers, only the portion of their subscription to a community solar project that is demonstrated to benefit low-income beneficiaries, including low-income service providers and services provided to low-income citizens or households, is to be considered a qualifying subscriber.

(r) "Retail electric customer" has the same meaning as in RCW 80.60.010.

(s) "Subscriber" means a retail electric customer of an electric utility who owns or is the beneficiary of one or more units of a community solar project directly interconnected with that same utility.

(t) "Subscription" means an agreement between a subscriber and the administrator of a community solar project.

(2) This section expires June 30, 2038.

NEW SECTION. Sec. 5. A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2022, through June 30, 2033, an administrator of a community solar project meeting the eligibility requirements described in this section and RCW 82.16.170(3) may submit an application to the Washington State University extension energy program to receive a precertification for a community solar project. Projects with precertification applications approved by the Washington State University extension energy program have two years to complete their projects and apply for certification. Projects that have not completed certification within two years may apply to the Washington State University extension energy program for an extension of their precertification status for an additional 180 days if they can demonstrate significant progress during the time they were in precertification status. By certifying qualified projects pursuant to the requirements of this section and RCW 82.16.170(3), the Washington State University extension energy program authorizes the utility serving the site of a community solar project in the state of Washington to remit a one-time low-income community solar incentive payment to the community solar project

administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(2) A one-time low-income community solar incentive payment remitted to a community solar project administrator for a project certified under this section equals the sum of the following:

(a) An amount, not to exceed \$20,000 per community solar project, equal to the community solar project's administrative costs related to the administrative start-up of the project for qualifying subscribers; and

(b) An amount that does not exceed 100 percent of the proportional cost of the installed cost of the share of the community solar project that provides direct benefits to qualifying subscribers, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the program is benefiting from.

(3) No new certification may be issued under this section for a community solar project that was certified under RCW 82.16.120 or 82.16.165, or for a community solar project served by a utility that has elected not to participate in the incentive program provided in this section.

(4) Community solar projects that are under precertification status under RCW 82.16.165 as of June 30, 2020, may not apply for precertification of that same project for the one-time low-income community solar incentive payment provided in this section.

(5)(a) In addition to the one-time low-income community solar incentive payment under subsection (2) of this section, a participating utility must also provide the following compensation for the generation of electricity from the certified project:

(i) For a community solar project that has an alternating current nameplate capacity no greater than 100 kilowatts, and that is connected behind the electric service meter, compensation must be determined in accordance with RCW 80.60.020 and provided to the retail electric customer receiving service at the situs of the meter.

(ii) For all other community solar projects for which the administrator is not a utility, compensation paid to the

interconnection customer must be determined in a written agreement between the interconnection customer and the utility.

(iii) For all other community solar projects for which the administrator is a utility, compensation must be provided directly to subscribers in accordance with subsection (8)(a)(i) of this section.

(iv)(A) When the administrator of a community solar project receives compensation for the generation of electricity from a participating utility, interconnection customer, or from the retail electric customer that is the host for the community solar project, the administrator must provide all of that compensation as a direct benefit to the project subscribers, except as described in (iv)(B) of this subsection.

(B) An administrator may deduct ongoing administrative and maintenance costs from compensation they provide to subscribers from power generation, provided those costs are identified in the subscription agreement or justified to the Washington State University extension energy program. The Washington State University extension energy program shall review any such administrative and maintenance costs justifications for reasonableness and approve, reject, or negotiate changes to the proposal. An administrator may request a change in the deduction for administrative and maintenance costs to the Washington State University extension energy program only if the subscription agreement includes language notifying the subscriber that administrative and maintenance fees are subject to change.

(b) For 10 years after certification, and by March 1st of each year following certification, the administrator must provide the Washington State University extension energy program with signed statements of the following for the preceding year:

(i) The energy production for the period for which compensation is to be provided;

(ii) Each subscriber's units of the project;

(iii) The amount disbursed to each subscriber for the period; and

(iv) The date and amount disbursed to each subscriber.

(6) A utility's participation in the incentive program provided in this section is voluntary.

(a) The utility may terminate its voluntary participation in the program by providing notice in writing to the Washington State University extension energy program to cease accepting new applications for precertification for community solar projects that would be served by that utility. Such notice of termination of participation is effective after 15 days, at which point the Washington State University extension energy program may not accept new applications for precertification for community solar projects that would be served by that utility.

(b) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its website that community solar project customers of that utility are no longer eligible to receive new certifications under the program.

(c) A utility that has terminated participation in the program may resume participation upon filing a notice with the Washington State University extension energy program.

(7)(a) The Washington State University extension energy program may issue certifications authorizing incentive payments under this section in a total statewide amount not to exceed \$100,000,000, and subject to the following biennial dollar limits:

(i) For fiscal year 2023, \$300,000; and

(ii) For each biennium beginning on or after July 1, 2023, \$25,000,000.

(b) The Washington State University extension energy program must attempt to equitably distribute incentive funds throughout the state. Considerations for equitable fund distribution, based on precertification applications received from administrators served by utilities voluntarily participating in the program, may include measures to reserve or allocate available funds based on the proportion of public utility taxes collected, the proportion of the state's low-income customers served by each utility based on low-income home energy

assistance program data at the department of commerce, measures to achieve an equitable geographic distribution of community solar installations and a diversity of administrative models for community solar projects, and the amount of energy burden reduction for qualifying subscribers relative to the project's cost. If an equitable distribution of funds is not feasible due to a lack of precertification applications, the Washington State University extension energy program may allocate funds based on (a) of this subsection on a first-come, first-served basis.

(c) The Washington State University extension energy program must ensure that at least \$2,000,000 of the statewide total for the entire program is used to support nonprofit organizations' innovative approaches to allocating benefits to subscribers, defining and valuing benefits to be provided to subscribers or other aspects of the subscriber, administrator, system host, and utility relationship.

(d) The Washington State University extension energy program must also ensure that at least \$2,000,000 of the statewide total for the entire program is available to tribal governments and their designated subdivisions and agencies.

(e) The Washington State University extension energy program shall regularly publish and update guidelines for how it manages the allocation of available funding, based on the evaluation of applications and the factors specified in (b) of this subsection.

(f) Beginning in fiscal year 2026, the Washington State University extension energy program may waive the requirements in (c) or (d) of this subsection if it fails to receive applications that meet the criteria of (c) or (d) of this subsection sufficient to result in the full allocation of incentives.

(8)(a) Prior to obtaining certification under this section, the administrator of a community solar project must apply for precertification against the funds available for incentive payments under subsection (7) of this section in order to be guaranteed an incentive payment under this section. The application for precertification must include, at a minimum:

(i) A demonstration of how the project will deliver continuing direct benefits to low-income subscribers. A direct

benefit can include credit for the power generation for the community solar project or other mechanisms that lower the energy burden of a low-income subscriber; and

(ii) Any other information the Washington State University extension energy program deems necessary in determining eligibility for precertification.

(b) The administrator of a community solar project must complete an application for certification in accordance with the requirements of subsection (9) of this section within less than two years of being approved for precertification status. The administrator must submit a project update to the Washington State University extension energy program after one year in precertification status.

(9) To obtain certification for the one-time community solar incentive payment provided under this section, a project administrator must submit to the Washington State University extension energy program an application, including, at a minimum:

(a) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 or the Washington State University extension energy program under RCW 82.16.165 entitling the applicant to receive annual incentive payments for electricity generated by the community solar project at the same meter location;

(b) A signed statement of the costs paid by the administrator related to administering the project for qualifying subscribers;

(c) A signed statement of the total project costs, including the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers;

(d) A signed statement describing the amount of the upfront incentive and the timing, method, and distribution of estimated benefits to qualifying subscribers. The statement must describe any estimated energy burden reduction associated with the direct benefits;

(e) Available system operation data, such as global positioning system

coordinates, tilt, estimated shading, and azimuth;

(f) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program;

(g)(i) Except as provided in (g)(ii) of this subsection (9), the date that the community solar project received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number or other documentation deemed acceptable by the Washington State University extension energy program;

(ii) The Washington State University extension energy program may waive the requirement in (g)(i) of this subsection (9), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires 180 days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends certification, for a term or terms of 30 days, due to extenuating circumstances;

(h) Confirmation of the number of qualifying subscribers;

(i) A copy of the executed agreement describing how benefits will be determined and distributed from the retail electric customer or interconnection customer to the administrator if the administrator and the retail electric customer or interconnection customer are not the same. The Washington State University extension energy program must review the executed agreement to determine that benefits are being fairly determined and that there is an adequate plan for distributing the benefits; and

(j) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program.

(10) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(11)(a) The Washington State University extension energy program must review each project for which an application for certification is submitted in accordance with subsection (8) of this section for reasonable cost and financial structure, with a targeted installed cost for the solar energy system of \$2 per watt direct current for systems over 200 kilowatts and \$2.25 per watt direct current for systems equal to or under 200 kilowatts. For solar energy systems that include storage systems, the targeted installed cost of the storage system is \$600 per kilowatt-hour of storage capacity.

(b) The Washington State University extension energy program may approve an application for a project that costs more or less than the targeted installed costs under (a) of this subsection based on a review of the project, documents submitted by the project applicant, and available data. Project cost evaluations may include costs associated with energy storage systems and electrical system improvements to permit grid-independent operation. Applicants may petition the Washington State University extension energy program to approve a higher cost per watt or per kilowatt-hour for unusual circumstances.

(c) The Washington State University extension energy program may review the cost per watt target under (a) of this subsection prior to each fiscal biennium and is authorized to determine a new cost per watt target.

(12)(a) Within 30 days of receipt of an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the site of the community solar project, by mail or electronically, whether certification has been granted. The certification notice must state the total dollar amount of the low-income community solar incentive payment for which the applicant is eligible under this section.

(b) Within 60 days of receipt of a notification under (a) of this subsection, the utility serving the site of the community solar project must remit the applicable one-time low-income community solar incentive payment to the project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(13)(a) Certification follows the community solar project if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The community solar project is transferred to a new owner who notifies the Washington State University extension energy program of the transfer;

(ii) The new owner provides an executed interconnection agreement with the utility serving the site of the community solar project; and

(iii) The new owner agrees to provide equivalent ongoing benefits to qualifying subscribers as the current owner.

(b) In the event that a qualifying subscriber terminates their participation in a community solar project during the first 120 months after project certification, the system certification follows the project and participation must be transferred to a new qualifying subscriber.

(14) Beginning January 1, 2023, the Washington State University extension energy program must post on its website and update at least monthly a report, by utility, of:

(a) The number of certifications issued for community solar projects; and

(b) An estimate of the amount of credit that has not yet been allocated for low-income community solar incentive payments and that remains available for new community solar project certifications in the state.

(15) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received.

(16) The nonpower attributes of the community solar project must be retired on behalf of the subscribers unless, in the case of a utility-owned community solar project, a contract between the subscriber that benefits the subscriber clearly states that the attributes will be retained and retired by the utility.

(17) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by

the Washington State University extension energy program.

(18) The Washington State University extension energy program may, through a public process, develop program requirements, policies, and processes necessary for the administration or implementation of this section.

(19) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(20) No certification may be issued under this section by the Washington State University extension energy program for a community solar project after June 30, 2035.

(21) Community solar projects certified under this section must be sited on preferred sites to protect natural and working lands as determined by the Washington State University extension energy program.

(22) This section expires June 30, 2038.

Sec. 6. RCW 82.16.170 and 2017 3rd sp.s. c 36 s 7 are each amended to read as follows:

(1) The purpose of community solar programs is to facilitate broad, equitable community investment in and access to solar power. Beginning July 1, 2017, a community solar administrator may organize and administer a community solar project as provided in this section.

(2) ((A)) In order to receive certification for the incentive payment provided under RCW 82.16.165(1) by June 30, 2021, a community solar project must have a direct current nameplate capacity that is no more than one thousand kilowatts and must have at least ten participants or at least one participant for every ten kilowatts of direct current nameplate capacity, whichever is greater. A community solar project that has a direct current nameplate capacity greater than five hundred kilowatts must be subject to a standard interconnection agreement with the utility serving the situs of the community solar project. Except for community solar projects authorized under subsection ~~((+9))~~ (10) of this section, each participant must be a customer of the utility providing

service at the situs of the community solar project.

(3) In order to receive certification for the incentive payment provided under section 5 of this act beginning July 1, 2022, a community solar project must meet the following requirements:

(a) The administrator of the community solar project must be a utility, nonprofit, or tribal housing authority that administers a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members, or other local housing authority. The administrator of the community solar project must apply for precertification under section 5 of this act on or after July 1, 2022;

(b) The community solar project must have a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 199 kilowatts, and must have at least two subscribers or one low-income service provider subscriber;

(c) The administrator of the community solar project must provide a verified list of qualifying subscribers;

(d) Verification that an individual household subscriber meets the definition of low-income must be provided to the administrator by an entity with authority to maintain the confidentiality of the income status of the low-income subscriber. If the providing entity incurs costs to verify a subscriber's income status, the administrator must provide reimbursement of those costs;

(e) Except for community solar projects authorized under subsection (10) of this section, each subscriber must be a customer of the utility providing service at the site of the community solar project;

(f) In the event that a low-income subscriber in a community solar project certified under section 5 of this act moves within 120 months of system certification from the household premises of the subscriber's current subscription to another, the subscriber may continue the subscription, provided that the new household premises is served by the utility providing service at the site of the community solar project. In the event that a subscriber is no longer served by that utility or the subscriber terminates participation in a community

solar project certified under section 5 of this act, the certification follows the system and participation must be transferred by the administrator to a new qualifying subscriber as specified in section 5 of this act;

(g) The administrator must include in the application for precertification a project prospectus that demonstrates how the administrator intends to provide direct benefits to qualifying subscribers for the duration of their subscription to the community solar project; and

(h) The length of the subscription term for low-income subscribers must be the same length as for other subscribers, if applicable.

(4) The administrator of a community solar project must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

~~((4))~~ (5) The administrator of a community solar project may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.

~~((5))~~ (6) The administrator of a community solar project must maintain and update annually through June 30, 2030, the following information for each project it operates or administers:

(a) Ownership information;

(b) Contact information for technical management questions;

(c) Business address;

(d) Project design details, including project location, output capacity, equipment list, and interconnection information; and

(e) Subscription information, including rates, fees, terms, and conditions.

~~((6))~~ (7) The administrator of a community solar project must provide the information required in subsection ~~((5))~~ (6) of this section to the Washington State University extension energy program at the time it submits the

applications allowed under RCW 82.16.165(1) and section 5 of this act.

~~((7))~~ (8) The administrator of a community solar project must provide each project participant with a disclosure form containing all material terms and conditions of participation in the project, including but not limited to the following:

(a) Plain language disclosure of the terms under which the project participant's share of any incentive payment will be calculated by the Washington State University extension energy program ~~((over the life of the contract))~~;

(b) Contract provisions regulating the disposition or transfer of the project participant's interest in the project, including any potential costs associated with such a transfer;

(c) All recurring and nonrecurring charges;

(d) A description of the billing and payment procedures;

(e) A description of any compensation to be paid in the event of project underperformance;

(f) Current production projections and a description of the methodology used to develop the projections;

(g) Contact information for questions and complaints; and

(h) Any other terms and conditions of the services provided by the administrator.

~~((8))~~ (9) A utility may not adopt rates, terms, conditions, or standards that unduly or unreasonably discriminate between utility-administered community solar projects and those administered by another entity.

~~((9))~~ (10) A public utility district that is engaged in distributing electricity to more than one retail electric customer in the state and a joint operating agency organized under chapter 43.52 RCW on or before January 1, 2017, may enter into an agreement with each other to construct and own a community solar project that is located on property owned by a joint operating agency or on property that receives electric service from a participating public utility district. Each participant of a community solar project under this subsection must be a customer

of at least one of the public utility districts that is a party to the agreement with a joint operating agency to construct and own a community solar project.

~~((10))~~ (11) The Washington utilities and transportation commission must publish, without disclosing proprietary information, a list of the following:

(a) Entities other than utilities, including affiliates or subsidiaries of utilities, that organize and administer community solar projects; and

(b) Community solar projects and related programs and services offered by investor-owned utilities.

~~((11))~~ (12) If a consumer-owned utility opts to provide a community solar program or contracts with a nonutility administrator to offer a community solar program, the governing body of the consumer-owned utility must publish, without disclosing proprietary information, a list of the nonutility administrators contracted by the utility as part of its community solar program.

~~((12))~~ (13) Except for parties engaged in actions and transactions regulated under laws administered by other authorities and exempted under RCW 19.86.170, a violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of chapter 36, Laws of 2017 3rd sp. sess. are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

~~((13))~~ (14) Nothing in this section may be construed as intending to preclude persons from investing in or possessing an ownership interest in a community solar project, or from applying for and receiving federal investment tax credits.

(15) This section expires June 30, 2038.

NEW SECTION. Sec. 7. RCW 82.32.808 does not apply to this act.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 82.16.130 and 82.16.170; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1814 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Shewmake spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1814, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1814, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

SECOND SUBSTITUTE HOUSE BILL NO. 1814, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.365.005 and 2006 c 247 s 1 are each amended to read as follows:

The legislature recognizes the motion picture industry in Washington as a valuable commodity contributing greatly to the economic vitality of the state and the cultural integrity of our communities. The legislature further recognizes the production of in-state motion pictures, television programs, and television commercials creates a marked increase in tourism, family-wage jobs, and the sale of local goods and services generating revenue for the state. Furthermore, with captive national and international audiences, the world is introduced to the state's pristine scenic venues and reminded that the Pacific Northwest is a great place to live and raise a family. The legislature also recognizes the inherent educational value of promoting arts and culture as well as the benefits of training young motion picture professionals who will build a fruitful industry for years to come.

The legislature finds in recent years that the state has realized a drastic decline in motion picture production that precludes economic expansion and threatens the state's reputation as a production destination. With the emergence of tax incentives in (~~thirty~~) other states nationwide, in-state producers are taking their projects to more competitive economic climates, such as Oregon and Vancouver, British Columbia, where compelling tax incentive packages and subsidies are already in effect.

The legislature also finds that in recent years increasingly workers in Washington state are without health insurance coverage and retirement income protections, causing hardships on workers and their families and higher costs to the state.

The legislature also recognizes that there are significant barriers to entry for those from marginalized communities to enter the motion picture workforce. This results in lost opportunity for people to tell stories in film that reflect a breadth of diversity in experience across race, gender, ability, sexual orientation, and place of origin.

The legislature also finds that more investment in the film industry will increase revenue with Washington state businesses and create family-wage jobs that pay health and retirement benefits for Washington workers. Moreover, targeted investments in rural and marginalized communities will create opportunities to build an equitable workforce and film industry.

Therefore, it is the intent of the legislature to recognize both national and international competition in the motion picture production marketplace. The legislature is committed to leveling the competitive playing field and promoting an equitable film industry and is interested in a partnership with the private sector to regain Washington's place as a premier destination to make motion pictures, television, and television commercials. While at the same time the legislature is committed to ensuring that workers in the motion picture and television industry are covered under health insurance and retirement income plans and that motion picture production sets and stories reflect the diversity of Washington residents.

Sec. 2. RCW 43.365.010 and 2017 3rd sp.s. c 37 s 1103 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" and "program" mean ~~((s))~~ a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production and associated creative industries and assisting and providing services for attracting the film industry and associated creative industries, by recommending and awarding financial assistance for costs

associated with motion pictures in the state of Washington.

(2) "Board of directors" and "board" mean the board of directors established in RCW 43.365.030.

(3) "Contribution" means cash contributions.

~~((4))~~ (4) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

~~((4))~~ (5) "Department" means the department of commerce.

~~((5))~~ (6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

~~((6))~~ (7) "Motion picture" means a recorded audiovisual production intended for distribution to the public for exhibition in public and/or private settings by means of any and all delivery systems and/or delivery platforms now or hereafter known, including without limitation, screenings in motion picture theaters, broadcasts and cablecast transmissions for viewing on televisions, computer screens, and other audiovisual receivers, viewings on screens by means of digital video disc (DVD) players, video on demand (VOD) services, and digital video recording (DVR) services, direct internet transmission, and viewing on digital computer-based systems which respond to the users' actions (interactive media).

~~((7))~~ (8) "Person" has the same meaning as provided in RCW 82.04.030.

(9) "Rural community" has the same meaning as "rural county" in RCW 82.14.370.

Sec. 3. RCW 43.365.030 and 2012 c 189 s 3 are each amended to read as follows:

(1) A Washington motion picture competitiveness program under this chapter must be administered by a board of directors appointed by the governor, and the appointments must be made within sixty days following enactment. The department, after consulting with the

board, must adopt rules for the standards that shall be used to evaluate the applications for funding assistance prior to June 30, 2006.

(2) The board must evaluate and award financial assistance to motion picture projects under rules set forth under RCW 43.365.020.

(3) The board must consist of the following members:

~~((One member))~~ Two members representing the Washington motion picture production industry, one of whom must demonstrate expertise in the financing of motion picture projects;

~~((One member representing the Washington motion picture postproduction industry;~~

~~(+))~~ One member representing technologies impacting the Washington ((interactive media or)) emerging motion picture industry;

~~((+))~~ (c) Two members representing labor unions affiliated with Washington motion picture production;

~~((e) One member representing the Washington visitors and convention bureaus;~~

~~(f) One member representing the Washington tourism industry;~~

~~(g) One member representing the Washington restaurant, hotel, and airline industry))~~ (d) Three members representing industries and businesses impacted by motion picture production, one of whom must represent industries or businesses located east of the crest of the Cascade mountain range and one of whom must represent industries or businesses located west of the crest of the Cascade mountain range;

(e) Two cochairpersons of the board's equity committee, not already serving on the board, recommended by the board to the governor;

(f) Two cochairpersons of the board's advisory committee, also known as the film leadership council, not already serving on the board, recommended by the board to the governor; and

~~((h))~~ (g) A chairperson, chosen at large, must serve at the pleasure of the governor.

(4) The term of the board members, other than the chair, is four years,

except as provided in subsection (5) of this section.

(5) The governor must appoint board members ~~((in 2010))~~ to ~~((two year or))~~ four-year staggered terms ~~((. Once the initial two year or four year terms expire, all subsequent terms are for four years. The terms of the initial board members are as follows:~~

~~(a) The board positions in subsection (3)(b), (c), and (g) of this section, and one position from subsection (3)(d) of this section must be appointed to two-year terms; and~~

~~(b) The remaining board positions in subsection (3) of this section shall be appointed to four year terms)),~~ except the board member initially appointed to the position in subsection (3)(b) of this section and the board member initially appointed to the position in subsection (3)(f) of this section must each be appointed to a two-year term. Once those initial two-year terms expire, all subsequent terms are for four years.

(6) A board member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080.

(7) ~~((Five))~~ Seven members of the board constitute a quorum.

(8) The board must elect a treasurer and secretary annually, and other officers as the board members determine necessary, and may adopt bylaws or rules for its own government.

(9) The board must make any information available at the request of the department to administer this chapter.

(10) Contributions received by a board must be deposited into the account described in RCW 43.365.020(2).

(11) Board members must comply with all requirements of a 501(c)(6) organization, including the prohibition on using information obtained as a board member for personal gain. Board members must act in the best interest of the approved motion picture competitiveness program. Each board member is required to complete an annual conflicts of interest form to disclose all conflicts and potential conflicts of interest with board actions. If a board member has a conflict of interest with respect to an application for funding assistance, the board member must disclose the board

member's conflict and not be present for a discussion or vote on the application.

Sec. 4. RCW 43.365.020 and 2012 c 189 s 2 are each amended to read as follows:

(1) The department must adopt criteria for the approved motion picture competitiveness program with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production. Rules adopted by the department shall allow the program, within the established criteria, to provide funding assistance only when it captures economic opportunities for Washington's communities and businesses and shall only be provided under a contractual arrangement with a private entity. In establishing the criteria, the department shall consider:

(a) The additional income and tax revenue to be retained in the state for general purposes;

(b) The creation and retention of family-wage jobs which provide health insurance and payments into a retirement plan;

(c) The impact of motion picture projects to maximize in-state labor and the use of in-state film production and film postproduction companies;

(d) The impact upon the local economies and the state economy as a whole, including multiplier effects;

(e) The intangible impact on the state and local communities that comes with motion picture projects;

(f) The regional, national, and international competitiveness of the motion picture filming industry;

(g) The revitalization of the state as a premier venue for motion picture production and national television commercial campaigns;

(h) Partnerships with the private sector to bolster film production in the state and serve as an educational and cultural purpose for its citizens;

(i) The vitality of the state's motion picture industry as a necessary and critical factor in promoting the state as a premier tourist and cultural destination;

(j) Giving preference to additional seasons of television series that have

previously qualified and to motion picture productions that tell stories of marginalized communities; and

(k) Other factors the department may deem appropriate for the implementation of this chapter.

(2) The board of directors (~~created under RCW 43.365.030~~) shall create and administer an account for carrying out the purposes of subsection ~~((+3))~~ (4) of this section.

(3) The board's goal must be to commit at least 20 percent of funding assistance to motion picture productions located or filmed in rural communities and 20 percent of funding assistance to motion picture productions that tell stories of marginalized communities.

(4) Money received by the approved motion picture competitiveness program shall be used only for:

(a) Health insurance and payments into a retirement plan, and other costs associated with film production; ~~((and))~~

(b) Staff and related expenses to maintain the program's proper administration and operation;

(c) Supporting the growth and development of the Washington state film industry through career connected learning, workforce development, and business development with a focus on better supporting people from marginalized or rural communities; and

(d) Developing resources to facilitate filming in rural communities including, but not limited to, economic development grants for filming, training for film liaisons, information about film permitting processes, and grants to support the expansion of location database collateral.

~~((+4))~~ (5) Except as provided otherwise in subsections ~~((+7))~~ (8) and (9) of this section, maximum funding assistance from the approved motion picture competitiveness program is limited to an amount up to thirty percent of the total actual investment in the state of at least:

(a) Five hundred thousand dollars for a single motion picture produced in Washington state; or

(b) One hundred fifty thousand dollars for a television commercial associated with a national or regional advertisement campaign produced in Washington state.

~~((5))~~ (6) Except as provided otherwise in subsections ~~((7))~~ (8) and (9) of this section, maximum funding assistance from the approved motion picture competitiveness program is limited to an amount up to thirty-five percent of the total actual investment of at least three hundred thousand dollars per episode produced in Washington state. A minimum of six episodes of a series must be produced to qualify under this subsection. A maximum of up to thirty percent of the total actual investment from the approved motion picture competitiveness program may be awarded to an episodic series of less than six episodes.

~~((6))~~ (7) With respect to costs associated with nonstate labor for motion pictures and episodic services, funding assistance from the approved motion picture competitiveness program is limited to an amount up to fifteen percent of the total actual investment used for costs associated with nonstate labor. To qualify under this subsection, the production must have a labor force of at least eighty-five percent of Washington residents. The board may establish additional criteria to maximize the use of in-state labor.

~~((7))~~ (8)(a) The approved motion picture competitiveness program may allocate an annual aggregate of no more than ten percent of the qualifying contributions by the program under RCW 82.04.4489 to provide funding support for filmmakers who are Washington residents, new forms of production, and emerging technologies.

(i) Up to thirty percent of the actual investment for a motion picture with an actual investment lower than that of motion pictures under subsection ~~((4))~~ (5)(a) of this section; or

(ii) Up to thirty percent of the actual investment of an interactive motion picture intended for multiplatform exhibition and distribution.

(b) Subsections ~~((4) and)~~ (5) and (6) of this section do not apply to this subsection.

~~((8))~~ (9)(a) In addition to the maximum funding assistance established in subsections (5) and (6) of this section, up to a 10 percent enhancement award on a motion picture production's state investment must be given for motion pictures: (i) Located or filmed in a

rural community; or (ii) that tell stories of marginalized communities.

(b) Total actual investment requirements established in subsections (5) and (6) of this section apply to this subsection (9).

(10)(a) Funding assistance must include up to \$3,000,000 for small motion picture productions produced in Washington state, subject to subsection (11) of this section, that are creatively driven by Washington residents. To qualify, the small motion picture production must have at least two Washington residents in any combination of the following positions: Writer, director, producer, or lead actor. An entity seeking funding assistance for a small motion picture production must demonstrate that the amount of the total actual investment for the production is less than \$1,000,000.

(b) Maximum funding assistance and total actual investment requirements, established in subsections (5), (6), (7), (8), and (9) of this section apply to small motion picture productions. The department shall adopt rules as necessary to implement this subsection (10).

(11) Funding assistance approval must be determined by the approved motion picture competitiveness program within a maximum of thirty calendar days from when the application is received, if the application is submitted after August 15, 2006. For small motion picture productions, the approved motion picture competitiveness program, after determining a conditional approval of the production, shall hold the production's funding assistance in reserve while the entity seeking funding assistance for the production secures financing for the remainder of the budget. Once the entity seeking funding assistance for the production demonstrates to the program that it has secured the necessary financing, the program shall certify the small motion picture production as approved. If the entity seeking funding assistance cannot demonstrate within six months from the date of conditional approval that it has secured the total budget, the program must make the funding assistance available to other eligible applicants with funding assistance approval.

(12) By December 31, 2022, and annually thereafter, the department, on behalf of the board, must report to the

legislature on the approved motion picture competitiveness program. This report may include information required in the survey established in RCW 43.365.040. At a minimum, the report must include an annual list of recipients awarded financial assistance from the prior year with total estimated production costs, locations of each production, and the board's progress towards the goal of at least 20 percent of its funding assistance provided to motion picture productions located or filmed in rural communities and 20 percent of its funding assistance provided to motion picture productions that tell stories of marginalized communities. The report must also include information on workforce development, career connected learning, and business development activities, including whether they have been scaled up in size from the previous year and how they are meeting the goal of supporting people from marginalized communities.

(13) The approved motion picture competitiveness program must allocate funds for training and job placement for marginalized communities as follows:

(a) For fiscal years 2023 and 2024, a minimum of \$500,000 for each fiscal year; and

(b) For each fiscal year on or after July 1, 2024, a minimum of \$750,000.

Sec. 5. RCW 82.04.4489 and 2017 3rd sp.s. c 37 s 1102 are each amended to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than ~~((seven hundred fifty thousand dollars))~~ \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of ~~((seven hundred fifty thousand dollars))~~ \$1,000,000 or an amount equal to one hundred percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first-in-time basis. The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed ~~((three million five hundred thousand dollars))~~ \$15,000,000. If this limitation is reached, the department must notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within thirty days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or

information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program must provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department may not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.365 RCW.

(12) Persons claiming a credit against the tax imposed under this chapter for contributions made to a Washington motion picture competitiveness program and not otherwise receiving funding assistance under RCW 43.365.020 are exempt from the annual reporting requirements in RCW 82.32.534 and 43.365.040.

(13) No credit may be earned for contributions made on or after July 1, (~~2027~~) 2030.

Sec. 6. RCW 43.365.040 and 2012 c 189 s 5 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how incentives are used.

(2) Each motion picture production receiving funding assistance under RCW 43.365.020 must report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which funding assistance under RCW 43.365.020 is taken. The department may extend the due date for timely filing of annual surveys under this section if failure to file was the result of circumstances beyond the control of the

motion picture production receiving the funding assistance.

(3) The Washington motion picture competitiveness program established in RCW 43.365.030, in collaboration with the department and the department of revenue, and in consultation with the joint legislative audit and review committee, must develop a survey form and instructions that accompany the survey form by November 1, 2012. The instructions must provide sufficient detail to ensure consistent reporting. The survey must be designed to acquire data to allow the state to better measure the effectiveness of the program and to provide transparency of the motion picture competitiveness program. The survey must include:

(a) The total amount of taxes paid;

(b) The amount of taxes paid classified by type, which may include, but is not limited to, sales taxes, use taxes, business and occupation taxes, unemployment insurance taxes, and workers' compensation premiums;

(c) The amount of funding assistance received; and

(d) The following information for employment positions in Washington by the motion picture production receiving funding assistance, including indirect employment by contractors or other affiliates:

(i) The number of total employment positions;

(ii) The average number of hours worked by employed individuals;

(iii) The average base pay of individuals employed by motion picture companies, including contributions to health care benefits and retirement plans;

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits; and

(v) The number of employment positions filled by Washington state residents, and residency information for employment positions filled by people from other locations.

(4) The department may request additional information necessary to measure the results of the funding assistance (~~program~~), to be submitted at the same time as the survey.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension the department must declare the amount of funding assistance for the previous calendar year to be immediately due and payable. The department must assess interest, but not penalties, on the amounts due under this section. The interest is assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date the funding assistance was received, and accrues until the funding assistance is repaid.

(6) The department must use the information from this section to prepare summary descriptive statistics. The department must report these statistics to the legislature each even-numbered year by September 1st. The department must provide the complete annual surveys to the joint legislative audit and review committee, which shall perform a review as required under RCW 43.365.050.

(7) The motion picture competitiveness program must periodically audit and generally monitor the survey information submitted by production companies for completeness and accuracy.

Sec. 7. RCW 43.365.050 and 2006 c 247 s 7 are each amended to read as follows:

~~((The provisions of RCW 82.04.4489 are subject to review by the joint legislative audit and review committee.))~~ (1) It is the legislature's specific public policy objective to increase the viability of the motion picture and film industry and associated creative industries in Washington state. It is the legislature's intent to increase the credit available under RCW 82.04.4489 in order to attract additional motion picture and film projects, thereby increasing family-wage jobs.

(2) The joint legislative audit and review committee ((will)) must review and make a recommendation to the ((house finance committee and the senate ways and means committee)) fiscal committees of the legislature by December 1, ((2010)) 2026, regarding the effectiveness of the motion picture competitiveness program including, but not limited to, the amount of state revenue generated, the amount and number of family ((wages [wage])) - wage jobs with benefits created, adherence to the criteria in RCW 43.365.020, changes in Washington's share of the film employment market, and

any other factors deemed appropriate by the joint legislative audit and review committee.

(3) In order to obtain the data necessary to perform the review in subsection (2) of this section, the joint legislative audit and review committee may refer to tax data provided to the department of revenue and the annual survey required under RCW 43.365.040.

NEW SECTION. Sec. 8. 2017 3rd sp.s. c 37 s 1101 (uncodified) is repealed."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.365.005, 43.365.010, 43.365.030, 43.365.020, 82.04.4489, 43.365.040, and 43.365.050; and repealing 2017 3rd sp.s. c 37 s 1101 (uncodified)."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli, Boehnke and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1914, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1914, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake,

Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2022

Madame Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1359 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that operations of businesses in the hospitality industry have been significantly disrupted since the beginning of the COVID-19 pandemic. Many of these businesses, including restaurants, hotels, theaters, caterers, and nightclubs maintain state liquor licenses in order to offer their customers beer, wine, or spirits as products or amenities as authorized under the terms of their licenses. However, many licensees' businesses were completely or partially closed for much of 2020 and continue to be closed or substantially disrupted in 2021 and 2022. Recognizing many licensees' inability to fully operate and use their license, and the financial hardships faced by many licensees, the legislature intends to provide relief to the hospitality industry by reducing certain liquor license fees in 2022 and 2023.

Sec. 2. RCW 66.24.420 and 2021 c 6 s 9 are each amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	((\$2,000))
	<u>\$1,000</u>

50% or more dedicated dining area	((\$1,600))
	<u>\$800</u>
Service bar only	((\$1,000))
	<u>\$500</u>

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on

the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

(e) The annual fees in this subsection (1) are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(e); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(e).

(f) The waivers in (e) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(g) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (e) of this subsection for the reasons described in (f) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of

this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The combined total number of spirits, beer, and wine nightclub licenses, and spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand two hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and, except as provided in subsection (7) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

Sec. 3. RCW 66.24.590 and 2021 c 6 s 14 are each amended to read as follows:

(1) There is a retailer's license to be designated as a hotel license. No license may be issued to a hotel offering rooms to its guests on an hourly basis. Food service provided for room service, banquets or conferences, or restaurant operation under this license must meet the requirements of rules adopted by the board.

(2) The hotel license authorizes the licensee to:

(a) Sell spirituous liquor, beer, and wine, by the individual glass, at retail, for consumption on the premises, including mixed drinks and cocktails compounded and mixed on the premises;

(b) Sell, at retail, from locked honor bars, in individual units, spirits not to exceed fifty milliliters, beer in individual units not to exceed twelve ounces, and wine in individual bottles not to exceed three hundred eighty-five milliliters, to registered guests of the hotel for consumption in guest rooms. The licensee must require proof of age from the guest renting a guest room and requesting the use of an honor bar. The guest must also execute an affidavit verifying that no one under twenty-one years of age will have access to the spirits, beer, and wine in the honor bar;

(c) Provide without additional charge, to overnight guests, spirits, beer, and wine by the individual serving for on-premises consumption at a specified regular date, time, and place as may be fixed by the board. Self-service by attendees is prohibited;

(d) Sell beer, including strong beer, wine, or spirits, in the manufacturer's sealed container or by the individual drink to guests through room service, or through service to occupants of private residential units which are part of the buildings or complex of buildings that include the hotel;

(e) Sell beer, including strong beer, spirits, or wine, in the manufacturer's sealed container at retail sales locations within the hotel premises;

(f) Sell beer to a purchaser in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap in the restaurant area by the licensee at the time of sale;

(g) Sell for on or off-premises consumption, including through room service and service to occupants of private residential units managed by the hotel, wine carrying a label exclusive to the hotel license holder;

(h) Place in guest rooms at check-in, a complimentary bottle of liquor in a manufacturer-sealed container, and make a reference to this service in promotional material.

(3) If all or any facilities for alcoholic beverage service and the

preparation, cooking, and serving of food are operated under contract or joint venture agreement, the operator may hold a license separate from the license held by the operator of the hotel. Food and beverage inventory used in separate licensed operations at the hotel may not be shared and must be separately owned and stored by the separate licensees.

(4) All spirits to be sold under this license must be purchased from a spirits retailer or spirits distributor licensee of the board.

(5) All on-premises alcoholic beverage service must be done by an alcohol server as defined in RCW 66.20.300 and must comply with RCW 66.20.310.

(6)(a) The hotel license allows the licensee to remove from the liquor stocks at the licensed premises, liquor for sale and service at event locations at a specified date and place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived.

(b) The holder of this license must, if requested by the board, notify the board or its designee of the date, time, place, and location of any event. Upon request, the licensee must provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) Licensees may cater events on a domestic winery, brewery, or distillery premises.

(7) The holder of this license or its manager may furnish spirits, beer, or wine to the licensee's employees who are twenty-one years of age or older free of charge as may be required for use in connection with instruction on spirits, beer, and wine. The instruction may include the history, nature, values, and characteristics of spirits, beer, or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling spirits, beer, or wine. The licensee must use the liquor it obtains under its license for the sampling as part of the instruction. The instruction

must be given on the premises of the licensee.

(8) Minors may be allowed in all areas of the hotel where liquor may be consumed; however, the consumption must be incidental to the primary use of the area. These areas include, but are not limited to, tennis courts, hotel lobbies, and swimming pool areas. If an area is not a mixed use area, and is primarily used for alcohol service, the area must be designated and restricted to access by persons of lawful age to purchase liquor.

(9)(a) The annual fee for this license is (~~two thousand dollars~~) \$1,000.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (9)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (9)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(10) As used in this section, "hotel," "spirits," "beer," and "wine" have the meanings defined in RCW 66.24.410 and 66.04.010.

Sec. 4. RCW 66.24.600 and 2021 c 6 s 15 are each amended to read as follows:

(1) There shall be a spirits, beer, and wine nightclub license to sell spirituous liquor by the drink, beer, and wine at retail, for consumption on the licensed premises.

(2) The license may be issued only to a person whose business includes the sale and service of alcohol to the person's customers, has food sales and service incidental to the sale and service of alcohol, and has primary business hours between 9:00 p.m. and 2:00 a.m.

(3) Minors may be allowed on the licensed premises but only in areas where alcohol is not served or consumed.

(4)(a) The annual fee for this license is ~~((two thousand dollars))~~ \$1,000. The fee for the license shall be reviewed from time to time and set at such a level sufficient to defray the cost of licensing and enforcing this licensing program. The fee shall be fixed by rule adopted by the board in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (4)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (4)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection.

Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(5) Local governments may petition the board to request that further restrictions be imposed on a spirits, beer, and wine nightclub license in the interest of public safety. Examples of further restrictions a local government may request are: No minors allowed on the entire premises, submitting a security plan, or signing a good neighbor agreement with the local government.

(6) The total number of spirits, beer, and wine nightclub licenses are subject to the requirements of RCW 66.24.420(4). However, the board shall refuse a spirits, beer, and wine nightclub license to any applicant if the board determines that the spirits, beer, and wine nightclub licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(7) The board may adopt rules to implement this section.

Sec. 5. RCW 66.24.655 and 2021 c 6 s 17 are each amended to read as follows:

(1)(a) There is a theater license to sell spirits, beer, including strong beer, or wine, or all, at retail, for consumption on theater premises. A spirits, beer, and wine theater license may be issued only to theaters that have no more than one hundred twenty seats per screen and that are maintained in a substantial manner as a place for preparing, cooking, and serving complete meals and providing tabletop accommodations for in-theater dining. Requirements for complete meals are the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee for a spirits, beer, and wine theater license is ~~((two thousand dollars))~~ \$1,000.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior

to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown.

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of spirits, beer, and/or wine must have

completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a spirits, beer, or wine manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the spirits, beer, or wine manufacturer, importer, or distributor; and the amount allocated or used for spirits, beer, or wine advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

Sec. 6. RCW 66.24.690 and 2021 c 6 s 19 are each amended to read as follows:

(1) There shall be a caterer's license to sell spirits, beer, and wine, by the individual serving, at retail, for consumption on the premises at an event location that is either owned, leased, or operated either by the caterer or the sponsor of the event for which catering services are being provided. If the event is open to the public, it must be sponsored by a society or organization as defined in RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring

individual, society, or organization, the requirement that the sponsor must be a society or organization as defined in RCW 66.24.375 is waived. The licensee must serve food as required by rules of the board.

(2)(a) The annual fee is two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license. The annual fee for a combined beer, wine, and spirits license is ~~((one thousand dollars))~~ \$500.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(3) The holder of this license shall notify the board or its designee of the date, time, place, and location of any catered event at which liquor will be served, sold, or consumed. The board shall create rules detailing notification requirements. Upon request, the licensee shall provide to the board all necessary or requested information

concerning the individual, society, or organization that will be holding the catered function at which the caterer's liquor license will be utilized.

(4) The holder of this license may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee.

(5) The holder of this license is prohibited from catering events at locations that are already licensed to sell liquor under this chapter.

(6) The holder of this license is responsible for all sales, service, and consumption of alcohol at the location of the catered event.

Sec. 7. RCW 66.24.140 and 2021 c 6 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee ~~((two thousand dollars))~~ \$1,000 per annum, unless provided otherwise as follows:

(a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;

(b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;

(c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee;

(d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum;

(e) The annual fees in this subsection (1) are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(e); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(e);

(f) The waivers in (e) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220; and

(g) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (e) of this subsection for the reasons described in (f) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) Any distillery licensed under this section may:

(a) Sell, for off-premises consumption, spirits of the distillery's own production, spirits produced by another distillery or craft distillery licensed in this state, or vermouth or sparkling wine products produced by a licensee in this state. A distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; and

(c) Serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms in accordance with this chapter, subject to the following conditions:

(i) A distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to be served or sold on the licensed premises under this section, or nonalcoholic mixers;

(ii) A distillery may sell, for on-premises consumption, servings of spirits of the distillery's own production or spirits produced by another distillery or craft distillery licensed in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (2)(c)(ii) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and

(iii) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.

(3)(a) If a distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the distillery at its distillery premises and at any off-site tasting rooms licensed under RCW 66.24.146 may be vermouth, sparkling wine, or spirits made by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state.

(b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-

premises consumption must be adulterated as authorized in this section.

(c)(i) No person under twenty-one years of age may be on the premises of a distillery tasting room, including an off-site tasting room licensed under RCW 66.24.146, unless they are accompanied by their parent or legal guardian.

(ii) Every distillery tasting room, including the off-site tasting rooms licensed under RCW 66.24.146, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.

(iii) Except for (c)(iv) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under RCW 66.24.146, past 9:00 p.m.

(iv) Notwithstanding the limitations of (c)(iii) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a distillery or an off-site tasting room licensed under RCW 66.24.146, may be in any area of a distillery, tasting room, or an off-site tasting room licensed under RCW 66.24.146, provided they must be under the direct supervision of their parent or legal guardian while on the premises.

(d) Any person serving or selling spirits or other alcohol authorized to be served or sold by a distillery must obtain a class 12 alcohol server permit.

(e) A distillery may sell nonalcoholic products at retail.

Sec. 8. RCW 66.24.146 and 2021 c 6 s 2 are each amended to read as follows:

(1) There is a tasting room license available to distillery and craft distillery licensees. A tasting room license authorizes the operation of an off-site tasting room, in addition to a tasting room attached to the distillery's or craft distillery's production facility, at which the licensee may sample, serve, and sell spirits and alcohol products authorized to be sampled, served, and sold under RCW 66.24.140 and 66.24.145, for on-premises

and off-premises consumption, subject to the same limitations as provided in RCW 66.24.140 and 66.24.145.

(2)(a) A distillery or craft distillery licensed production facility is eligible for no more than two off-site tasting room licenses located in this state, which may be indoors, or outdoors or a combination thereof, and which shall be administratively tied to a licensed production facility. A separate license is required for the operation of each off-site tasting room. The fee for each off-site tasting room license is (~~two thousand dollars~~) \$1,000 per annum. No additional license is required for a distillery or craft distillery to sample, serve, and sell spirits and alcohol to customers in a tasting room on the distillery or craft distillery premises as authorized under this section, RCW 66.24.1472, 66.24.140, 66.24.145, 66.28.040, 66.24.630, and 66.28.310. Off-site tasting rooms may have a section identified and segregated as federally bonded spaces for the storage of bulk or packaged spirits. Product of the licensee's production may be bottled or packaged in the space.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined

to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

Sec. 9. RCW 66.24.170 and 2021 c 6 s 3 are each amended to read as follows:

(1)(a) There is a license for domestic wineries; fee to be computed only on the liters manufactured: Less than two hundred fifty thousand liters per year, (~~(one hundred dollars)~~) \$50 per year; and two hundred fifty thousand liters or more per year, (~~(four hundred dollars)~~) \$200 per year.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) The license allows for the manufacture of wine in Washington state from grapes or other agricultural products.

(3) Any domestic winery licensed under this section may also act as a retailer of wine of its own production. Any domestic winery licensed under this section may act as a distributor of its own production. Notwithstanding any language in this title to the contrary, a domestic winery may use a common carrier to deliver up to one hundred cases of its own production, in the aggregate, per month to licensed Washington retailers. A domestic winery may not arrange for any such common carrier shipments to licensed retailers of wine not of its own production. Except as provided in this section, any winery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a winery operating as a distributor may maintain a warehouse off the premises of the winery for the distribution of wine of its own production provided that: (a) The warehouse has been approved by the board under RCW 66.24.010; and (b) the number of warehouses off the premises of the winery does not exceed one.

(4)(a) A domestic winery licensed under this section, at locations separate from any of its production or manufacturing sites, may serve samples of its own products, with or without charge, may sell wine of its own production at retail, and may sell for off-premises consumption wines of its own production in kegs or sanitary containers meeting the applicable requirements of federal law brought to the premises by the purchaser or furnished by the licensee and filled at the tap at the time of sale, provided that: (i) Each additional location has been approved by the board under RCW 66.24.010; (ii) the total number of additional locations does not exceed four; (iii) a winery may not act as a distributor at any such additional location; and (iv) any person selling or serving wine at an additional location for on-premises consumption must obtain a class 12 or class 13 alcohol server permit. Each additional location is deemed to be part of the winery license for the purpose of this title. At additional locations operated by multiple wineries under this section, if the board cannot connect a violation of RCW 66.44.200 or 66.44.270 to a single licensee, the board may hold all licensees operating the additional location jointly liable. Nothing in this

subsection may be construed to prevent a domestic winery from holding multiple domestic winery licenses.

(b) A customer of a domestic winery may remove from the premises of the domestic winery or from a tasting room location approved under (a) of this subsection, recorked or recapped in its original container, any portion of wine purchased for on-premises consumption.

(5)(a) A domestic winery licensed under this section may apply to the board for an endorsement to sell wine of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. An endorsement issued pursuant to this subsection does not count toward the four additional retail locations limit specified in this section.

(b) For each month during which a domestic winery will sell wine at a qualifying farmers market, the winery must provide the board or its designee a list of the dates, times, and locations at which bottled wine may be offered for sale. This list must be received by the board before the winery may offer wine for sale at a qualifying farmers market.

(c) The wine sold at qualifying farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in this state.

(d) Each approved location in a qualifying farmers market is deemed to be part of the winery license for the purpose of this title. The approved locations under an endorsement granted under this subsection include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The winery may not store wine at a farmers market beyond the hours that the winery offers bottled wine for sale. The winery may not act as a distributor from a farmers market location.

(e) Before a winery may sell bottled wine at a qualifying farmers market, the farmers market must apply to the board for authorization for any winery with an endorsement approved under this subsection to sell bottled wine at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved winery may sell bottled

wine; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled wine may be sold. Before authorizing a qualifying farmers market to allow an approved winery to sell bottled wine at retail at its farmers market location, the board must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers. However, if a farmers market does not satisfy this subsection (5)(g)(i)(B), a farmers market is still considered a "qualifying farmers market" if the total combined gross annual sales of farmers and processors at the farmers market is one million dollars or more;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she

raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(6) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine is deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

(7) During an event held by a nonprofit holding a special occasion license issued under RCW 66.24.380, a domestic winery licensed under this section may take orders, either in writing or electronically, and accept payment for wines of its own production under the following conditions:

(a) Wine produced by the domestic winery may be served for on-premises consumption by the special occasion licensee;

(b) The domestic winery delivers wine to the consumer on a date after the conclusion of the special occasion event;

(c) The domestic winery delivers wine to the consumer at a location different from the location at which the special occasion event is held;

(d) The domestic winery complies with all requirements in chapter 66.20 RCW for direct sale of wine to consumers;

(e) The wine is not sold for resale; and

(f) The domestic winery is entitled to all proceeds from the sale and delivery of its wine to a consumer after the conclusion of the special occasion event, but may enter into an agreement to share a portion of the proceeds of these sales with the special occasion licensee licensed under RCW 66.24.380.

Sec. 10. RCW 66.24.240 and 2021 c 6 s 4 are each amended to read as follows:

(1)(a) There shall be a license for domestic breweries; fee to be (~~two thousand dollars~~) \$1,000 for production of sixty thousand barrels or more of malt liquor per year.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(7), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by

the licensee and filled at the tap by the licensee at the time of sale.

(3) Any domestic brewery licensed under this section may also sell beer produced by another domestic brewery or a microbrewery for on and off-premises consumption from its premises as long as the other breweries' brands do not exceed twenty-five percent of the domestic brewery's on-tap offering of its own brands.

(4) A domestic brewery may hold up to four retail licenses to operate an on or off-premises tavern, beer and/or wine restaurant, spirits, beer, and wine restaurant, or any combination thereof. This retail license is separate from the brewery license. A brewery that holds a tavern license, a spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(7), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a

domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) The state board of health shall adopt rules to allow dogs on the premises of licensed domestic breweries that do not provide food service subject to a food service permit requirement.

Sec. 11. RCW 66.24.244 and 2021 c 6 s 5 are each amended to read as follows:

(1)(a) There shall be a license for microbreweries; fee to be (~~one hundred dollars~~) \$50 for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2)(a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) The board may issue up to four retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, spirits, beer, and wine restaurant, or any combination thereof.

(5) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers

market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (6) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (6):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(8) The state board of health shall adopt rules to allow dogs on the premises of licensed microbreweries that do not provide food service subject to a food service permit requirement.

Sec. 12. RCW 66.24.320 and 2021 c 6 s 6 are each amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine or sake that was purchased for consumption with a meal.

(1)(a) The annual fee shall be (~~two hundred dollars~~) \$100 for the beer license, (~~two hundred dollars~~) \$100 for the wine license, or (~~four hundred dollars~~) \$200 for a combination beer and wine license.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no

later than 15 calendar days after the request is made.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (3) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic

winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on a designated ferry route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

Sec. 13. RCW 66.24.330 and 2021 c 6 s 7 are each amended to read as follows:

(1) There is a beer and wine retailer's license to be designated as a tavern license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. Such licenses may be issued only to a person operating a tavern that may be frequented only by persons twenty-one years of age and older.

(2)(a) The annual fee for the license is (~~two hundred dollars~~) \$100 for the beer license, (~~two hundred dollars~~) \$100 for the wine license, or (~~four hundred dollars~~) \$200 for a combination beer and wine license. Licensees who have

a fee increase of more than one hundred dollars as a result of this change shall have their fees increased fifty percent of the amount the first renewal year and the remaining amount beginning with the second renewal period. New licensees obtaining a license after July 1, 1998, must pay the full amount of (~~four hundred dollars~~) \$200.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(3)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (4) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance

at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement must, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee must provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars is required for such duplicate licenses.

(4) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery and the retail licensee must be in writing, contain no exclusivity clauses regarding the alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery and the retail licensee may be separately contracted and compensated by the persons sponsoring the event for their respective services.

(5) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The tavern licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the tavern licensee.

(6) Any person serving liquor at a catered event on behalf of a licensee with a caterer's endorsement under this section must be an employee of the licensee and must possess a class 12 alcohol server permit as required under RCW 66.20.310.

(7) The board may issue rules as necessary to implement the requirements of this section.

Sec. 14. RCW 66.24.350 and 2021 c 6 s 8 are each amended to read as follows:

(1) There shall be a beer retailer's license to be designated as a snack bar license to sell beer by the opened bottle or can at retail, for consumption upon the premises only, such license to be issued to places where the sale of beer is not the principal business conducted; fee (~~one hundred twenty-five dollars~~) \$62.50 per year.

(2)(a) The annual fee in subsection (1) of this section is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(a); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(a).

(b) The waiver in (a) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department

of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(c) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (a) of this subsection for the reasons described in (b) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

Sec. 15. RCW 66.24.495 and 2021 c 176 s 5234 and 2021 c 6 s 10 are each reenacted and amended to read as follows:

(1)(a) There shall be a license to be designated as a nonprofit arts organization license. This shall be a special license to be issued to any nonprofit arts organization which sponsors and presents productions or performances of an artistic or cultural nature in a specific theater or other appropriate designated indoor premises approved by the board. The license shall permit the licensee to sell liquor to patrons of productions or performances for consumption on the premises at these events. The fee for the license shall be ~~((two hundred fifty dollars))~~ \$125 per annum.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of

an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) For the purposes of this section, the term "nonprofit arts organization" means an organization which is organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (3) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter ~~((24.03))~~ 24.03A RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, the corporation must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the license is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The proceeds derived from sales of liquor, except for reasonable operating costs, must be used in furtherance of the purposes of the organization;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The board shall have access to its books in order to determine whether the corporation is entitled to a license.

(3) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 16. RCW 66.24.540 and 2021 c 6 s 11 are each amended to read as follows:

(1) There is a retailer's license to be designated as a motel license. The motel license may be issued to a motel regardless of whether it holds any other class of license under this title. No license may be issued to a motel offering rooms to its guests on an hourly basis. The license authorizes the licensee to:

(a) Sell, at retail, in locked honor bars, spirits in individual bottles not to exceed fifty milliliters, beer in individual cans or bottles not to exceed twelve ounces, and wine in individual bottles not to exceed one hundred eighty-seven milliliters, to registered guests of the motel for consumption in guest rooms.

(i) Each honor bar must also contain snack foods. No more than one-half of the guest rooms may have honor bars.

(ii) All spirits to be sold under the license must be purchased from a spirits retailer or a spirits distributor licensee of the board.

(iii) The licensee must require proof of age from the guest renting a guest room and requesting the use of an honor bar. The guest must also execute an affidavit verifying that no one under twenty-one years of age has access to the spirits, beer, and wine in the honor bar.

(b) Provide without additional charge, to overnight guests of the motel, spirits, beer, and wine by the individual serving for on-premises consumption at a specified regular date, time, and place as may be fixed by the board. Self-service by attendees is prohibited. All spirits, beer, and wine service must be done by an alcohol server as defined in RCW 66.20.300 and comply with RCW 66.20.310.

(2)(a) The annual fee for a motel license is (~~five hundred dollars~~) \$250.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(3) For the purposes of this section, "motel" means a transient accommodation licensed under chapter 70.62 RCW.

Sec. 17. RCW 66.24.570 and 2021 c 6 s 12 are each amended to read as follows:

(1)(a) There is a license for sports entertainment facilities to be designated as a sports entertainment

facility license to sell beer, wine, and spirits at retail, for consumption upon the premises only, the license to be issued to the entity providing food and beverage service at a sports entertainment facility as defined in this section. The cost of the license is (~~two thousand five hundred dollars~~) \$1,250 per annum.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) For purposes of this section, a sports entertainment facility includes a publicly or privately owned arena, coliseum, stadium, or facility where sporting events are presented for a price of admission. The facility does not have to be exclusively used for sporting events.

(3) The board may impose reasonable requirements upon a licensee under this section, such as requirements for the availability of food and victuals including but not limited to hamburgers,

sandwiches, salads, or other snack food. The board may also restrict the type of events at a sports entertainment facility at which beer, wine, and spirits may be served. When imposing conditions for a licensee, the board must consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a sports entertainment facility.

(4)(a) The board may issue a caterer's endorsement to the license under this section to allow the licensee to remove from the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(5) The board may issue an endorsement to the beer, wine, and spirits sports entertainment facility license that allows the holder of a beer, wine, and spirits sports entertainment facility license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars.

(6)(a) A licensee and an affiliated business may enter into arrangements with a manufacturer, importer, or distributor for brand advertising at the sports entertainment facility or promotion of events held at the sports entertainment facility, with a capacity of five

thousand people or more. The financial arrangements providing for the brand advertising or promotion of events shall not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement nor shall it result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (6) are an exception to arrangements prohibited under RCW 66.28.305. The board shall monitor the impacts of these arrangements. The board may conduct audits of the licensee and the affiliated business to determine compliance with this subsection (6). Audits may include but are not limited to product selection at the facility; purchase patterns of the licensee; contracts with the liquor manufacturer, importer, or distributor; and the amount allocated or used for liquor advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(c) The board shall report to the appropriate committees of the legislature by December 30, 2008, and biennially thereafter, on the impacts of arrangements allowed between sports entertainment licensees and liquor manufacturers, importers, and distributors for brand advertising and promotion of events at the facility.

Sec. 18. RCW 66.24.580 and 2021 c 6 s 13 are each amended to read as follows:

(1) A public house license allows the licensee:

(a) To annually manufacture no less than two hundred fifty gallons and no more than two thousand four hundred barrels of beer on the licensed premises;

(b) To sell product, that is produced on the licensed premises, at retail on the licensed premises for consumption on the licensed premises;

(c) To sell beer or wine not of its own manufacture for consumption on the licensed premises if the beer or wine has been purchased from a licensed beer or wine wholesaler;

(d) To apply for and, if qualified and upon the payment of the appropriate fee, be licensed as a spirits, beer, and wine restaurant to do business at the same location. This fee is in addition to the

fee charged for the basic public house license.

(2) RCW 66.28.305 applies to a public house license.

(3) A public house licensee must pay all applicable taxes on production as are required by law, and all appropriate taxes must be paid for any product sold at retail on the licensed premises.

(4) The employees of the licensee must comply with the provisions of mandatory server training in RCW 66.20.300 through 66.20.350.

(5) The holder of a public house license may not hold a wholesaler's or importer's license, act as the agent of another manufacturer, wholesaler, or importer, or hold a brewery or winery license.

(6)(a) The annual license fee for a public house is (~~one thousand dollars~~) \$500.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (6)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (6)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no

later than 15 calendar days after the request is made.

(7) The holder of a public house license may hold other licenses at other locations if the locations are approved by the board.

(8) Existing holders of annual retail liquor licenses may apply for and, if qualified, be granted a public house license at one or more of their existing liquor licensed locations without discontinuing business during the application or construction stages.

Sec. 19. RCW 66.24.650 and 2021 c 6 s 16 are each amended to read as follows:

(1)(a) There is a theater license to sell beer, including strong beer, or wine, or both, at retail, for consumption on theater premises. The annual fee is (~~four hundred dollars~~) \$200 for a beer and wine theater license.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board, and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown, and includes only theaters with up to four screens.

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of beer and/or wine must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a beer or wine manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine

compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the beer or wine manufacturer, importer, or distributor; and the amount allocated or used for wine or beer advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

Sec. 20. RCW 66.24.680 and 2021 c 176 s 5235 and 2021 c 6 s 18 are each reenacted and amended to read as follows:

(1) There shall be a license to be designated as a senior center license. This shall be a license issued to a nonprofit organization whose primary service is providing recreational and social activities for seniors on the licensed premises. This license shall permit the licensee to sell spirits by the individual glass, including mixed drinks and cocktails mixed on the premises only, beer and wine, at retail for consumption on the premises.

(2) To qualify for this license, the applicant entity must:

(a) Be a nonprofit organization under chapter 24.03A RCW;

(b) Be open at times and durations established by the board; and

(c) Provide limited food service as defined by the board.

(3) All alcohol servers must have a valid mandatory alcohol server training permit.

(4) The board shall adopt rules to implement this section.

(5)(a) The annual fee for this license shall be (~~seven hundred twenty dollars~~) \$360.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (5)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (5)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

NEW SECTION. **Sec. 21.** Sections 2 through 20 of this act expire December 31, 2023.

NEW SECTION. **Sec. 22.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2022."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 66.24.420, 66.24.590, 66.24.600, 66.24.655, 66.24.690, 66.24.140, 66.24.146, 66.24.170, 66.24.240, 66.24.244, 66.24.320, 66.24.330, 66.24.350, 66.24.540, 66.24.570, 66.24.580, and 66.24.650; reenacting and amending RCW 66.24.495 and 66.24.680; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1359 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Stonier and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1359, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1359, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chase, Chopp, Cody, Corry, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Davis and Ryu.

THIRD SUBSTITUTE HOUSE BILL NO. 1359, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.32.570 and 2011 1st sp.s. c 47 s 10 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance

will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state at least one calendar month after his or her accrual date shall cease to receive pension payments while engaged in such service, after the retiree has rendered service for more than eight hundred sixty-seven hours in a school year.

(3)(a) Between the effective date of this section and July 1, 2025, a retiree who reenters employment more than one calendar month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year.

(b) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

~~((+4))~~ (5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

Sec. 2. RCW 41.32.802 and 2011 1st sp.s. c 47 s 12 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b) A retiree who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) may be employed with an employer for up to 867 hours per calendar year without suspension of his or her benefit, provided that: (i) The retired teacher reenters employment more than one calendar month after his or her accrual date and after June 9, 2016; and (ii) the retired teacher is employed in a nonadministrative capacity.

(c)(i) Between the effective date of this section and July 1, 2025, a retiree who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(ii) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second-class

school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(iii) The legislature reserves the right to amend or repeal this subsection (2)(c) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 3. RCW 41.32.862 and 2011 1st sp.s. c 47 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b) A retiree who has retired under the alternate early retirement provisions of RCW 41.32.875(3)(b) may be employed with an employer for up to 867 hours per calendar year without suspension of his or her benefit, provided that: (i) The retired teacher reenters employment more than one calendar month after his or her accrual date and after June 9, 2016; and (ii) the retired teacher is employed in a nonadministrative capacity.

(c)(i) Between the effective date of this section and July 1, 2025, a retired teacher or retired administrator who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(ii) Between the effective date of this section and July 1, 2025, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(iii) The legislature reserves the right to amend or repeal this subsection (2)(c) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 4. RCW 41.35.060 and 2011 1st sp.s. c 47 s 15 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half

percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b) A retiree in the school employees' retirement system plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) may be employed with an employer for up to 867 hours per calendar year without suspension of his or her benefit, provided that: (i) The retiree reenters employment more than one calendar month after his or her accrual date; and (ii) the retiree is employed in a nonadministrative position.

(c) Between the effective date of this section and July 1, 2025, a retiree, including a retiree who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b), who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year. The legislature reserves the right to amend or repeal this subsection (2)(c) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she

terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 5. RCW 41.40.037 and 2015 c 75 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1, plan 2, or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b) Between the effective date of this section and July 1, 2025, a retiree, including a retiree who has retired under the alternate early retirement provisions of RCW 41.40.630(3)(b) or 41.40.820(3)(b), who reenters employment more than 100 days after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such

service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) RCW 41.35.065 (Postretirement employment options) and 2019 c 295 s 308; and

(2) RCW 41.32.068 (Postretirement employment options) and 2019 c 295 s 307 & 2016 c 233 s 7.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 5 of the title, after "2025;" strike the remainder of the title and insert "amending RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037; repealing RCW 41.35.065 and 41.32.068; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Bergquist and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1699, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1699, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2058 with the following amendment:

On page 5, beginning on line 24, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preferences

contained in section 1, chapter . . . , Laws of 2022 (section 1 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage contributions to historically significant places listed on the national register of historic places or the Washington heritage register.

(4) If a review finds that the statewide amount of contributions made by lessees of state parks and recreation commission-owned historical sites for the purposes of maintaining or improving such sites has increased, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. Sec. 3. Section 1 of this act expires January 1, 2034."

Re-number the remaining section consecutively.

On page 1, beginning on line 4 of the title, after "section;" strike "and providing an effective date" and insert "providing an effective date; and providing an expiration date"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2058 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Tharinger and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2058, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2058, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2058, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized Sgt. At Arms Sean Hartsock who was retiring and thanked him for his dedication and service.

POINT OF PERSONAL PRIVILEGE

Representatives Stonier and Corry recognized the staff of LEG-TECH and TVW and asked the members to acknowledge them for their hard work and expertise.

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4673, by Representatives Jenkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson,

Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Pat Sullivan has served as a member of the Washington State House of Representatives for eighteen sessions and as House Majority Leader for twelve sessions; and

WHEREAS, Representative Sullivan previously worked as a staff member in the House of Representatives, serving as a legislative assistant; and

WHEREAS, Representative Sullivan has served his community not only in the Legislature, but also as the first mayor of his hometown of Covington, Washington, a position he held from 1997 until he joined the House of Representatives in 2005; and

WHEREAS, As a proud graduate of the University of Washington, Representative Sullivan knows first hand the importance of ensuring that higher education is accessible to all who want to achieve a postsecondary degree or certification, whether from a two-year, four-year, or technical college, and that our communities and our state benefit greatly from access to a highly skilled and well-educated workforce; and

WHEREAS, Representative Sullivan's lengthy community service and engagement includes serving as co-president of the Covington Elementary PTA, as a member of the Learning Improvement Team, as a member of the Kent Communities in Schools board, as chair of the Economic Development Council, and as a youth soccer coach; and

WHEREAS, Representative Sullivan came to the Legislature committed to amply funding Washington's public schools and ensuring that our state upholds its paramount duty to its children, and has worked tirelessly as part of the House Democrats' budget team to secure these investments and ensure every student has the opportunity to thrive and succeed; and

WHEREAS, Representative Sullivan has devoted his public service career to putting people first, by fighting for Washington's students, working families, vulnerable people, and senior citizens, standing up for educational and economic opportunity for all, and championing access to affordable health care; and

WHEREAS, Representative Sullivan and his wife, Amy, together raised three daughters and are now proud and actively involved grandparents;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate and commemorate Representative Sullivan's dedicated service to Washington state and for representing the people of the 47th Legislative District with dedication and focus; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Sullivan and his family.

Representatives Entenman, Wilcox, Chopp, MacEwen and Ormsby spoke in favor of the adoption of the resolution.

SPEAKER'S PRIVILEGE

The Speaker recognized Representative Sullivan's legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4673 was adopted.

The Speaker called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5689, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5974, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5975, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5488,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755,
ENGROSSED SENATE BILL NO. 5901,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1412,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,
HOUSE BILL NO. 1641,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1663,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1866,
SECOND SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED HOUSE BILL NO. 1990,
SUBSTITUTE HOUSE BILL NO. 2099,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

CONFERENCE COMMITTEE REPORT

ENGROSSED SUBSTITUTE SENATE BILL NO.
5689,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5974,
SUBSTITUTE SENATE BILL NO. 5975,

March 9, 2022

Substitute House Bill No. 1876

Includes "New Item": YES

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8406,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,

and the same is herewith transmitted.

Sarah Bannister, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

THIRD SUBSTITUTE HOUSE BILL NO. 1359
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699
SECOND SUBSTITUTE HOUSE BILL NO. 1814
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914
HOUSE BILL NO. 2058
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124
ENGROSSED SUBSTITUTE SENATE BILL NO.
5689
ENGROSSED SUBSTITUTE SENATE BILL NO.
5974
SUBSTITUTE SENATE BILL NO. 5975

The Speaker called upon Representative Orwall to
preside.

There being no objection, the House advanced to the
seventh order of business.

THIRD READING

Madame Speaker:

We of your Conference Committee, to whom was
referred SUBSTITUTE HOUSE BILL NO. 1876,
concerning public investment impact disclosures for certain
ballot measures that repeal, levy, or modify any tax or fee
and have a fiscal impact statement that shows that adoption
of the measure would cause a net change in state revenue,
have had the same under consideration and we recommend
that:

All previous amendments not be adopted and that the
attached striking amendment S-5448.2 be adopted.

Strike everything after the enacting
clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature
recognizes that the people have reserved
for themselves the power to enact or
reject legislation through the
initiative and referendum process, as
provided in Article II, section 1 of the
state Constitution. The legislature
finds that when exercising this right,
the people are entitled to know the
fiscal impact that their vote will have
on public investments at the time they
cast their ballots. The legislature
further finds that when a ballot measure
will affect funding for public
investments, a neutral, nonprejudicial
disclosure of the public investments
affected will provide greater
transparency and necessary information
for voters.

NEW SECTION. **Sec. 2.** A new section
is added to chapter 29A.72 RCW to read as
follows:

(1) The attorney general must prepare
a public investment impact disclosure for
any ballot measure that:

(a) Repeals, levies, or modifies any
tax or fee, including changing the scope
or application of an existing tax or fee;
and

(b) Has a fiscal impact statement, as
provided by RCW 29A.72.025, that shows
that adoption of the measure would cause
a net change in state revenue.

(2) The public investment impact
disclosure must include a description of

the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure. The language of the disclosure is not subject to appeal, except as provided in this act.

(5) The attorney general must file the public investment impact disclosure with the secretary of state no later than July 23rd.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are not considered part of the ballot title under this chapter and are not subject to any of the legal requirements for ballot titles.

Sec. 3. RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A

statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under section 2 of this act, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?

Yes

No

~~((3))~~ (4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description).

(Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No.

or

Measure No.

~~((4))~~ (5) For a referendum bill submitted to the people by the legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((5))~~ (6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((6))~~ (7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so

provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

Sec. 4. RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers ~~((and))~~, ballot titles, and public investment impact disclosures certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature;
- (5) Initiatives to the legislature and legislative alternatives;
- (6) Advisory votes;
- (7) Proposed constitutional amendments.

Sec. 5. RCW 29A.72.025 and 2009 c 415 s 7 are each amended to read as follows:

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. The secretary of state shall notify the office of financial management and the attorney general when the sponsor

of a ballot measure has made an appointment to submit petitions to the secretary of state for filing. The office of financial management and appropriate state agencies may begin work on a fiscal impact statement prior to the submission of petitions. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than ((the tenth day of August)) July 23rd if a public investment impact disclosure is required under section 2 of this act, and no later than July 31st for all other measures. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.72 RCW to read as follows:

Any persons, including either or both houses of the legislature, dissatisfied with the public investment impact disclosure for a state initiative or referendum may, within three days from the filing of the public investment impact disclosure in the office of the secretary of state, appeal to the superior court of Thurston county by petition setting forth the measure, the public investment impact disclosure, and their objections to the public investment impact disclosure and requesting amendment of the public investment impact disclosure by the court. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits contained in this section.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the secretary of state, upon the attorney general, and upon the person proposing the measure if the appeal is initiated by someone other than that person. Upon the filing of the petition on appeal or at the time to which the hearing may be adjourned by consent of the appellant, the court shall accord first priority to examining the proposed measure, the public investment impact disclosure, and the objections to that public investment impact disclosure, may hear arguments, and shall, within five days, render its decision and file with the secretary of state a certified copy of such public investment impact disclosure as it determines will meet the requirements of section 2 of this act. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party."

and that the bill do pass as recommended by the Conference Committee:

Senators Hunt and Kuderer
Representatives Gregerson and Valdez

There being no objection, the House adopted the conference committee report on SUBSTITUTE HOUSE BILL NO. 1876 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representative Gregerson spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Volz spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Substitute House Bill No. 1876 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1876, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 55; Nays, 43; Absent, 0; Excused, 0

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet,

Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

SUBSTITUTE HOUSE BILL NO. 1876, as recommended by the conference committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

March 9, 2022

Engrossed Substitute Senate Bill No. 5693

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, making 2021-2023 fiscal biennium supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment H-2990.1 be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2021 c 334 s 1 (uncodified) is amended to read as follows:

(1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CARES" means the coronavirus aid, relief, and economic security act, P.L. 116-136.

(c) "CRF" means the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

(d) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(e) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(f) "Dedicated marijuana account" means the dedicated cannabis account, if either Engrossed Second Substitute Senate Bill No. 5796 or Second Substitute House Bill No. 1210 is enacted.

(~~(g)~~) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(~~(g)~~) (~~(h)~~) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(~~(h)~~) (~~(i)~~) "FTE" means full time equivalent.

(~~(i)~~) (~~(j)~~) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(~~(j)~~) (~~(k)~~) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(3) Whenever the terms in subsection (2)(a) through (e) of this section are used in the context of a general fund-federal appropriation, the term is used to attribute the funding to that federal act.

PART I

GENERAL GOVERNMENT

Sec. 101. 2021 c 334 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund–State Appropriation (FY 2022) (~~(\$45,740,000)~~)
\$46,838,000

General Fund–State Appropriation (FY 2023) (~~(\$46,804,000)~~)
\$53,280,000

TOTAL APPROPRIATION
 (~~(\$92,544,000)~~)
\$100,118,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for a work group to continue the house of representatives' examination of employment practices and policies and to develop options and recommendations for the house of representatives.

(a) The work group is composed of the following members:

(i) Two legislative assistants from each of the two largest caucuses of the house of representatives;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the house of representatives;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from the house of representatives office of program research;

(iv) One nonsupervisory staff and one supervisory staff from the house of representatives administration;

(v) The chief clerk of the house of representatives or their designee; and

(vi) The house of representatives human resource director.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The house of representatives human resource officer shall make recommendations to the house of representatives executive rules committee who shall then confirm appointments to the work group.

(c) The chief clerk of the house of representatives shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The chief

clerk may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the house of representatives executive rules committee.

(f) The work group must report its findings and recommendations to the house of representatives executive rules committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 102. 2021 c 334 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund–State Appropriation (FY 2022) (~~(\$32,755,000)~~)
\$33,755,000

General Fund–State Appropriation (FY 2023) (~~(\$35,699,000)~~)
\$41,625,000

TOTAL APPROPRIATION
 (~~(\$68,454,000)~~)
\$75,380,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$260,000 of the general fund–state appropriation for fiscal year 2022 and \$270,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

(2) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a work group to continue the senate's examination of employment practices and policies and to develop options and recommendations for the senate.

(a) The work group is composed of the following 17 members:

(i) Two legislative assistants from each of the two largest caucuses of the senate;

(ii) One nonsupervisory staff and one supervisory staff from each of the two largest caucuses of the senate;

(iii) One committee assistant, one coordinator, one analyst or counsel, and one administrative staff from senate committee services;

(iv) One nonsupervisory staff and one supervisory staff from senate administration;

(v) The secretary of the senate or their designee; and

(vi) The senate human resource director and senate diversity, equity, and inclusion coordinator.

(b) Staff who wish to be appointed to the work group must submit an application to the office of human resources. The senate human resource officer shall make recommendations to the senate facilities and operations committee who shall then confirm appointments to the work group.

(c) The secretary of the senate shall contract for an external facilitator to staff and assist the work group. The facilitator must have a background or experience in organizational development. The secretary may also contract for legal services and other expert services, as necessary, to assist the work group.

(d) The work group shall consider issues related to employment practices and policies including, but not limited to:

(i) The supervisory structure of employees;

(ii) Workplace terms and conditions; and

(iii) Professional development.

(e) The expenses of the work group must be paid from the amount appropriated in this section subject to approval by the

senate facilities and operations committee.

(f) The work group must report its findings and recommendations to the senate facilities and operations committee by December 1, 2022.

(g) If Engrossed Substitute House Bill No. 2124 is enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 103. 2021 c 334 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund-State Appropriation (FY 2022) (~~(\$303,000)~~)
\$342,000

General Fund-State Appropriation (FY 2023) (~~(\$248,000)~~)
\$296,000

Performance Audits of Government Account-State
Appropriation (~~(\$9,384,000)~~)
\$10,036,000

TOTAL APPROPRIATION
(~~(\$9,935,000)~~)
\$10,674,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$273,000 of the general fund-state appropriation for fiscal year 2022 and \$244,000 of the general fund-state appropriation for fiscal year 2023 are provided (~~solely~~) for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund-state appropriation for fiscal year 2022 and \$2,000 of the general fund-state appropriation for fiscal year 2023 are provided (~~solely~~) to implement House

Bill No. 1296 (behavioral health service organizations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) \$10,000 of the general fund-state appropriation for fiscal year 2022 and \$2,000 of the general fund-state appropriation for fiscal year 2023 are provided ~~((solely))~~ to implement Second Substitute House Bill No. 1033 (employment training program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$50,000 of the performance audits of government account-state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) Sufficient funding is appropriated in this section to conduct performance audits related to state agency programs and services to address the needs of farmworkers. The audits will assess how the agency is administering the programs and enforcing the relevant laws and provide recommendations to improve service delivery and effectiveness for the protection and needs farmworkers. The committee must incorporate the performance audits in this subsection into its work plan and must provide annual progress reports on their status. The committee may prioritize its work based on available resources and staff capacity, and may contract for services as necessary, to complete the following performance audits:

(a) The department of labor and industries' programs and responsibilities to investigate and enforce:

(i) Wage and hour laws applicable to farmworkers;

(ii) Workplace health and safety standards applicable to farmworkers; and

(iii) Laws prohibiting harassment, discrimination, and retaliation against farmworkers for, among other things, asserting their rights regarding health and safety standards and wage and hour laws;

(b) The employment security department's administration of the H-2A program; and

(c) The department of health's administration of laws and rules related to pesticide safety that are intended to protect farmworkers from hazardous exposures.

(7) \$42,000 of the performance audits of government account-state appropriation is for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund-state appropriation for fiscal year 2022 and \$4,000 of the general fund-state appropriation for fiscal year 2023 are for the implementation of Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(9) \$36,000 of the general fund-state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(10) \$13,000 of the general fund-state appropriation for fiscal year 2022 is for the implementation of House Bill No. 1924 (hog fuel tax exemption). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) \$13,000 of the general fund-state appropriation for fiscal year 2022 and \$8,000 of the general fund-state appropriation for fiscal year 2023 are for the implementation of Substitute House Bill No. 1792 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12)(a) The joint legislative audit and review committee shall conduct a performance audit of the department of health's oversight of hospital data reporting, inspections, and complaints. The study must explore:

(i) The types of data that hospitals are required to collect and report to state and federal regulatory entities, hospitals' compliance with these reporting requirements, and the

department's enforcement and use of such reporting. This data includes: Hospital financial data, patient discharge data, charity care data, adverse health events and incidents notification and reporting, and community health needs, assessments, and benefits implementation strategies;

(ii) The type and frequency of hospital inspections conducted by state and federal regulatory entities, and hospitals' correction of any deficiencies; and

(iii) The hospital facility complaint process, including how consumers may file complaints, how the department investigates complaints, and how hospitals resolve any violations.

(b) The committee must incorporate the performance audit in this subsection into its work plan and prioritize its work based on available resources and staff capacity.

(13) \$17,000 of the performance audits of government account-state appropriation is for implementation of Senate Bill No. 5713 (limited equity cooperative housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(14) \$5,000 of the performance audits of government account-state appropriation is for implementation of Senate Bill No. 5004 (medical marijuana tax ex.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$17,000 of the performance audits of government account-state appropriation is for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 104. 2021 c 334 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account-State

Appropriation ((\$4,664,000))

\$4,735,000

TOTAL APPROPRIATION ((\$4,664,000))

\$4,735,000

Sec. 105. 2021 c 334 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund-State Appropriation (FY 2022) ((\$14,173,000))

\$14,466,000

General Fund-State Appropriation (FY 2023) ((\$14,235,000))

\$16,168,000

TOTAL APPROPRIATION ((\$28,408,000))

\$30,634,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

NEW SECTION. Sec. 106. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund-State Appropriation (FY 2023) \$947,000

TOTAL APPROPRIATION \$947,000

The appropriation in this section is subject to the following

conditions and limitations:

(1) \$947,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2124 (legislative employee collective bargaining). If the bill is not enacted by June 30, 2022, the amounts provided in this section shall lapse.

(2) Prior to the appointment of a director of the office of state legislative labor relations, the chief clerk of the house of representatives and the secretary of the senate may jointly authorize the expenditure of these funds to facilitate the establishment of the office.

Sec. 107. 2021 c 334 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund-State Appropriation (FY 2022) \$367,000

General Fund-State Appropriation (FY 2023) (~~(\$382,000)~~)

\$391,000

State Health Care Authority Administrative Account-

State Appropriation (~~(\$249,000)~~)

\$254,000

Department of Retirement Systems Expense Account-

State Appropriation (~~(\$6,095,000)~~)

\$6,191,000

School Employees' Insurance Administrative Account-

State Appropriation \$250,000

TOTAL APPROPRIATION (~~(\$7,343,000)~~)

\$7,453,000

Sec. 108. 2021 c 334 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund-State Appropriation (FY 2022) (~~(\$5,366,000)~~)

\$5,367,000

General Fund-State Appropriation (FY 2023) (~~(\$5,766,000)~~)

\$5,917,000

TOTAL APPROPRIATION (~~(\$11,132,000)~~)

\$11,284,000

Sec. 109. 2021 c 334 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund-State Appropriation (FY 2022) \$4,566,000

General Fund-State Appropriation (FY 2023) (~~(\$5,029,000)~~)

\$5,169,000

TOTAL APPROPRIATION (~~(\$9,595,000)~~)

\$9,735,000

Sec. 110. 2021 c 334 s 111 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund-State Appropriation (FY 2022) (~~(\$9,781,000)~~)

\$9,746,000

General Fund-State Appropriation (FY 2023) (~~(\$9,848,000)~~)

\$11,032,000

TOTAL APPROPRIATION (~~(\$19,629,000)~~)

\$20,778,000

Sec. 111. 2021 c 334 s 112 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund-State Appropriation (FY 2022) (~~(\$1,811,000)~~)

\$1,793,000

General Fund-State Appropriation (FY 2023) (~~(\$1,821,000)~~)

\$1,934,000

TOTAL APPROPRIATION (~~(\$3,632,000)~~)

\$3,727,000

Sec. 112. 2021 c 334 s 113 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund-State Appropriation (FY 2022) (~~(\$1,650,000)~~)

\$1,638,000

General Fund-State Appropriation (FY 2023) (~~(\$1,649,000)~~)

\$1,686,000

TOTAL APPROPRIATION (~~(\$3,299,000)~~)

\$3,324,000

Sec. 113. 2021 c 334 s 114 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund-State Appropriation (FY 2022) (~~(\$21,818,000)~~)

\$21,709,000

General Fund-State Appropriation (FY 2023) (~~(\$22,146,000)~~)

\$22,673,000

TOTAL APPROPRIATION

(~~(\$43,964,000)~~)

\$44,382,000

Sec. 114. 2021 c 334 s 115 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund-State Appropriation (FY 2022) (~~(\$157,168,000)~~)

\$86,711,000

General Fund-State Appropriation (FY 2023) (~~(\$81,033,000)~~)

\$118,611,000

General Fund-Federal Appropriation (~~(\$2,209,000)~~)

\$3,994,000

General Fund-Private/Local Appropriation \$681,000

Judicial Stabilization Trust Account-State

Appropriation (~~(\$6,692,000)~~)

\$119,442,000

Judicial Information Systems Account-State

Appropriation (~~(\$60,664,000)~~)

\$61,471,000

TOTAL APPROPRIATION

(~~(\$308,447,000)~~)

\$390,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund-state appropriation for fiscal year 2022 and \$7,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and

case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time

period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

(i) How electronic home monitoring is defined and used by each entity;

(ii) The various types of electronic home monitoring services and the equipment used by each entity;

(iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;

(iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home monitoring or whether the supervision and monitoring are contracted services;

(v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;

(vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

(vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

~~(5) ((\$44,500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by~~

~~the State v. Blake decision. Subject to the availability of amounts provided in this section, the office must provide grants to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.~~

~~(6) \$23,500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the State v. Blake ruling. County clerks may apply to the administrative office of the courts for a grant from the pool to assist with extraordinary costs of these refunds. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.~~

~~(7)) \$44,500,000 of the judicial stabilization trust account-state appropriation is provided solely to assist counties with costs of complying with the State v. Blake decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with counties for judicial, clerk, and prosecution expenses for these purposes.~~

~~(6) \$46,750,000 of the judicial stabilization trust account-state appropriation is provided solely to establish a legal financial obligation aid pool for counties to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the State v. Blake ruling. Once a direct refund process is established, superior court clerks or district court administrators must certify, and send to the office, the amount of any refund ordered by the court.~~

~~(7) ((\$1,782,000)) \$1,665,000 of the general fund-state appropriation for~~

fiscal year 2022 and \$749,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$68,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$110,000 of the general fund-state appropriation for fiscal year 2022 and \$165,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(10) \$1,094,000 of the general fund-state appropriation for fiscal year 2022 and \$1,094,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(11) \$4,505,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$4,505,000))~~ \$7,505,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the ~~((department))~~ administrative office of the courts shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to ~~((the number of dispute resolution centers participating in the program,))~~ the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution

centers due to lack of funding or other reasons. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Funding under this subsection for the eviction resolution pilot program is not subject to or conditioned upon adoption of a standing judicial order of an individual superior court.

(12) \$325,000 of the general fund-state appropriation for fiscal year 2022 and \$304,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$44,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(14) ~~(((\$8,000,000))~~ \$3,000,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$3,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, ~~((2021))~~ 2022, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(15) \$375,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$285,000))~~ \$3,185,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for

lease expenses and costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.

(16) \$63,000 of the general fund-state appropriation for fiscal year 2022 and \$251,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to facilitate and coordinate the scheduling of resentencing hearings for individuals impacted by the *State v. Blake* decision.

(17) \$830,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to address data quality issues across Washington state court management systems.

(18) \$2,050,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for assistance to trial courts across the state to address the trial court backlog created by the pandemic through the use of pro tem judges and backlog coordinators.

(19) \$5,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for audio visual upgrades in courtrooms across the state.

(20) \$2,500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for distribution to the trial courts to address impacts of the COVID-19 pandemic.

(21) \$4,900,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to provide grant funding for the creation of new therapeutic courts or the expansion of services being provided to an existing therapeutic court. For purposes of this subsection, "therapeutic court" has the meaning defined in RCW 2.30.020. Funding provided under this subsection may not supplant existing funds utilized for this purpose.

(22) \$2,469,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the administrative office of the courts to support community justice counselors and community coordinators that work with municipal and district court drug and therapeutic court programs. The community justice counselors and community coordinators are responsible for working with court participants to ensure connection to community services and existing resources to support completion of court requirements. Funding must be used for a minimum of four municipal court programs, with at least two programs located east of the Cascade mountains and two programs located west of the Cascade mountains, including Spokane county and Snohomish county. Funding may also be used for additional supports for participants, including bus passes and other transportation assistance, basic cell phones and phone cards, and translation services. Counties and cities that receive funding must provide a report back to the administrative office of the courts that shows how funds were expended.

(23) \$520,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to establish pilot self-help centers in two courthouses, one on each side of the state.

(24) \$82,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5490 (interbranch advisory committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(25) \$341,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5575 (superior court judges in Snohomish county). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$116,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5788 (minor guardianship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$26,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of

Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$502,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1901 (civil protection orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$2,025,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for activities of the office relating to the resentencing of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971; and

(b) Establish a process to locate and notify individuals of available refunds and notify those individuals of the application process necessary to claim the refund and issue payment from the legal financial obligation aid pool upon submission and approval of applications. The office shall continue to reimburse counties for any legal and financial obligation refunds made pursuant to a court order pending the implementation of a direct refund process.

(30) \$131,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a court policy analyst position to support the district and municipal court judges' association. The court policy analyst position must assist with the development, implementation, monitoring, and evaluation of district and municipal court programs, court operations, and court costs that relate to the *State v. Blake* decision.

(31) \$11,500,000 of the judicial stabilization trust account-state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* ruling that arise from the city's role in operating the municipal criminal justice system, including resentencing, vacating prior

convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, prosecution, and defense expenses for these purposes.

(32) \$10,000,000 of the judicial stabilization trust account-state appropriation is provided solely to establish a legal financial obligation aid pool for cities to refund legal financial obligations and collection costs previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Once a direct refund process is established, municipal administrators must certify, and send to the office, the amount of any refund ordered by the court.

(33) \$1,892,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay.

(34) \$266,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for pass-through funding to the Washington association of child advocate programs to hire and coordinate AmeriCorps members to assist in community-based recruitment activities to promote child advocates and the need for volunteers, develop and distribute recruitment materials, and assist volunteers in preparing for required training. No later than June 30, 2023, the Washington association of child advocate programs must submit a report to the appropriate committees of the legislature on the efficacy of the program in recruiting volunteers.

(35) \$1,785,000 of the general fund-federal appropriation (CRF) is provided solely for COVID-19 response expenditures in fiscal year 2022. This funding expires December 31, 2021.

Sec. 115. 2021 c 334 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund-State Appropriation (FY 2022) ((\$53,975,000))

\$54,491,000
 General Fund-State Appropriation (FY
 2023) (~~(\$54,202,000)~~)
\$58,566,000
 General Fund-Federal Appropriation
 \$362,000
 General Fund-Private/Local
 Appropriation \$30,000
 Judicial Stabilization Trust Account-
 State
 Appropriation (~~(\$3,896,000)~~)
\$3,907,000
 TOTAL APPROPRIATION
 (~~(\$112,465,000)~~)
\$117,356,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of public defense to contract with a free legal clinic that has a medical-legal partnership and that currently provides parent representation to at-risk clients in dependency cases in Snohomish, Skagit, and King counties. Within amounts appropriated, the clinic must provide legal representation to parents who are pregnant or recently postpartum who are at risk of child abuse or neglect reports or investigations.

(2) \$900,000 of the general fund-state appropriation for fiscal year 2022 and \$900,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the purpose of improving the quality of trial court public defense services. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) \$5,000 of the general fund-state appropriation for fiscal year 2022 and \$14,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). (~~If the bill is not enacted by June 30, 2021, the~~

~~amounts provided in this subsection shall lapse.~~)

(4) \$443,000 of the general fund-state appropriation for fiscal year 2022 and \$683,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1140 (juvenile access to attorneys). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$5,500,000 of the general fund-state appropriation for fiscal year 2022 and \$5,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to assist counties with public defense costs related to vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) \$400,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight and for administering financial assistance for public defense costs related to *State v. Blake* impacts; and

(b) \$5,100,000 of the general fund-state appropriation for fiscal year 2022 and \$5,100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants allocated for public defense assistance. The allocation of grant funding shall be determined based upon a formula as established by the office of public defense, and must be provided: (i) To assist counties providing counsel for clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision; and (ii) to assist counties that may designate the office of public defense to contract directly with attorneys to represent and assist clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision.

(6) \$286,000 of the general fund-state appropriation for fiscal year 2022 and \$1,008,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of a triage team to provide statewide

support to the management and flow of hearings for individuals impacted by the State v. Blake decision.

(7) \$153,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to cover fees charged by county clerks for electronic access to court documents for staff and contracted public defense attorneys.

(8) \$20,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office of public defense to research and develop a proposal to assume the effective and efficient statewide administration of legal defense services for indigent persons who are involved in proceedings under chapter 10.77 RCW (criminally insane). By December 1, 2022, the office of public defense shall submit the proposal to the appropriate policy and fiscal committees of the legislature.

(a) In developing its proposal, the office of public defense must consult with interested persons, including local public defense agencies, the Washington defender association, the Washington association of criminal defense lawyers, the administrative office of the courts, the Washington association of prosecuting attorneys, disability rights Washington, current and former patients at eastern state hospital and western state hospital, the superior court judges association, the Washington state association of counties, the public safety review panel, and the department of social and health services.

(b) The office of public defense may provide a stipend for travel and other expenses to stakeholders for time spent participating in focus groups or interviews. The office may not provide a stipend to any public employees or to other stakeholders participating within the scope of their employment.

(c) At a minimum, the proposal should identify:

(i) Procedures to manage costs and require accountability consistent with the right to counsel under both the United States Constitution and the Washington state Constitution;

(ii) Statutory amendments necessary to implement the proposal;

(iii) Appropriate practice standards for defense of indigent persons involved in proceedings under chapter 10.77 RCW,

including procedures to implement representation consistent with State v. Fletcher, No. 33810-0-III (Wn. Ct. App., Mar. 16, 2017);

(iv) An estimated number of attorneys and defense social workers statewide who are qualified to provide effective defense representation in these cases, an estimate of reasonable compensation for attorneys and social workers, and estimated annual costs of investigative and expert services required in these cases;

(v) The total cost necessary to implement the proposal statewide for the 2023-2025 fiscal biennium, including all staffing and administrative costs for the office of public defense administration; and

(vi) Possible savings to the state and counties that might result from implementing the proposal.

(9) \$41,000 of the general fund–state appropriation for fiscal year 2022 and \$286,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for two managing attorney positions within the office of public defense.

Sec. 116. 2021 c 334 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund–State Appropriation (FY 2022) (~~(\$41,280,000)~~)

\$41,710,000

General Fund–State Appropriation (FY 2023) (~~(\$42,685,000)~~)

\$51,001,000

General Fund–Federal Appropriation
\$379,000

Judicial Stabilization Trust Account–State

Appropriation \$1,464,000

TOTAL APPROPRIATION
(~~(\$85,808,000)~~)

\$94,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund–state appropriation for fiscal year 2022 and an amount not to

exceed \$40,000 of the general fund–state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund–state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund–state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund–state appropriation for fiscal year 2022 and \$5,000,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund–state appropriation for fiscal year 2022 and \$1,511,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) ~~(((\$10,772,000))~~ \$11,122,000 of the general fund–state appropriation for fiscal year 2022 and ~~(((\$11,478,000))~~ \$12,957,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average

cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$600,000 of the general fund–state appropriation for fiscal year 2022 and ~~(((\$600,000))~~ \$2,250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to ~~((provide))~~ continue and expand online automated plain language forms, outreach, education, technical assistance, and ~~((some))~~ legal assistance to help resolve civil matters ~~((surrounding))~~ relating to legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

(9) \$78,000 of the general fund–state appropriation for fiscal year 2022 and \$313,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of civil legal aid to cover the cost of contract adjustments necessary to conform attorney contracting practices with applicable caseload standards established by the supreme court commission on children in foster care.

(10) \$2,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to support civil legal information, advice, and representation to tenants at risk of eviction and against whom an unlawful detainer action has not yet been commenced.

(11) \$350,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(12) \$2,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office of legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or

related to the domestic violence they experienced.

(13) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of civil legal aid to expand the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

Sec. 117. 2021 c 334 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund-State Appropriation (FY 2022) (~~(\$11,093,000)~~)

\$11,766,000

General Fund-State Appropriation (FY 2023) (~~(\$10,920,000)~~)

\$16,207,000

Economic Development Strategic Reserve Account-State

Appropriation \$5,000,000

TOTAL APPROPRIATION
(~~(\$27,013,000)~~)

\$32,973,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$703,000)~~) \$917,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$803,000)~~) \$1,146,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) \$1,289,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$1,289,000)~~) \$3,545,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund-state appropriation for fiscal year 2022 and \$118,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(4) (~~(\$230,000)~~) \$180,000 of the general fund-state appropriation for

fiscal year 2022 and (~~(\$120,000)~~) \$209,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$33,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6)(a) \$20,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

(9) \$80,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office of equity to develop resources and provide technical assistance to state agencies on best practices on how to engage communities regarding equity and inclusion when creating equitable budget and policy recommendations.

(10) \$350,000 of the general fund–state appropriation for fiscal year 2022 and \$25,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to complete an analysis on options to replace the benefits of the four lower Snake river dams as part of a comprehensive salmon recovery strategy for the Columbia and Snake river basins. The analysis shall be completed by July 30, 2022.

(11) Within the amounts appropriated in this section, the governor's office must convene a clean energy workforce transition work group including, but not limited to, the department of commerce, the department of ecology, the employment security department, and representatives of business and labor. The work group must assess workforce development impacts of the effects of climate change as well as the impact of the state's strategies to building a just transition to a clean economy and develop policy and practice recommendations on emerging issues in workforce development related to climate change. By December 1, 2022, the work group must submit its report and recommendations to the appropriate committees of the legislature in an electronic format as required by RCW 43.01.036.

(12) \$50,000 of the general fund–state appropriation for fiscal year 2022 and \$250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the governor to invite federally recognized tribes, legislative leadership, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agriculture organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The recommendations must include:

(i) Ideas for improvements to land use planning and development that ensure the protection and recovery of salmon;

(ii) Standards to protect areas adjacent to streams and rivers;

(iii) Standards to restore areas adjacent to streams and rivers;

(iv) Financial incentives for landowners to protect and restore streamside habitat;

(v) Recommendations to improve salmon recovery program coordination among state agencies; and

(vi) Recommendations for additional changes when voluntary measures and financial incentives do not achieve streamside protection and restoration.

(b) Preliminary recommendations shall be submitted to the legislature and governor by October 1, 2022, with a final report by November 1, 2022.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(13) \$207,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office of equity to address additional workload created by legislation enacted during the 2021 legislative session.

(14) \$609,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office of equity to establish and support a community engagement board.

(15) \$40,000 of the general fund–state appropriation for fiscal year 2022 and \$160,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of equity to collaborate with the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, and the governor's office of Indian affairs to engage contractors to conduct the analyses funded in sections 121(4), 122(1), 122(2), 133, and 134(2) of this act.

(16) \$175,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the

amount provided in this subsection shall lapse.

Sec. 118. 2021 c 334 s 119 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund–State Appropriation (FY 2022) (~~(\$1,880,000)~~)

\$1,863,000

General Fund–State Appropriation (FY 2023) (~~(\$1,598,000)~~)

\$1,456,000

General Fund–Private/Local Appropriation \$90,000

TOTAL APPROPRIATION
 (~~(\$3,568,000)~~)
\$3,409,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the legislative committee on economic development and international relations to conduct a business competitiveness analysis of the state's economy. Expenditure of the amount provided in this section must comply with chapter 39.26 RCW.

(2) \$13,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5756 (semiquincentennial committee). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 119. 2021 c 334 s 120 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund–State Appropriation (FY 2022) (~~(\$5,724,000)~~)

\$5,745,000

General Fund–State Appropriation (FY 2023) (~~(\$5,545,000)~~)

\$5,991,000

Public Disclosure Transparency Account–State

Appropriation (~~(\$1,014,000)~~)

\$934,000

TOTAL APPROPRIATION
 (~~(\$12,283,000)~~)
\$12,670,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$280,000 of the public disclosure transparency account–state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

(3) \$424,000 of the public disclosure transparency account–state appropriation is provided solely for information technology staffing to meet the demands of maintaining online filing and disclosure systems.

(4) \$180,000 of the public disclosure transparency account–state appropriation is provided solely for a dedicated training and outreach staff to develop course materials and facilitate the creation of an expanded filer training program.

Sec. 120. 2021 c 334 s 121 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund–State Appropriation (FY 2022) (~~(\$20,922,000)~~)

\$22,662,000

General Fund–State Appropriation (FY 2023) (~~(\$31,158,000)~~)

\$49,118,000

General Fund–Federal Appropriation (~~(\$12,760,000)~~)

\$12,894,000

Public Records Efficiency, Preservation, and Access

Account–State Appropriation (~~(\$10,005,000)~~)

\$10,606,000

Charitable Organization Education Account–State

Appropriation (~~(\$901,000)~~)

\$1,367,000
 Washington State Library Operations
 Account—State
 Appropriation ((~~\$11,698,000~~))
\$14,607,000

Local Government Archives Account—
 State
 Appropriation ((~~\$10,120,000~~))
\$10,937,000

Election Account—Federal
 Appropriation ((~~\$4,368,000~~))
\$4,401,000

Coronavirus State Fiscal Recovery
Fund—Federal
Appropriation \$405,000

Personnel Service Account—State
Appropriation \$1,276,000

TOTAL APPROPRIATION
 ((~~\$101,932,000~~))
\$128,273,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and \$12,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021–2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or

partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide

election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund-state appropriation for fiscal year 2022 and \$546,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account-state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(10) \$269,000 of the government archives account-state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission). ~~((If the bill is not enacted~~

~~by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$1,000,000 of the general fund-federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund-federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

(13) \$1,000,000 of the general fund-state appropriation for fiscal year 2022 and \$4,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for educational outreach related to voter registration, voting, and elections; and to improve access to voting and the election process.

(14) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$700,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(15) \$8,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(16) \$1,276,000 of the personnel service account—state appropriation is provided solely for administration of the productivity board established in chapter 41.60 RCW. The secretary of state shall convene the first meeting of the board by September 1, 2022. By June 30, 2023, the board must provide the legislature and all other state agencies with a topical list of all productivity awards granted in fiscal year 2023 for the purpose of providing agencies with the opportunity to adopt or modify for agency use the suggestions identified by awardees.

(17) \$405,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for TVW equipment upgrades, including new encoders and router cards, and a refresh of its robotics system.

(18) \$55,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for upgrading technology and usefulness of a conference room in the main office of the secretary of state with modern telecommunications tools and technology and increasing privacy.

(19) \$25,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementing a voter registration system in conjunction with the department of licensing, department of social and health services, health benefit exchange, and county election officials by December 31, 2023, that uses information and documentation already presented by eligible agency customers to automatically transmit information necessary for voter registration and

voter registration updates, and enables applicants to make a decision about voter registration and any necessary corrections by returning a notice mailed by election officials. The proposal shall consider upgraded systems implemented in Colorado and other states to enact this change in their voter registration system in 2022. Recommendations must be developed with the full participation of community organizations that work in support of civic engagement. The secretary shall present their recommendations, and any barriers to their implementation, to the legislature by December 1, 2022.

(20) \$2,534,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to counties to support voter registration and voting within county jails. Grants may be used to develop and implement a plan to increase voting amongst the jail population, create voting materials specific to the jail population, purchase supplies and equipment for voting in jails, and provide direct staffing in jails to support voting activities. Each county grantee must submit a postelection report by February 1, 2023, to the secretary of state detailing the use of grant funding, evaluation of the grant's overall effectiveness in achieving its objective to increase voter registration and voting of the jailed population, and recommendations regarding best practices and law changes, if needed. Of the amounts provided in this subsection, up to \$100,000 may be used for the office of the secretary of state to compile the reports received in this subsection into a single report. The report must include an analysis of the county grant projects, including recommended policies and procedures for county jails regarding inmate voting. The report must be delivered to the governor and legislature by June 30, 2023.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided to the state library to develop a digital literacy assessment tool and protocol to be used by organizations that provide digital literacy support; conduct a baseline assessment of digital readiness for a representative sample of Washington residents; and publish the assessment tool, protocol, and baseline assessment findings on the state library website for public use by June 1, 2023. The office must also submit a report to the governor

and legislature by June 1, 2023, that describes the tool, protocol, and assessment findings.

(22) \$250,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to review the data used in the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates," which found that voters from certain counties, younger voters, male voters, Black voters, Native American voters, and Latino voters were more likely to have their ballots rejected. The review must include an analysis of: (a) Voter interaction with the vote-by-mail and ballot return process; (b) circumstances in which voted returned ballots are not accepted due to signature mismatch, including whether the ballot was rejected due to late return, a signature by another person, a blank signature line, a different name used, or the signature could not conclude that the voter was the signatory; (c) processes used by county election offices to allow voters to cure ballots; (d) methods in which counties collect, maintain, and update voter signatures on file; (e) communication with voters concerning how to prepare and return a voted ballot for counting; (f) best practices for curing rejected signatures; and (e) education and outreach methods emphasizing the importance of voter signatures on voted returned ballots with a focus on increasing successful voting. The results of the analysis must be reported to the governor and the appropriate committees of the legislature by October 15, 2022.

(23) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$1,000 is for implementation of Engrossed Substitute House Bill No. 1357 (voters' pamphlets overseas).

Sec. 121. 2021 c 334 s 122 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund-State Appropriation (FY 2022) (~~(\$905,000)~~)

\$943,000

General Fund-State Appropriation (FY 2023) (~~(\$401,000)~~)

\$1,159,000

TOTAL APPROPRIATION
(~~(\$1,306,000)~~)

\$2,102,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

(i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;

(ii) The consultation processes; and

(iii) Training to be provided to state agencies and the legislature.

(3)(a) \$350,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the governor's office of Indian affairs to expand capacity of the office to improve state and local executive and tribal relationships. Funds must be used to support:

(i) Consultation with tribes and local governments on implementation of the climate commitment act and growth management act;

(ii) Government-to-government engagement on natural resources, environment, and infrastructure;

(iii) Consultation with tribes and local governments on tribal legal definitions;

(iv) Early engagement on legislative and executive consultation and dispute resolution policy and processes with all agencies; and

(v) Coordination with a third party to facilitate roundtable meetings for agencies, tribes, and stakeholders to assess and provide recommendations in a report for streamlining statewide salmon recovery planning, policy, programs, and budgets. The report should be provided to the appropriate committees in the legislature by June 30, 2023.

(b) The legislature intends to provide additional funding for activities under this subsection (3) in the next fiscal biennium.

(4) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Native American students; analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures

to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 122. 2021 c 334 s 123 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2022) (~~(\$448,000)~~)

\$554,000

General Fund—State Appropriation (FY 2023) (~~(\$462,000)~~)

\$857,000

TOTAL APPROPRIATION (~~(\$910,000)~~)

\$1,411,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Asian American students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to

engage a contractor to conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 123. 2021 c 334 s 124 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

General Fund–State Appropriation (FY 2022) \$250,000

General Fund–State Appropriation (FY 2023) \$250,000

State Treasurer's Service Account–State

Appropriation ((~~\$20,375,000~~))

\$21,396,000

TOTAL APPROPRIATION ((~~\$20,875,000~~))

\$21,896,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the general fund–state appropriation for fiscal year 2022 and \$250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1189 (tax increment financing). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) \$450,000 of the state treasurer's service account–state appropriation is provided to establish a committee on the program impacts of the Washington future fund "baby bonds" investment model on wealth gaps and provides expenditure authority for one additional FTE for ongoing policy and program analysis. The

committee shall consult with experts to study and gather data on inequities including racial wealth gaps in Washington and examine how investment programs such as the Washington future fund program or similar "baby bonds" investment programs can impact wealth inequities and the future financial stability of the Washington state treasury. The committee will analyze the Washington future fund and other "baby bonds" investment models and provide recommendations for program implementation.

(a) At a minimum, the committee will consist of the state treasurer, or the state treasurer's designee, as chair of the committee, one member from each of the two largest caucuses of the senate appointed by the president of the senate, one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives, three members from communities with lived experience as appointed by the state treasurer, and three members from economic empowerment organizations as appointed by the state treasurer. The committee will ensure that opportunity for input from interested stakeholders is provided. The state treasurer's office shall provide staff resources and assistance to the committee as needed.

(b) The committee may consult with the state investment board, the Washington health care authority, the Washington state housing finance commission, the department of social and health services, the department of commerce, and other agencies as necessary.

(c) When analyzing the Washington future fund and other "baby bonds" investment models, the committee must:

(i) Study how similar programs have been developed and established in other jurisdictions;

(ii) Address eligibility criteria for account establishment, residency requirements, eligibility for account access, and approved use of funds;

(iii) Address all financial and fiscal aspects of the program, including the long-term costs of establishing the fund, estimated annual appropriations, how funds would be invested and estimated payouts, what agency or agencies would be responsible for management of the accounts, what agency or agencies would be responsible for verifying applicant

eligibility, and administrative and technology costs of establishing and maintaining the program; and

(iv) Address any legal barriers or risks in establishing the program including state constitutional limitations and avoiding the creation of fiduciary duties or contractual rights with program participants.

(d) The committee will report on the findings of the data collection, analysis, and any recommendations for legislative action to the legislature by December 1, 2022.

(e) The state treasurer may include these recommendations in draft legislation for the Washington future fund.

Sec. 124. 2021 c 334 s 125 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund–State Appropriation (FY 2022) (~~(\$613,000)~~)

\$463,000

General Fund–State Appropriation (FY 2023) (~~(\$1,062,000)~~)

\$1,812,000

Auditing Services Revolving Account–State

Appropriation (~~(\$14,456,000)~~)

\$16,339,000

Performance Audits of Government Account–State

Appropriation (~~(\$1,683,000)~~)

\$1,722,000

TOTAL APPROPRIATION (~~(\$17,814,000)~~)

\$20,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account–state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit

exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) \$825,000 of the auditing services revolving account–state appropriation is provided solely for accountability and risk based audits.

(4) (~~(\$585,000)~~) \$435,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$1,030,000)~~) \$1,180,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$600,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the state auditor to conduct critical infrastructure penetration test audits on local governments.

(6) By January 31, 2023, the state auditor must provide a publicly accessible searchable system on its website containing the project information and other expenditure information included in the annual report required under RCW 82.14.370(3) for each county. The searchable system must also include the total amount of revenue collected by the county under this section in the prior fiscal year. This searchable system applies to reports filed in 2022 and thereafter.

Sec. 125. 2021 c 334 s 126 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund–State Appropriation (FY 2022) (~~(\$252,000)~~)

\$251,000

General Fund–State Appropriation (FY 2023) (~~(\$279,000)~~)

\$283,000

TOTAL APPROPRIATION (~~(\$531,000)~~)

\$534,000

Sec. 126. 2021 c 334 s 127 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund–State Appropriation (FY 2022) (~~(\$18,708,000)~~)

\$22,392,000

General Fund–State Appropriation (FY 2023) (~~(\$23,379,000)~~)

\$27,543,000

General Fund–Federal Appropriation (~~(\$18,226,000)~~)

\$21,913,000

Public Service Revolving Account–State Appropriation (~~(\$4,145,000)~~)

\$4,331,000

New Motor Vehicle Arbitration Account–State

Appropriation (~~(\$1,721,000)~~)

\$1,781,000

Medicaid Fraud Penalty Account–State Appropriation (~~(\$5,862,000)~~)

\$6,098,000

Child Rescue Fund–State Appropriation \$80,000

Legal Services Revolving Account–State Appropriation (~~(\$300,291,000)~~)

\$340,402,000

Local Government Archives Account–State

Appropriation (~~(\$1,004,000)~~)

\$1,045,000

Tobacco Prevention and Control Account–State

Appropriation \$275,000

(~~Consumer Privacy Account State Appropriation \$1,241,000~~)

TOTAL APPROPRIATION

(~~(\$374,932,000)~~)

\$425,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund–state appropriation for fiscal year 2022 and \$161,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account–state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund–state appropriation for fiscal year 2022 and \$617,000 of the general fund–state

appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) \$1,600,000 of the legal services revolving fund-state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(9) \$584,000 of the legal services revolving fund-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(10) ~~(((\$1,241,000 of the consumer privacy account state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((11))~~ \$122,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((12))~~ (11) \$256,000 of the legal services revolving fund-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((13) \$170,000))~~ (12) \$284,000 of the legal services revolving fund-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$395,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((15))~~ (14) \$1,198,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

~~((16))~~ (15) \$218,000 of the general fund-state appropriation for fiscal year 2022 and \$5,107,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~((17) \$1,485,000))~~ (16) \$693,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$958,000))~~ \$1,750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. The attorney general may determine the criteria for honorariums and award youth who participate in the tip line development and implementation an honorarium of up to \$200 per day.

(f) In addition to honorarium amounts, youth are eligible for reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.050 and 43.03.060.

(g) Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of an honorarium or lodging and travel expenses provided under this subsection where such a relationship, membership, or qualification did not already exist.

~~((19))~~ (17) \$196,000 of the legal services revolving account-state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

~~((20))~~ (18) \$38,000 of the legal services revolving account-state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(21))~~ (19) \$294,000 of the legal services revolving account-state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(22))~~ (20) \$1,207,000 of the legal services revolving account-state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth

counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(23)) (21) \$28,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(24)) (22) \$123,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(25)) (23) \$2,080,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(26)) (24) \$121,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(27)) (25) \$247,000 of the general fund-state appropriation for fiscal year 2022 and \$247,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28)) (26) \$25,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29)) (27) \$146,000 of the legal services revolving fund-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural~~

~~overtime). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.)~~

(28) \$275,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force created in section 943 of this act.

(29) \$5,743,000 of the legal services revolving fund-state appropriation is provided solely for additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of fiscal year 2023 the following information for new cases initiated in fiscal year 2023 to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(30) \$470,000 of the general fund-state appropriation for fiscal year 2022 and \$280,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for legal services in *Wahkiakum School District v. State*.

(31) \$1,910,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office to pass through to King county to adequately fund and retain its prosecution services pursuant to chapter 71.09 RCW in King county.

(32) \$728,000 of the general fund-state appropriation for fiscal year 2022 and \$693,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for legal services related to the voting rights case *Palmer, et al v. State*.

(33) \$752,000 of the general fund-state appropriation for fiscal year 2023 and \$119,000 of the legal services revolving account-state appropriation are provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(34) \$33,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1815 (catalytic converter theft). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$65,000 of the legal services revolving account-state appropriation is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$17,000 of the legal services revolving account-state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(37) \$133,000 of the legal services revolving account-state appropriation is provided solely for implementation of Substitute House Bill No. 1735 (use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(38)(a) \$125,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a study regarding state and local responses to acts or potential acts of domestic terrorism in Washington state.

(b) In conducting the study, the office must review laws and policies regarding domestic terrorism, including but not limited to:

(i) Federal, state, and local laws regarding acts of domestic terrorism, including how a criminal incident is

determined to be an act of domestic terrorism;

(ii) State and local data collection, tracking, and reporting practices as related to acts of domestic terrorism; and

(iii) State and local policies regarding responding to acts of domestic terrorism.

(c) By December 15, 2022, the office must submit a report to the appropriate committees of the legislature that includes but is not limited to:

(i) A summary of current laws and policies as identified in (b) of this subsection;

(ii) Recommended best practices for:

(A) Standardizing and improving data collection, tracking, and reporting on acts of domestic terrorism at the state and local level; and

(B) Strengthening law enforcement, prosecutorial, and other local government responses to a potential act of domestic terrorism; and

(iii) Recommendations for any statutory changes that may be necessary for clarity and consistency.

(d) The office may consult with experts or professionals involved or having expertise in the topic of domestic terrorism to complete the study.

(39) \$58,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to support the sexual assault forensic examination best practices advisory group. The office of the attorney general shall reconvene a sexual assault forensic examination best practices advisory group to continue the work of the previous sexual assault forensic examination best practices advisory group as established in section 1, chapter 93, Laws of 2019. The advisory group must review best practice models for managing all aspects of sexual assault investigations and for reducing the number of untested sexual assault kits in Washington state. The advisory group must meet no less than twice annually.

(40) \$25,000 of the legal services revolving fund-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the

amount provided in this subsection shall lapse.

(41) The attorney general must deposit the state's portion of any proceeds received during the 2021-2023 fiscal biennium from the settlement with Purdue Pharma and the Sackler families into the state general fund to be appropriated for opioid abatement programs and services.

Sec. 127. 2021 c 334 s 128 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund-State Appropriation (FY 2022) (~~(\$1,990,000)~~)

\$1,981,000

General Fund-State Appropriation (FY 2023) (~~(\$1,982,000)~~)

\$2,223,000

Workforce Education Investment Account-State

Appropriation (~~(\$326,000)~~)

\$331,000

TOTAL APPROPRIATION (~~(\$4,298,000)~~)

\$4,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$326,000)~~) \$331,000 of the workforce education investment account-state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$192,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 128. 2021 c 334 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund-State Appropriation (FY 2022) (~~(\$193,804,000)~~)

\$201,157,000

General Fund-State Appropriation (FY 2023) (~~(\$171,190,000)~~)

\$550,623,000

General Fund-Federal Appropriation (~~(\$1,365,225,000)~~)

\$1,450,865,000

General Fund-Private/Local Appropriation (~~(\$8,862,000)~~)

\$9,083,000

Public Works Assistance Account-State Appropriation (~~(\$8,134,000)~~)

\$8,420,000

Lead Paint Account-State Appropriation \$112,000

Building Code Council Account-State Appropriation \$17,000

Liquor Excise Tax Account-State Appropriation (~~(\$1,262,000)~~)

\$1,316,000

Home Security Fund Account-State Appropriation (~~(\$326,272,000)~~)

\$326,423,000

Affordable Housing for All Account-State

Appropriation (~~(\$105,230,000)~~)

\$105,264,000

Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account-State

Appropriation (~~(\$2,671,000)~~)

\$2,678,000

Low-Income Weatherization and Structural

Rehabilitation Assistance Account-State

Appropriation \$1,400,000

Statewide Tourism Marketing Account-State

Appropriation \$3,034,000

Community and Economic Development Fee Account-State

Appropriation (~~(\$4,117,000)~~)

\$4,252,000

Growth Management Planning and
Environmental Review

Fund-State Appropriation
~~((\$5,785,000))~~

\$5,802,000

Liquor Revolving Account-State
Appropriation ~~((\$5,920,000))~~

\$5,921,000

Washington Housing Trust Account-State
Appropriation ~~((\$20,455,000))~~

\$20,773,000

Prostitution Prevention and
Intervention Account-

State Appropriation ~~((\$26,000))~~

\$146,000

Public Facility Construction Loan
Revolving Account-

State Appropriation
~~((\$1,229,000))~~

\$1,278,000

Model Toxics Control Stormwater
Account-State

Appropriation \$100,000

Dedicated Marijuana Account-State
Appropriation

(FY 2022) \$1,813,000

Dedicated Marijuana Account-State
Appropriation

(FY 2023) ~~((\$1,809,000))~~

\$3,200,000

Andy Hill Cancer Research Endowment
Fund Match

Transfer Account-State Appropriation
~~((\$11,711,000))~~

\$50,281,000

Community Preservation and Development
Authority

Account-State Appropriation
~~((\$500,000))~~

\$2,500,000

Economic Development Strategic Reserve
Account-State

Appropriation \$2,798,000

Coronavirus State Fiscal Recovery
Fund-Federal

Appropriation ~~((\$472,610,000))~~

\$937,440,000

Apple Health and Homes Account-State
Appropriation \$8,740,000

Electric Vehicle Incentive Account-
State

Appropriation \$25,000,000

TOTAL APPROPRIATION
~~((\$2,716,086,000))~~

\$3,730,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$3,000,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$3,000,000))~~ \$7,096,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund-state appropriation for fiscal year 2022 and \$375,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund-state appropriation for fiscal year 2022 and \$375,000 of the general fund-state appropriation for fiscal year 2023 are provided solely as pass-through funding

to Walla Walla Community College for its water and environmental center.

(6) \$4,304,000 of the general fund–state appropriation for fiscal year 2022 and \$4,304,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021–2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(7) \$5,907,000 of the liquor revolving account–state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund–state appropriation for fiscal year 2022 and \$300,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate

with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) (~~(\$1,000,000)~~) \$750,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$1,000,000)~~) \$1,250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund–state appropriation for fiscal year 2022 and \$643,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund–state appropriation, \$2,000,000 of the Washington housing trust account–state appropriation, and \$1,000,000 of the affordable housing for all account–state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund–state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) \$1,980,000 of the general fund–state appropriation for fiscal year 2022 and \$1,980,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must

coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund-state appropriation for fiscal year 2022 and \$557,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund-state appropriation for fiscal year 2022 \$1,070,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) (~~(\$2,000,000)~~) \$2,200,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$2,000,000)~~) \$4,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their

immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW. Of the amounts provided in this section, \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$2,000,000 of the general fund-state appropriation for fiscal year 2023 must be used for pro bono or low bono legal services to assist indigent Washington residents, who were temporarily paroled into the United States in 2021 or 2022, with asylum applications or other matters related to adjusting immigration status.

(22)(a) \$37,000,000 of the affordable housing for all account-state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund-state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23) \$7,000,000 of the home security fund-state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(24) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) (~~(\$3,000,000)~~) \$2,408,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$5,000,000)~~) \$5,592,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund-state appropriation for fiscal year 2022 and \$2,125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(27) \$62,720,000 of the general fund-state appropriation for fiscal year 2022, \$65,330,000 of the general fund-state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund-federal appropriation are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund-state appropriation for fiscal year 2022 and \$1,436,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund-state appropriation for fiscal year 2022 and \$198,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$1,500,000)~~) \$4,740,000 of the general fund-state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund-state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund-state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general

fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

(33) (~~(\$11,711,000)~~) \$50,281,000 of the Andy Hill cancer research endowment fund match transfer account-state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$150,000)~~) \$550,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) \$35,000,000 of the home security fund-state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW

43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) ~~((The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding.))~~ Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The

shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) ~~((~~\$1,007,000~~))~~ \$950,000 of the general fund-state appropriation for fiscal year 2022 and ~~((~~\$1,007,000~~))~~ \$1,064,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund-state appropriation for fiscal year 2022 and \$80,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account-state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) (~~(\$500,000)~~) \$1,500,000 of the community preservation and development authority account-state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director

of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) (~~(\$255,000,000)~~) \$278,476,000 of the general fund-federal appropriation (ARPA) and \$403,000,000 of the coronavirus state fiscal recovery account-federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) (~~(\$255,000,000)~~) \$278,476,000 of the general fund-federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b)(i) \$403,000,000 of the coronavirus state fiscal recovery account-federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most

likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund-state appropriation for fiscal year 2022 (~~and~~), \$240,000 of the general fund-state appropriation for fiscal year 2023, and \$1,000,000 of the community preservation and development authority account-state appropriation are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund-state appropriation for fiscal year 2022 and \$607,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure

pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) \$29,255,000 of the general fund-federal appropriation (CRF) and (~~\$230,000,000~~) \$284,200,000 of the general fund-federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund-federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) (~~\$1,602,000~~) \$1,147,000 of the general fund-state appropriation for fiscal year 2022 and (~~\$1,174,000~~) \$1,629,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund-state appropriation for fiscal year 2022

and \$450,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund–state appropriation for fiscal year 2022 ~~((is))~~ and \$2,000,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund–state appropriation for fiscal year 2022 and \$400,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund–state appropriation for fiscal year 2022 and \$354,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) ~~((~~\$347,000~~))~~ \$217,000 of the general fund–state appropriation for fiscal year 2022 and ~~((~~\$347,000~~))~~ \$477,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community

immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) \$400,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$400,000))~~ \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

(62) ~~(((\$950,000))~~ \$310,000 of the general fund-state appropriation for fiscal year 2022 ~~((+))~~ and \$640,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant

recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$700,000))~~ \$3,700,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund-state appropriation for fiscal year 2022 and \$175,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund-state appropriation for fiscal year 2022

and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68)(a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the

department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70)(a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and ~~(\$51,000)~~ \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. ~~((The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:~~

~~(i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;~~

~~(ii) Strengthen public private partnerships;~~

~~(iii) Solicit public input through public hearings or informational sessions;~~

~~(iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and~~

~~(v) Recommend reforms to universal service mechanisms.)~~

~~(b) ((The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:~~

~~(i) Federally recognized tribes;~~

~~(ii) State agencies involved in digital equity; and~~

~~(iii) Underserved and unserved communities, including historically disadvantaged communities.~~

~~(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochairs of the forum.~~

~~(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:~~

~~(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and~~

~~(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.~~

~~(e) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.)~~ Of the amounts provided in this subsection, \$70,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of

Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection (70)(b) shall lapse.

(71) \$500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) ~~\$350,000 of the general fund-state appropriation for fiscal year 2022 ((is)) and \$350,000 of the general fund-state appropriation for fiscal year 2023~~ are provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund-state appropriation for fiscal year 2022 and \$89,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a

nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund-state appropriation and \$58,400,000 of the affordable housing for all account-state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund-state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund-state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund-state appropriation for fiscal year 2022 and \$696,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(78) \$163,000 of the dedicated marijuana account-state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(79) \$298,000 of the general fund-state appropriation for fiscal year 2022 and \$404,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(80) ~~((~~\$306,000~~))~~ \$121,000 of the general fund-state appropriation for fiscal year 2022 and ~~((~~\$483,000~~))~~ \$668,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(81) \$21,000 of the general fund–state appropriation for fiscal year 2022 and \$42,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(82) \$42,000 of the general fund–state appropriation for fiscal year 2022 and \$42,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(83) \$2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount–state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(84) ~~((\$187,000,000))~~ \$174,000,000 of the general fund–federal appropriation (ARPA) ~~((is))~~ and \$4,500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, ~~((\$13,000,000))~~ \$2,000,000 of the general fund–federal appropriation (ARPA) ~~((is))~~ and \$4,500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund–state appropriation for fiscal year 2022 and \$9,864,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from

behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86)(a) ~~((\$50,000,000))~~ \$70,000,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, ~~((\$30,000,000))~~ \$42,000,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for or have applied for the grant;

(ii) ~~((Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019))~~ Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, ~~((\$20,000,000))~~ \$28,000,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely to assist the reopening of businesses that temporarily totally

closed their operations. To be eligible for a grant under this subsection, the business must:

(i) Apply for the grant;

(ii) ~~((Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019))~~ Have not reported annual gross receipts of more than \$5,000,000 in calendar year 2019;

(iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a \$75,000 grant.

(ii) ~~((If a business received one or more working Washington small business grants before July 1, 2021, including grants provided pursuant to chapter 3, Laws of 2021, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.))~~ If a business was awarded one or more working Washington

small business grants after February 1, 2021, the grant award under this subsection may be reduced to reflect the amounts received from previous working Washington small business grants. The department may prioritize businesses and nonprofit organizations that have not yet received a grant under the working Washington small business grant program.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments; and

(vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, ~~((the department must prioritize allocating the funds as follows:~~

~~(A) \$25,000,000))~~ \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues(~~r and~~

~~(B) \$25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations located in counties that are in phase 2 of the governor's "healthy Washington—roadmap to recovery" plan at the time the business or nonprofit organization~~

applies for funding)). The department must develop criteria for successful applications under this subsection in combination with the Washington state arts commission.

(87) \$138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-*

congregate sheltering during the COVID-19 public health emergency (interim) and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) (~~(\$400,000)~~) \$225,000 of the general fund—state appropriation for fiscal year 2022 (~~(is)~~) and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in subsection (d) of this section, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and

programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) (~~(\$23,000,000)~~) \$23,444,000 of the general fund-federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. Of the amount provided in this subsection, \$18,000,000 of the general fund-federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:

(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations where each

individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.

(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:

(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with opening the units; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(d) The department must provide a progress report on its website by November 1, 2022. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.

(91) \$391,000 of the general fund-state appropriation for fiscal year 2022 and \$391,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) \$150,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for a grant to a

nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) (~~(\$7,500,000)~~) \$4,000,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$2,500,000)~~) \$6,000,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families. By June 31, 2023, the department must provide to the appropriate committees of the legislature a detailed report of the activities funded in this subsection. The

report must include, but is not limited to:

(a) A list of grant recipients, their location, and the grant amount each received;

(b) Input from grantees on best practices for engagement with populations experiencing systemic inequities;

(c) Suggestions from the department and grant recipients on how to engage populations experiencing systemic inequities with future programming; and

(d) Other information and recommendations on need for this type of outreach work in future grant programs.

(95) \$375,000 of the general fund–state appropriation for fiscal year 2022 and \$375,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities

identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund-state appropriation for fiscal year 2022 and \$80,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$8,200,000))~~ \$15,700,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants ~~((to crime victim services providers for victim assistance programs. The department must distribute the funds in accordance with the methodologies used to distribute federal victims of crime act victim assistance funding))~~ to ensure continuity of crime victim services impacted by reductions in federal victims of crime act funding and help address increased demand for crime victim services attributable to the COVID-19 pandemic. The department shall consult with crime victim service providers and other stakeholders to inform a plan to invest any amount above what is required to maintain existing services in immediate, short-term needs and in a manner that is consistent with the office of crime victims advocacy's state plan.

(99)(a) ~~((\$225,000))~~ \$115,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$225,000))~~ \$335,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee

must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of

the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochaIRS of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochaIRS for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochaIRS.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the strategic plan to the appropriate

committees of the legislature by June 30, 2023.

(g) The cochaIRS may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) (~~(\$300,000)~~) \$270,000 of the general fund-state appropriation for fiscal year 2022 (~~(is)~~) and \$30,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and

their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund–state appropriation for fiscal year 2022 and \$225,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund–state appropriation for fiscal year 2022 and \$80,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community

development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund–state appropriation for fiscal year 2022 and \$31,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund–state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund–state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund–state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund–state appropriation for fiscal year 2022 and \$277,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are

provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) (~~(\$351,000)~~) \$151,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$332,000)~~) \$532,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

(i) A representative from the Washington state association of counties;

(ii) A representative from the association of Washington cities;

(iii) A representative from the Washington state arts commission;

(iv) A representative from the Washington state labor council;

(v) A representative from the banking industry with experience in matters involving the federal small business administration;

(vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:

(A) Film, television, and video production;

(B) Recorded audio and music production;

(C) Animation production;

(D) Video game development;

(E) Live theater, orchestra, dance, and opera;

(F) Live music performance;

(G) Visual arts, including sculpture, painting, graphic design, and photography;

(H) Production facilities, such as film and television studios; and

(I) Live music or performing arts venues;

(vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;

(viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;

(ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;

(x) A representative of a federally recognized Indian tribe with a

reservation located west of the crest of the Cascade mountains; and

(xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

(i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;

(ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;

(iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;

(iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;

(v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;

(vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;

(vii) Identify opportunities for synergies with new business models and the integration of new technologies; and

(viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December

1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) (~~(\$300,000)~~) \$153,000 of the general fund-state appropriation for fiscal year 2022 (~~(is)~~) and \$147,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) (~~(\$421,000)~~) \$971,000 of the general fund-state appropriation for fiscal year 2022 (~~(is)~~) and \$3,561,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

(a) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$600,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b)(i) \$450,000 of the general fund-state appropriation for fiscal year 2022 and \$1,800,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for a grant program through the office of firearm safety and violence prevention for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence. Priority shall be given to:

(A) One site serving in Yakima county, one site in south King county, one site in Federal Way, and one site in Tacoma;

(B) Sites that partner with the University of Washington public behavioral health & justice policy division to deliver culturally relevant family integrated transition services through use of credible messenger advocates;

(C) Sites that partner with the University of Washington Harborview firearm injury and policy research program for social impact evaluation; and

(D) Sites that partner an organization focused on evidence-based implementation management identified by the department.

(ii) The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(111) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund-state appropriation for fiscal year 2022 and \$130,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) (~~(\$210,000)~~) \$170,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$90,000)~~) \$130,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the

affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund-state appropriation for fiscal year 2022 and \$154,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(116) \$1,555,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$1,592,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(117) \$946,000 of the general fund-state appropriation for fiscal year 2022 and \$921,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural economic development). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(118) \$114,000 of the general fund-state appropriation for fiscal year 2022 and \$110,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives). ~~((If the bill is not enacted~~

~~by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(119) \$250,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$250,000))~~ \$1,026,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$175,000))~~ \$951,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(120) ~~(((\$1,250,000))~~ \$700,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$1,250,000))~~ \$1,800,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, ~~(((\$500,000))~~ \$50,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$500,000))~~ \$950,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(121) \$66,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(122) \$40,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(123) \$2,500,000 of the general fund-state appropriation for fiscal year 2022 and \$2,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to

provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) (~~(\$2,500,000)~~) \$2,000,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$2,500,000)~~) \$3,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125)(a) \$5,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

(i) Apply for or have applied for the grant from the county;

(ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;

(iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;

(v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;

(vii) Demonstrate significant economic contribution of their business to the state and local economy; and

(viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments;

(vi) Securing inventory, supplies, and services for operations; and

(vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) (~~(\$1,656,000)~~) \$1,162,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$1,615,000)~~) \$2,109,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this

subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that

creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other

requirements established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund–state appropriation for fiscal year 2022 and \$95,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account–state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

(129) \$10,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and

the legislature to establish emphasis areas for competitive grant distribution and for research priorities. The department must complete a report on emphasis areas and research priorities by June 30, 2023.

(130) \$87,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1914 (motion picture program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(131) \$4,500,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for a grant to the city of Seattle for deposit into the Skagit environmental endowment fund to support the protection of the headwaters of the Skagit river watershed through the acquisition of land, mining, and/or timber rights. This grant must be matched by nonstate sources.

(132)(a) \$45,050,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely for a targeted grant program to transition persons residing on state-owned rights-of-way to safer housing opportunities, with an emphasis on permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. Recipients may use grant funding to provide outreach, housing, transportation, and other services needed to assist individuals residing on public rights-of-way with moving into housing.

(b) Prior to awarding grants under (a) of this subsection, the department must work with the department of transportation, representatives of local governments, and representatives of nonprofit housing and homeless services providers to determine the process and criteria that will be used to award grants. Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified by the department of transportation as a location where individuals residing on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions, including but not limited to active construction zones and risks of

landslides, or when the location of an individual poses a significant threat to the safety of others;

(ii) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(iii) Other criteria as identified by the department.

(c) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on permanent housing solutions.

(d) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish an update on outcomes for each memorandum at least every 60 days. At a minimum, outcomes must include:

(i) The number of people living on the right-of-way whom the parties engage;

(ii) The demographics of those engaged;

(iii) The type and duration of engagement with individuals living on rights-of-way;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) The types of assistance provided to move individuals into offered housing;

(vii) Any services and benefits in which an individual was successfully enrolled; and

(viii) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(e) Grant recipients under (a) of this subsection may not transition individuals from public rights-of-way unless they in good faith offer individuals a housing option that is safer than their current living situation. The department must establish criteria regarding the safety, accessibility, and habitability of

housing options to be offered by grant recipients to ensure that such options are a meaningful improvement over an individual's current living situation and that grant recipients provide options that are well-matched to an individual's assessed needs.

(f) The department must submit a preliminary report to the appropriate policy and fiscal committees of the legislature by December 15, 2022, and a full report by September 30, 2023. The reports must identify barriers to housing and gaps in services that prevented or otherwise impacted the housing outcomes of individuals engaged by the grantees, and policy and budgetary recommendations to improve the transition of individuals residing on public rights-of-way to permanent housing.

(133) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek-Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the office of financial management and the appropriate committees of the legislature by June 1, 2023.

(134) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to develop a community reinvestment plan to guide the distribution of grants from the community reinvestment account created in section 947 of this act.

(a) The department shall, in partnership with the office of equity, and "by and for community organizations" as defined by the office of equity, develop a community reinvestment plan for how funds would be distributed to address racial, economic, and social disparities in communities across the state created by the historical design and enforcement of state and federal criminal laws and penalties for drug possession. The community reinvestment plan should address funding in the following areas:

(i) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(ii) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(iii) Community-based violence intervention and prevention services; and

(iv) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(b) The plan must include a timeline for regular review by the department and the office of equity, criteria for eligible communities and programs, development of accountability measures to ensure that distribution and use of funding meets intended purposes, and tracking of outcomes for the funds. At a minimum, the plan must address how the community reinvestment account funding will:

(i) Produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(ii) Result in significant long-term economic benefits in the form of new jobs, job retention, increased personal wealth, or higher incomes for citizens of the state or a particular community in the state; and

(iii) Ensure that:

(A) Projects or programs do not require continuing state support;

(B) An expenditure will not supplant private investment;

(C) An expenditure is accompanied by additional public or private investment; and

(D) Nonprofit, faith-based, and grassroots organizations are prioritized for funding.

(c) In developing the plan, the department is encouraged to incorporate existing and ongoing work from relevant task forces and work groups including, but not limited to, the social equity in cannabis task force, the reentry council, and the homeownership disparities work group.

(d) The department shall submit a preliminary report to the governor and relevant committees of the legislature by December 1, 2022. A final report on the implementation plan must be submitted to the governor and relevant committees of the legislature by June 30, 2023.

(135) \$10,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to conduct outreach activities for the working families tax exemption established in RCW 82.08.0206 and the federal earned income tax credit. Of the amounts provided in this subsection:

(a) \$6,860,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption. In awarding the funds, the department must award grants to at least two community-based organizations in each county. Of the amounts provided in this subsection (135)(a), 25 percent must be used for outreach activities serving tribal and urban Indian communities, communities of color, and households in rural areas.

(b) \$2,860,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to community-based organizations to conduct outreach activities and application assistance for individuals eligible for the working families tax exemption who file or may be eligible to file using a valid individual taxpayer identification number. Grant recipients may also use grant funds to assist individuals in obtaining valid individual tax identification numbers.

(c) \$280,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide oversight, technical assistance, and training for grant recipients; conduct language access activities; create a statewide outreach plan; and for other administrative costs.

(136) \$5,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for grants to nonprofit arts, heritage, science, and culture organizations for costs associated with COVID-19 testing and safety monitoring required by state and local governments and by union contracts. To receive a grant under this section, an applicant must certify that they have reported annual gross receipts of greater than \$5,000,000 in calendar year 2019, and that they applied for but did not receive funding from a state or federal source for the same eligible costs.

(137) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide programming that offers pathways to higher education and career opportunities in the arts, entertainment, and related creative industries for youth and young adults in south King county, with a focus on low-income individuals and historically disadvantaged populations. The grant recipient must be a nonprofit organization headquartered in the city of Federal Way that: Has experience working with BIPOC communities; serves youth and young adults through programs focused on cultivating creative talents through the professional entertainment and arts industries; can directly facilitate the placement of program participants in industry-related internships and job opportunities; and can demonstrate a working relationship or strategic partnerships with global commercial entertainment and digital arts industry experts, networks, and companies in areas such as music, film, television, and fashion. The organization may use the grant for activities including, but not limited to, workshops and other events that support the goal of improving the business and professional skills of youth and young adults interested in the arts and entertainment industries.

(138) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a third-party facilitator to provide staff support for the joint legislative task force on best practices for broadband deployment created in section 945 of this act.

(139) \$75,000 of the general fund-state appropriation for fiscal year 2022

and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department of commerce to develop a report on the behavioral health and long-term care facilities and residential settings that provide services within the continuum of care for individuals who are discharged from state psychiatric hospitals. For the purposes of this subsection, "continuum of care" means transitional housing or residential placements that provide supportive services and skill development needed for individuals to be permanently housed, and permanent supportive housing or residential placements that provide individuals with an appropriate place to live with services available as needed. The report must map the geographic location of each facility or residential setting, and it must highlight geographic gaps in service availability. In preparing the report, the department must coordinate with the department of social and health services, the department of health, and the health care authority. The department must submit its report to the governor and appropriate legislative committees no later than December 1, 2022.

(140) \$5,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department to establish a grant program to assist businesses and nonprofits that are dependent to maintain their operations on the economic activity created through conventions hosted in Washington state. The amount provided under this subsection is subject to the following conditions and limitations:

(a) To be eligible for a grant under this subsection, a business must:

(i) Apply for or have applied for the grant;

(ii) Have not reported annual gross receipts of more than \$100,000,000 in calendar year 2019;

(iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(iv) Self-attest that the expense is not funded by any other government or private entity;

(v) Have experienced a reduction in business income or activity related to

COVID-19 or state or local actions in response to COVID-19;

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(vii) Have met one or more of the following criteria:

(A) Hosted a convention in Washington state;

(B) Provided support services to conventions in Washington state; or

(C) Depended on the function of conventions to sell goods and services in Washington state.

(b)(i) Eligible businesses may receive a grant of up to \$500,000 for revenue lost due to a cancellation or a reduction of participants in a convention hosted in Washington state in 2020 or 2021.

(ii) To receive a grant under this subsection, eligible businesses must provide the department with:

(A) Financial records from 2019 that provide a basis for revenue received from convention activity in Washington state prior to the COVID-19 pandemic; and

(B) Financial records from 2020 and 2021 that show a reduction in gross revenue received from convention activity in Washington state during the COVID-19 pandemic.

(iii) If a business received one or more working Washington small business grants, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(c) Nonprofit organizations are eligible to receive funding under this subsection if they have a primary business activity that has been impacted as described in (a)(v) of this subsection.

(d) The department may use up to 10 percent of the amount provided in this subsection for administrative costs.

(141) \$325,000 of the general fund-state appropriation for fiscal year 2022 and \$325,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking

communities in King and Snohomish counties through arts and culture events and community services. Grant funding may be used to expand existing programs including, but not limited to, rent assistance, vaccination assistance, COVID-19 outreach, microbusiness support, and other community services.

(142) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted by the department to one or more nonprofit organizations with technical expertise on community land trusts. These funds shall be used to provide technical assistance and training to help community land trusts increase the production of affordable housing.

(143) \$900,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to conduct community outreach and culturally relevant training on prevention of digital fraud and other consumer fraud, with a focus on serving low-income, rural, and BIPOC communities. The grant recipient must be the Washington state affiliate of a national nonprofit organization that provides services, research, and advocacy for individuals aged 50 and up. Funding may be used to expand existing consumer fraud education programs; partner with locally trusted community-based organizations to provide public awareness of digital and other consumer fraud; and conduct research to capture baseline data regarding digital and fraud literacy in Washington state.

(144) \$631,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council's efforts to partner with racially diverse communities across the state and to build the capacity of a coalition of intellectual and developmental disabilities self-advocates and advocates. Of the amounts provided in this subsection:

(a) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the developmental disabilities council to enter into a contract with a nonprofit organization led by individuals who are Black, indigenous, or people of color to

facilitate the development and implementation of recommendations on ways to reduce barriers to services and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities. The contract must require the nonprofit organization to prepare a racial equity plan for ongoing policy development within the intellectual and developmental disabilities service delivery system for submittal to the developmental disabilities council. The developmental disabilities council must submit the plan to the governor and appropriate legislative committees no later than June 30, 2023.

(b) \$131,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for one full-time equivalent policy analyst to manage the developmental disabilities council's overall policy development and diversity, equity, and inclusion efforts. The policy analyst shall serve as a liaison between self-advocates, advocates, community members, and the nonprofit organization under contract in (a) of this subsection.

(145) \$584,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a dispute resolution center located in the city of Seattle and serving King county to develop a basic mediation training curriculum for organizations that serve communities in south King county, with a focus on organizations serving and operated by members of historically disadvantaged communities. The grant recipient may use the funding for activities including, but not limited to, conducting a needs assessment, developing and designing the curriculum, engaging subject matter experts, and conducting training sessions.

(146) \$45,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the eviction prevention rental assistance program created in RCW 43.185C.185.

(147) \$4,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant program to community-based organizations that provide services for survivors of domestic violence. Grant recipients may use funding for domestic violence survivor advocates to provide case

management, safety planning, and other services for survivors, and as flexible funding to meet the immediate needs of survivors of domestic violence.

(148) \$15,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely to expand the small business resiliency network program. Program expansion activities may include:

(a) Providing funding for new or existing network partners to provide wraparound services and support to assist small business owners, including support in accessing financing; and

(b) Establishing a credit repair pilot program by contracting with community foundations and nonprofit credit unions with existing character-based lending programs to provide credit counseling and other services to build or improve credit for small businesses and entrepreneurs who are unable to access conventional lending.

(149) \$40,000 of the general fund-state appropriation for fiscal year 2022 and \$290,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization that operates a resource center in the city of Ferndale to expand social services programs. Eligible social services programs include, but are not limited to, basic needs supports for low-income and vulnerable families; emergency preparedness programs that connect community volunteers to opportunities to assist community members during emergencies; and conducting antiracist events and learning opportunities in order to build community.

(150) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for programs relating to firearm removals in domestic violence cases. Programs may include:

(a) Grants for local law enforcement agencies to coordinate the removal of firearms pursuant to RCW 9.41.800 and 9.41.801 in civil and criminal domestic violence cases at a regional level; and

(b) Activities to increase statewide adherence to RCW 9.41.800 and 9.41.801, including, but not limited to, technical assistance, training, and collecting data from local law enforcement agencies

relating to firearm removals in cases where a court orders the surrender of weapons.

(151) \$55,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer stipends to eligible homeless service provider employees for their immediate economic needs and to conduct a homeless service provider workforce study.

(a) Of the amount provided in this subsection:

(i) \$27,250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a stipend payment of up to \$2,000 for eligible homeless service provider employees with an income at or below 80 percent of the area median income. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(ii) \$27,250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a second stipend payment of up to \$2,000 for individuals who received an initial stipend payment under (i) of this subsection (151)(a) and who are still employed at the same eligible entity six months after receipt of the first stipend payment. An individual who works for two or more eligible entities in an eligible position may only receive one stipend under this subsection.

(iii)(A) \$500,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to contract with a third-party entity to conduct a study on the workforce needs of nonprofit organizations employing eligible homeless service provider employees, with the goal of developing state-level strategies for improving workforce retention among organizations providing homeless services.

(B) The study must examine topics including, but not limited to, pay and benefits; training and supervision; caseloads; safety and morale; and other factors impacting hiring and retention.

(C) The study must examine the potential impact on workforce retention of inflationary increases for administrative allowances and other automatic escalators on state-funded

homelessness service contracts, including contracts administered by the office of homeless youth.

(D) The study must include a pay equity and comparable worth analysis that compares eligible homeless service provider positions with jobs with similar complexity, difficulty, and educational and skill requirements in the public and private sectors that were deemed essential during the COVID-19 pandemic.

(E) In conducting the study, the third-party entity must consult with eligible homeless service provider employees; employees of eligible entities with lived experience of homelessness; and organizations led by or serving BIPOC populations.

(F) The department must report the results of the study, including any policy recommendations, to the appropriate committees of the legislature by September 30, 2023.

(b) The department must contract with an entity located in Washington state to administer the stipend payments in (a)(i) and (ii) of this subsection. The entity must demonstrate an ability to efficiently administer stipend payments statewide by showing successful administration of similar programs; an ability to adhere to federal tax requirements, including sending stipend recipients 1099 or other required tax forms; and an ability to track and report on demographic data of stipend recipients and fulfill other reporting requirements as determined by the department. The entity must conduct marketing and outreach for the program by September 1, 2022, and begin administering stipend payments under (a)(i) of this subsection by October 1, 2022. The administrator must pay the stipends on a first-come, first-served basis and there is no individual entitlement to receive a stipend.

(c) The department is authorized to shift funding among the purposes in (a)(i) and (ii) of this subsection based on the level of demonstrated need.

(d) The department may retain up to five percent of the funding allocated under (a) of this subsection for administrative costs.

(e) The administrating entity selected under (b) of this subsection may use up to 15 percent of the funding allocated under (a)(i) and (ii) of this subsection

for administrative costs and up to five percent of the funding allocated under (a)(i) and (ii) of this subsection for outreach and marketing costs.

(f) For the purposes of this subsection:

(i) "Eligible homeless service provider employee" means an individual currently employed on a full-time or part-time basis at an eligible entity that works directly on-site with persons experiencing homelessness or residents of transitional or permanent supportive housing. This includes, but is not limited to, emergency shelter and transitional housing staff; street outreach workers; caseworkers; peer advisors; reception and administrative support staff; maintenance and custodial staff; and individuals providing direct services for homeless youth and young adults. This does not include executive and senior administrative employees of an eligible entity. Nothing in this subsection creates an employment relationship, or any membership or qualification in any state or other publicly supported retirement system, due to the payment of a stipend.

(ii) "Eligible entity" means an organization with whom state agencies or local governments grant or subcontract to provide homeless services under their homeless housing program as defined in RCW 43.185C.010.

(iii) "Immediate economic needs" means costs including, but not limited to, rent or mortgage payments; utilities and other household bills; medical expenses; student loan payments; transportation-related costs; child care-related costs; behavioral health-related costs; and other basic necessities.

(152)(a) \$100,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department to administer a business assistance program for qualifying hospitality industry businesses that have been negatively impacted by the COVID-19 public health emergency or its negative economic impacts. The department must administer the program under appropriate agreements. For the purposes of this subsection, "qualifying hospitality industry businesses" means restaurants, hotels, motels, and other businesses in the hospitality industry as determined by the department.

(b) Of the amount provided in this subsection, \$15,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for grants to reimburse lodging establishments that have experienced losses during the state's eviction moratorium pursuant to the governor's proclamations. The department must work with impacted lodging establishments to develop criteria for the administration of this grant program. The department will verify actual eligible losses to be reimbursed. Actual eligible losses include room charges not paid by persons who stayed during the moratorium, any legal expenses incurred by lodging establishments as a result of the moratorium, and any repair expenses directly attributed to damages to rooms. For the purposes of this subsection (152)(b), "lodging establishment" means a hotel, motel, or similar establishment taxable by the state under chapter 82.08 RCW that has 40 or more lodging units.

(153) \$3,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.

(154) \$25,000 of the general fund-state appropriation for fiscal year 2022 and \$75,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating a low-barrier emergency shelter located in the town of Wapato serving Native and non-Native chronically homeless individuals. Grant funds must be used to provide daytime services such as meals and hygiene services; case management; outreach; and other homeless services.

(155) \$75,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization in Kitsap county to provide services for families experiencing domestic violence. Amounts provided in this subsection must

be used to expand supports for survivors and their children fleeing immediately dangerous situations, including emergency shelter, case management, housing advocacy, child care, mental health services, and resources and referrals. The nonprofit organization must be located in Kitsap county and must operate a state-certified domestic violence shelter.

(156) \$3,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to the city of Kent for operational improvements and other actions to improve safety and reduce train noise, with the goal of increasing quality of life and facilitating transit-oriented living in downtown Kent.

(157)(a) \$750,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to establish a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) The department must establish a lifeline fund. Moneys in the fund can be used to assist community partners and nonprofit organizations to implement lifeline services when they cannot identify an existing resource to resolve a beneficiary need. The department must establish an application process and criteria for the fund.

(c) The department and a nonprofit organization, selected by the office of homeless youth, shall coconvene a work group that will design a lifeline support services system and framework for statewide implementation. This group shall have an inaugural meeting no later than August 31, 2022, and have a design ready no later than October 31, 2022. By December 31, 2022, the department, with assistance from the work group, must provide a report to the appropriate committees of the legislature on approaches to continue this pilot project in the 2023-2025 fiscal biennium.

(d) By June 30, 2023, the department, with assistance from the nonprofit organization that coconvened the work group, shall provide a report to the legislature describing the success and shortcomings of the lifeline support system, as well as other data such as request-for-service conclusions and the demographics of beneficiaries. The report must include a recommendation for how the state can permanently establish the lifeline.

(158) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that provides services to survivors of domestic violence in north and east King county. Grant funding may be used for services including, but not limited to, staffing support for emergency and advocacy services and costs to expand emergency and transitional housing services for survivors of domestic violence with the greatest safety risks and highest barriers to acquiring safe housing.

(159) \$850,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for costs to operate a low-barrier homeless shelter and provide housing intervention and placement services. The grant recipient must be a nonprofit organization that provides permanent supportive housing services, provides homeless services for youth and young adults, and operates a low-barrier homeless shelter for women over the age of 18 in the city of Spokane.

(160) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they

reside to resident ownership, pursuant to RCW 59.22.039. Technical assistance includes, but is not limited to, assistance with prepurchase efforts and resident outreach and engagement activities prior to filing an intent to purchase.

(161) \$900,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with one or more community-based organizations to administer a homeownership assistance program for low-income households who have been displaced from their manufactured/mobile homes due to the closure or conversion of a mobile home park or manufactured housing community in south King county. The program may offer services including credit counseling; financial education courses; assistance in locating, understanding, and preparing necessary financial and legal documentation for homeownership; outreach and engagement services, including in-language services; and other technical support to prepare households for homeownership.

(162) \$185,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide advocacy, translation, emergency housing, and other services for victims of domestic violence, with a focus on serving members of the Latino and indigenous communities. The grant recipient must be a community-based nonprofit organization located in the city of Tacoma that provides educational programs, crisis intervention, family outreach services, arts and culture programming, and advocacy with a focus on serving Latino and indigenous communities.

(163) \$1,400,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

(164) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization in the city of Tacoma that provides on-water marine science and maritime programs, as well as mentoring and community service opportunities, for youth and young adults. Grant funding must be used to expand program participation of youth and young adults from underserved and underrepresented communities.

(165) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to the city of Poulsbo to expand the service capacity of the fire cares behavioral health mobile outreach program.

(166) \$600,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for concept development, design, and planning of state-operated or contracted residential housing facilities and services at the Pacific hospital preservation and development authority quarters buildings three through ten in Seattle. The residential housing facilities may be used for recovery residences, group care, transitional housing, supportive housing, or family-centered substance use disorder recovery housing. Of the amounts provided in this subsection:

(a) \$375,000 of the general fund-state appropriation for fiscal year 2023 is for lease payments for the Pacific hospital preservation and development authority quarters buildings three through ten.

(b) \$75,000 of the general fund-state appropriation for fiscal year 2023 is for the department to convene a work group to develop a programming plan for utilization of the repurposed quarters buildings three through ten, subject to the following requirements:

(i) The department must contract with a nonprofit organization to facilitate the work group. The nonprofit organization must be located in the city of Seattle with experience working with systems of care, including foster care, juvenile justice, and behavioral health, and have statewide experience as an advocate, provider, and convener of programming needs for youth and young adults.

(ii) The work group must include members representing the department of children, youth, and families; the health care authority; social service providers

led by and serving people of color; social service providers whose leadership represent and who serve LGBTQ youth and young adults; and persons with lived experience.

(iii) By December 31, 2022, the department must submit a report to the appropriate committees of the legislature with recommendations on housing and program models, service arrays, and estimates of operation costs.

(167) \$34,500,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for a small business innovation and competitiveness fund program to spur small business recovery, startup, and growth, with a focus on initiatives that will serve BIPOC entrepreneurs and small businesses located in underserved, low-income, and rural areas.

(a) The department must competitively award grants to nonprofit organizations that work with or provide assistance to small businesses.

(b) Grant funding may be used for activities such as:

(i) Small business incubator programs;

(ii) Small business accelerator programs;

(iii) Local procurement initiatives;

(iv) Small business competitiveness programs focused on hiring and retention;

(v) Improvements and repairs to physical workplaces, including in response to public health guidelines or acts of vandalism; and

(vi) Other initiatives as determined by the department.

(c) The department may require applicants to provide a description of how proposed initiatives will benefit small businesses and entrepreneurs that are not members of the recipient organization, if applicable.

(d) The department may encourage, but may not require, a local one-to-one match of state funding awarded under the program.

(e) The department may establish regional targets or other benchmarks to ensure equitable geographic distribution of funding. If regional targets or benchmarks are adopted, the department must assess and report to the legislature

on the program's performance by June 1, 2023.

(f) In developing the program, the department must consult with economic development professionals and small business support organizations. The department may consult with other interested parties at its discretion.

(168) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington, with a focus on Black-owned small businesses. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

(169) \$97,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to examine actual and potential school director compensation, including salaries, per diem rates, expense reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

(a) The examination required by this subsection, at a minimum, must address:

(i) The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous 10 years;

(ii) Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and

whether that diversity reflects the communities they serve;

(iii) The significant variances in school district budgets, student enrollments, tax bases, and revenues;

(iv) Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and

(v) Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

(b) In completing the examination required by this subsection, the department shall consult with interested parties, including the office of the superintendent of public instruction, the Washington state school directors' association, the Washington association of school administrators, and educational service districts.

(c) The department shall, in accordance with RCW 43.01.036, report its findings and recommendations to the governor, the superintendent of public instruction, and the committees of the legislature with jurisdiction over fiscal matters and K-12 education by January 6, 2023.

(170) \$175,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to the south King fire and rescue district located in south King county to implement a workforce development initiative, with the goals of increasing recruitment and retention of employees from south King county communities and increasing the diversity of the district's workforce.

(171) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract for a diversity, equity, and inclusion initiative focused on youth sports and other activities, with an emphasis on basketball. The contract recipient must be a nongovernmental entity that serves as a resource for professional, amateur, collegiate, and youth sports organizations and venues in the greater Seattle region. Contract funding may be used to provide engagement and support for Washington state youth

basketball organizations, with a focus on organizations in the Puget Sound region, and to provide assistance for activities including sport academies, youth leagues and sport camps, promotion of community basketball events, scholarships, and an equity in sports summit.

(172) \$400,000 of the general fund-state appropriation for fiscal year 2022 and \$850,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services, including but not limited to legal assistance and representation; technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(173) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a contract for a small business assistance program serving the city of Silverdale and central Kitsap county. The contract recipient must be a nongovernmental organization located in the city of Silverdale whose primary focus is the economic development of the city of Silverdale and central Kitsap county. The contract funding must be used to provide financial assistance in the form of grants or loans and other entrepreneurship opportunities for small businesses that have experienced a loss of business income or activity or have been otherwise economically disadvantaged during the COVID-19 pandemic. The contract recipient must conduct targeted outreach and education to ensure small businesses owned by members of historically marginalized communities are aware of business assistance opportunities available through the program.

(174) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization for activities that will improve access to child care in southwest Washington, including but not limited to activities to begin using a shared services model for regional child

care providers, and to convene a short-term work group on expanding child care access and affordability in the region. The grant recipient must be a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington.

(175) \$135,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

(176) \$80,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for a grant to a nonprofit organization for information technology needs, including, but not limited to, hardware, software, and other subscriptions, so that the recipient may continue and expand services to address poverty. The grant recipient must be a nonprofit organization that works with public, private, and nonprofit partners to address poverty in Snohomish county, with a focus on serving families with young children.

(177) \$5,410,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1099 (comprehensive planning). Amounts provided in this subsection include funding sufficient for local governments that are subject to the requirements of that bill to implement the bill. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(178) \$27,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the landlord mitigation program created in RCW 43.31.605(1). Of the amount provided in this subsection, \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is for program claims made pursuant to Substitute House Bill No. 1593 (landlord mitigation/victims).

(179) \$1,161,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1571 (indigenous persons/services). Of the amount provided in this subsection, \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants awarded under Substitute House Bill No. 1571. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(180) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1629 (aerial imaging technology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(181) \$486,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1717 (tribal participation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(182) \$953,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (telecommunications access). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(183) \$155,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1724 (supportive housing resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(184)(a) \$7,790,000 of the apple health and homes account-state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) Of the amount provided in this subsection, \$6,500,000 of the apple health and homes account-state appropriation is provided solely for permanent supportive housing services including operations, maintenance, and service costs of permanent supportive housing units; project-based vouchers;

rental subsidies; and provider grants. These funds shall not be used for costs that are eligible for coverage through the foundational community supports program established pursuant to the health care authority's federal medicaid transformation project waiver.

(185) \$4,434,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$1,600,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for flexible funding administered by the office of homeless youth to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing;

(b) \$625,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to counties to administer housing stability for youth in crisis programs; and

(c) \$2,018,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for system of care grants. Of this amount, \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to assist young adults discharging from inpatient behavioral health treatment facilities to obtain housing.

(186)(a) \$20,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for a small business disaster recovery financial assistance program to provide resources to small businesses that have sustained physical damage or economic loss due to a natural or other comparable disaster.

(b) The department may provide financial assistance in the form of grants to eligible businesses. Grant funds may be used for payroll, utilities and rent, marketing and advertising, building improvements or repairs, replacing damaged inventory and equipment, and other operations and business expenses.

(c) A business is eligible to apply for financial assistance through the

program if they provide documentation to the department of:

(i) Annual gross receipts of \$5,000,000 or less; and

(ii) A reduction in business income or activity as a result of a natural disaster such as a flood, earthquake, or wildfire, or a comparable disaster such as major utility disruptions resulting in property damage or prolonged outages.

(d) A department must provide assistance to an eligible business within three months of receiving an application.

(e) The department must coordinate with local economic development entities in conducting outreach to small businesses in order to increase awareness and understanding of the program.

(f) Of the amounts provided in this subsection, \$10,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for financial assistance for eligible businesses located in northwest Washington.

(187) \$214,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(188)(a) \$950,000 of the apple health and homes account-state appropriation is provided solely for a grant to a nonprofit organization for an initiative to advance supportive housing projects, including those funded through the apple health and homes program created in Engrossed Substitute House Bill No. 1866 (supportive housing). The department is directed to extend the contract of the grantee of the 2021 request for qualifications and quotations advancing affordable housing and education centers due to the recipient's national experience with programs to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by COVID-19.

(b) The grant recipient must use the funding to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to

develop a broad range of housing types for supportive housing;

(ii) Provide technical assistance on the constructive alignment of yet-to-be-secured state or local capital funds, and other services, for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing;

(iii) Analyze the suitability of properties and sites, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, applying and implementing an equity lens in site selection, program planning, development, and operations;

(iv) Advise and collaborate with the office of health and homes to prepare projects for capital funding;

(v) Advise on supportive housing best practices;

(vi) Advise on service delivery for vulnerable populations;

(vii) Advise on local community engagement, especially with populations with lived experience of homelessness; and

(viii) Subcontract for specialized predevelopment services as needed.

(189) \$7,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential.

(a) For the purposes of this subsection, a city is eligible to receive a grant if:

(i) The city is required to plan under RCW 36.70A.040; and

(ii) The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).

(b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:

(i) Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;

(ii) Preparing informational material for the public;

(iii) Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;

(iv) Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;

(v) Holding city planning commission public hearings;

(vi) Publicizing and presenting the city planning commission's recommendations to the city council; and

(vii) Holding city council public hearings on the planning commission's recommendations.

(c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.

(d) The department shall prioritize applicants who:

(i) Aim to authorize middle housing types in the greatest proportion of zones; and

(ii) Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

(e) For the purposes of this subsection, "middle housing types" include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

(190)(a) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to administer an energy efficient housing pilot program with the goal of reducing energy consumption and related expenses for low-income agricultural workers in the Yakima valley. Funding must be distributed in the form of grants to community-based organizations, with priority given to organizations with a proven track record of assisting agricultural workers.

(b) Grant recipients may use the funds awarded under (a) of this subsection to conduct the following activities for eligible housing:

(i) Install photovoltaic solar panel systems, solar water heating systems, and battery backups;

(ii) Replace energy inefficient appliances with energy star certified appliances;

(iii) Replace existing lighting with light emitting diode lighting; and

(iv) Conduct weatherization of homes and other residences.

(c) Eligible housing includes:

(i) Homes owned and occupied by agricultural workers; and

(ii) Homes, apartments, and other residential facilities providing rental housing to agricultural workers, provided that the owners of the facilities pass the savings in energy costs to agricultural worker tenants and commit to the use of the facilities as agricultural worker housing for 15 years as a condition of accepting assistance as described in (b) of this subsection.

(d) For the purposes of this subsection, "agricultural workers" means workers on farms and workers performing packing or processing work of agricultural products. "Agricultural workers" does not mean the owners of agricultural enterprises.

(191)(a) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a contract with a community-based nonprofit organization

located in the Yakima valley to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima county.

(b) The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice.

(c) The consortium must develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

(d) The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

(e) In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

(f) By June 30, 2023, the department must provide a report to the appropriate committees of the legislature. The report must include:

(i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented;

(ii) A description of any virtual community events, workshops, and conferences held; and

(iii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(192)(a) \$5,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase

capacity or enhance service provision at current family resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and continuous quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant.

(c) The department must co-convene an advisory group with the department of children, youth, and families that includes representatives from family resource centers; parents, caregivers, and individuals who have used family resource center services; and other stakeholders as determined by the department. The department must develop application guidelines and award funding to eligible applicants in consultation with the department of children, youth, and families and the advisory group. Advisory group members representing family resource centers or other organizations that apply for grant funding may not participate in the process of determining grant award recipients.

(d) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(e) By July 1, 2023, grant recipients must submit a report to the department on the use of grant funding, including but not limited to progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family postservice outcomes. By September 1, 2023, the department must submit a report to the legislature on

topics including but not limited to the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

(193)(a) \$2,800,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of firearm safety and violence prevention for a healthy youth and violence prevention initiative with the goal of preventing violence, decreasing engagement with the juvenile justice system, and encouraging health and well-being for youth and young adults ages 12 to 24. As part of the initiative, the office must partner with community-based organizations to serve as regional coordinators who will:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) In developing the healthy youth and violence prevention initiative, the office must consult with interested parties including members of the legislature, community members with expertise in public health strategies to address youth violence, and people impacted by youth and young adult violence.

(c) Of the amount provided in this subsection:

(i) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant for a demonstration program serving south King county. The grant recipient must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(ii) \$600,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for planning grants for future programs serving Pierce county, Yakima county, and the city of

Vancouver. Grant recipients must be community-based nonprofit organizations.

(iii) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to develop a database and reporting system for regional coordinators to report program outcomes for service providers receiving grants or subgrants through the initiative. The database must be accessible to and utilized by all organizations serving as regional coordinators. In developing the database fields, the office must, to the extent it is feasible, use categories identified as part of the developmental assets framework developed by the Search Institute.

(194)(a) \$25,000 of the general fund-state appropriation for fiscal year 2022 and \$225,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the costs for cities and counties to review and revise their comprehensive plans to ensure compliance with chapter 36.70A RCW. The evaluation must include, at a minimum, the costs for each general jurisdiction size and type, and the costs to complete various types of planning requirements, including:

(i) Meeting the requirements of a new goal in RCW 36.70A.020;

(ii) Meeting the requirements of a new comprehensive plan element in RCW 36.70A.070;

(iii) Updating a critical areas ordinance;

(iv) Updating a shoreline master program ordinance;

(v) Making a minor update of a comprehensive plan element;

(vi) Making a complex update of a comprehensive plan element;

(vii) Updating a development regulation; and

(viii) Implementing a new development regulation.

(b) The department must consult with the Washington state association of counties and the association of Washington cities in conducting the evaluation.

(c) The department must submit a report of the results of the evaluation to the legislature by December 1, 2022.

(195) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide support to a public-private partnership that leverages private sector leadership and is composed of multiple interests, including public and private project developers, manufacturers and end users, research institutions, academia, government, and communities around the state, to develop and submit a competitive application for the federal department of energy regional clean hydrogen hubs grant. The application must focus on the sectors of the economy that are hardest to decarbonize, including industry, heavy transportation, maritime, and aviation.

(196) \$3,335,000 of the general fund-state appropriation for fiscal year 2022 and \$2,223,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to counties to stabilize newly arriving refugees from the 2022 Ukraine-Russia conflict.

(197) \$50,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for digital equity and broadband access programs. Programs funded under this subsection may include programs to fulfill the recommendations of the Washington digital equity forum; programs to conduct activities identified by the statewide broadband office when developing the digital equity plan required as part of the state digital equity capacity grant program created in P.L. 117-58; and programs to increase broadband access for low-income and rural communities, including through low-orbit satellite broadband networks.

(198)(a) \$25,000,000 of the electric vehicle incentive account-state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council created in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this

subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

(199) \$100,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants for public and private water, sewer, garbage, electric, and natural gas utilities to address low-income customer arrearages compounded by the COVID-19 pandemic and the related economic downturn that were accrued between March 1, 2020, and December 31, 2021.

(a) By May 27, 2022, each utility that wishes to participate, must opt-in to the grant program by providing the department the following information:

(i) Current arrearage balances for residential customers as of March 31, 2022; and

(ii) Available information on arrearage balances of low-income customers, including customers who received assistance from the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs between April 1, 2020, and March 31, 2022, as of March 31, 2022. If a utility does not have access to information regarding customer participation in these programs, the department must distribute funding to the community action program serving the same service area as the utility instead of the utility.

(b) In determining the amount of funding each utility may receive, the department must consider:

(i) Each participating utility's proportion of the aggregate amount of arrearages among all participating utilities;

(ii) Utility service areas that are situated in locations experiencing disproportionate environmental health disparities;

(iii) American community survey poverty data; and

(iv) Whether the utility has leveraged other fund sources to reduce customer arrearages.

(c) The department may retain up to one percent of the funding provided in this subsection to administer the program.

(d) Each utility shall disburse funds directly to customer accounts by December 31, 2022. Funding shall only be distributed to customers that have participated in the low-income home energy assistance program, low-income water assistance program, or ratepayer-funded assistance programs.

(e) Utilities may, but are not required to, work with other utilities or use community action agencies to administer these funds following the eligibility criteria for the low-income home energy assistance program and the low-income household water assistance program.

(f) By March 1, 2023, each utility who opted into the grant program must report to the department, utilities and transportation commission, and state auditor on how the funds were utilized and how many customers were supported.

(g) Utilities may account for and recover in rates administrative costs associated with the disbursement of funds provided in this subsection.

(200) \$4,092,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5566 (independent youth housing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(201) \$7,300,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to increase funding for the community services block grant

program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color and rural communities.

(202) \$1,124,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to expand health care access points with increased services from the Tubman center for health and freedom to address disparate health outcomes of Black Washingtonians.

(203) \$3,335,000 of the general fund-state appropriation for fiscal year 2022 and \$2,223,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to Snohomish county to stabilize newly arriving refugees from the 2021 Afghanistan conflict.

(204) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a peer-led community and hospitality space located in south King county to expand services for women engaging in the sex trade.

(205) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to develop a K-12 school building ventilation technical assistance, outreach, and education program. The grant recipient must be located in a city with a population of more than 700,000 and must have experience administering a statewide technical assistance, outreach, and education program for building operators.

(206) \$500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for a grant to a Tacoma-based nonprofit dental clinic with a location in unincorporated Pierce county to continue to provide dental services to low-income youth.

(207) \$120,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence

prevention program in the Renton school district.

(208) \$350,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to a Tacoma-based nonprofit multicultural center to support the operations of food bank networks and to be reimbursed for equipment purchased for preventative maintenance on food bank network buildings.

(209) \$500,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for a grant to a Kent-based, community-based nonprofit organization that serves culturally and linguistically diverse families of persons with developmental and intellectual disabilities for predevelopment funds to accelerate the production of new affordable housing and a multicultural community center.

(210) \$400,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a Tacoma-based business center that supports women and minority-owned businesses to expand outreach in underserved communities, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(211) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(212) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of homeless youth prevention and protection

programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

(i) The state's strategic plan on prevention of youth homelessness;

(ii) Chapter 157, Laws of 2018 (SSB 6560);

(iii) Chapter 312, Laws of 2019 (E2SSB 5290);

(iv) Efforts to reform family reconciliation services; and

(v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

(213) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a maritime education nonprofit that will support outreach, recruitment, and maritime educational experiences at the new maritime high school in the highline public school district including developing mentorship and internship programs. Funds may be used to support the school's growth to full enrollment of

400 students, to pursue enrollment that reflects the diversity of the district, to aid recruitment activities that will include partnering with regional middle schools including hands-on learning experiences on vessels, and to support curriculum that gives students STEM skills and pathways to maritime careers, including in the sciences, vessel operations and design, and marine construction.

(214) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

(215) \$250,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

(216) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to report how the department will collect demographic and geographic information from organizations who receive direct or indirect grants from the department.

(a) The department may contract to complete the report. The department must collaborate with the one Washington enterprise resource planning team to determine what demographic and geographic data elements would be consistent with data elements in the extended financials and procurement phase of one Washington.

(b) The report must also include accurate cost and time estimates needed to collect the demographic and geographic information from department grantees and their subgrantees. The department must consult with the office of equity to ensure that demographic tracking information can be used to help create an accurate definition of "by and for organizations." The department must report to the legislature by June 30, 2023. The report must include, but is not limited to, the following information:

(i) The cost and time required for the department to revise current grant agreements to collect demographic and geographic data;

(ii) The cost and time required for the department to incorporate the collection of demographic and geographic data into future grant agreements;

(iii) The cost and time required for the department to align demographic and geographic data points to the one Washington program to serve as a data collection system and repository of demographic and geographic data on all department grant agreements;

(iv) In addition to the one Washington program, an analysis of other information technology systems that can serve as a unified single data collection system and repository for demographic and geographic data on all department grant agreements. This analysis should compare and contrast the efficiency and effectiveness of each system with the capabilities, cost, and timeliness of using the one Washington program for this purpose; and

(v) Recommendations on grants that should be excluded from the responsibility to collect demographic and geographic data.

(217) \$88,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a Seattle-based nonprofit that teaches math using hands-on learning experiences and collaborates with community partners to create equity-based, culturally relevant math education opportunities.

(218) \$20,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department to provide a grant to a public facility district created under chapter 36.100 RCW that can document losses of more than \$200,000,000 in cumulative anticipated tax, event, and marketing revenues in 2020, 2021, and 2022, including lost revenue due to cancellations or a reduction of participants in conventions that would have been hosted in Washington state, less grants or loans from federal and state government programs. Eligible public facilities districts may receive a maximum \$20,000,000 grant. Public facility districts must provide the department with financial records that document the lost revenue to be eligible to receive a grant.

(219) \$7,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department will work with stakeholders and grantees to increase

current contracts and distribute funds to account for increases in housing and services costs across the state.

(220)(a) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to conduct a cost-benefit analysis on the use of agrivoltaic and green roof systems on projected new buildings with a floor area of 10,000 square feet or larger to be developed over the next 20 years in communities of 50,000 or greater. The department shall consult with the department of ecology, private sector representatives, and an organization that has experience conducting cost-benefit analyses on green roofing. The cost-benefit analysis must include:

(i) The impact of widespread green and agrivoltaic roof installation on stormwater runoff and water treatment facilities in communities with a population of greater than 50,000;

(ii) Potential water quality and peak flow benefits of widespread green and agrivoltaic roof installation;

(iii) Public health impacts;

(iv) Air quality impacts;

(v) Reductions in fossil fuel use for buildings with agrivoltaic systems;

(vi) Energy efficiency of buildings with agrivoltaic systems;

(vii) Job creation; and

(viii) Agrivoltaic installation and maintenance costs.

(b) The department shall submit the report to the energy policy and fiscal committees of the legislature by June 30, 2023, that includes, but is not limited to:

(i) The results of the cost-benefit analysis in (a) of this subsection;

(ii) Recommendations on how agrivoltaic and green roofs can be integrated into new and existing building code requirements related to stormwater codes, energy codes, and the transition away from natural gas;

(iii) An examination of existing programs at the city and county level in Washington state;

(iv) A description of the policy components and framework for green and agrivoltaic roof policies and related incentive programs; and

(v) Incentive recommendations for building owners who cover more than 50 percent of the roof surface with a green or agrivoltaic roof.

(221) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for a program that connects local food producers with retail and wholesale consumers.

(222) \$60,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to Yakima county to contract with a Yakima-based nonprofit organization to complete the planning and development of a community wildfire protection plan.

(223) \$1,091,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(224) \$1,637,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5722 (greenhouse gases/buildings). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(225) \$8,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) when developing the tool and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

(226) \$69,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant program for the development of electric vehicle charging infrastructure in rural areas, office buildings, multifamily housing, ports, schools and school districts, and state and local government offices.

(a) Grants in this subsection are provided solely for projects that provide a benefit to the public through

development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(b) Projects that receive funds under this subsection must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Grant funding must be used for level 2 or higher charging infrastructure.

(c) The department must give preference to projects that provide level 3 or higher charging infrastructure.

(d) The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing, to determine the most effective distribution of the systems. The department must also collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

(227) \$37,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, government buildings, and other publicly owned infrastructure.

(228) \$20,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low-income communities.

(a) Grants are not to exceed \$20,000 per community solar project and are not

to exceed 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the program is benefiting from.

(b) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, stormwater collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

(c) For the purposes of this subsection "low-income" has the same meaning as provided in RCW 19.405.020 and "community solar project" means a solar energy system that: Has a direct current nameplate capacity that is greater than 12 kilowatts but no greater than 199 kilowatts; and has, at minimum, either two subscribers or one low-income service provider subscriber.

(229) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5758 (condominium conversions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(230) \$404,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5803 (wildfires/electric utilities). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(231) \$1,054,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(232) \$200,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for a grant to a Tacoma-based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

(233) \$63,000 of the general fund-state appropriation for fiscal year 2023

is provided solely for implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(234)(a) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to develop strategies for cooperation with governmental agencies of Finland, including higher education institutions, and organizations around the following:

(i) 5G connectivity, end-user applications utilizing new connectivity, and 6G;

(ii) Safety, efficiency, and green transformation of ports and other logistics including digitalization and connectivity; and

(iii) Green transformation of transport, including circular economy solutions for batteries.

(b) By June 30, 2023, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(235)(a) \$400,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a national research laboratory to:

(i) Evaluate Washington's current and future electric grid resilience and reliability based on current and projected electric energy production, ability to produce energy in-state, reliance on energy production outside of the state, and energy grid interdependence with other western states;

(ii) Identify key grid resilience and reliability challenges that could emerge under multiple future scenarios given adoption of new energy technologies, changes in residential and industrial energy demand, and changes in energy production and availability from both in and out-of-state sources;

(iii) Study the impact to the future electric grid resulting from the growth of the information technology sector, including the impact of increased data center energy demand from the tax exemptions provided in RCW 82.08.986;

(iv) Review and incorporate existing models, data, and study findings to ensure a duplication of efforts does not occur and to highlight modeling gaps related to regional grid resilience planning;

(v) Convene an advisory group to inform scenario development and review results, which may include representatives from the Washington State University Pacific Northwest national laboratory advanced grid institute, energy facility site evaluation council, department of commerce, utilities and transportation commission, relevant legislative committees, energy producers, utilities, labor, environmental organizations, tribes, and communities at high risk of rolling blackouts and power supply inadequacy; and

(vi) Develop recommendations for enhancing electric grid reliability and resiliency for Washington that includes considerations of affordability, equity, and federal funding opportunities.

(b) The department shall report findings and recommendations to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

Sec. 129. 2021 c 334 s 130 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund–State Appropriation (FY 2022) (~~(\$903,000)~~)

\$908,000

General Fund–State Appropriation (FY 2023) (~~(\$964,000)~~)

\$1,001,000

Lottery Administrative Account–State Appropriation \$50,000

TOTAL APPROPRIATION (~~(\$1,917,000)~~)

\$1,959,000

Sec. 130. 2021 c 334 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund–State Appropriation (FY 2022) (~~(\$16,022,000)~~)

\$16,482,000

General Fund–State Appropriation (FY 2023) (~~(\$15,819,000)~~)

\$21,640,000

General Fund–Federal Appropriation (~~(\$32,507,000)~~)

\$33,352,000

General Fund–Private/Local Appropriation \$531,000

Economic Development Strategic Reserve Account–State

Appropriation (~~(\$329,000)~~)

\$333,000

Workforce Education Investment Account–State

Appropriation \$100,000

Personnel Service Account–State Appropriation (~~(\$23,431,000)~~)

\$18,813,000

Higher Education Personnel Services Account–State

Appropriation \$1,497,000

Statewide Information Technology System

Development (~~(Maintenance and Operations)~~)

Revolving Account–State Appropriation (~~(\$102,037,000)~~)

\$97,432,000

Office of Financial Management Central Service

Account–State Appropriation (~~(\$21,945,000)~~)

\$22,453,000

Statewide Information Technology System Maintenance

and Operations Revolving Account–State Appropriation \$4,609,000

Performance Audits of Government Account–State

Appropriation (~~(\$672,000)~~)

\$692,000

Coronavirus State Fiscal Recovery Fund–Federal

Appropriation \$1,560,000

TOTAL APPROPRIATION (~~(\$216,450,000)~~)

\$219,494,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account-state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) (~~(\$102,037,000)~~) \$97,428,000 of the information technology system development revolving account-state appropriation, \$4,609,000 of the information technology system maintenance and operations revolving account-state appropriation, \$162,000 of the personnel services account-state appropriation, and \$162,000 of the office of financial management central services account-state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) \$7,756,000 of the information technology system development revolving account-state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system

replacement-core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) \$22,000,000 of the information technology system development revolving account-state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement-core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account-state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement-core financials);

(iv) \$4,609,000 of the information technology system ~~((development))~~ maintenance and operations revolving account-state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement-core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account-state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year ~~((2022))~~ 2023;

(vi) \$162,000 of the personnel services account-state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) \$162,000 of the office of financial management central services account-state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide

written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief

information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) (~~(\$12,741,000)~~) \$6,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At

a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

- (i) Agency name;
- (ii) Lease contract number and term (start and end date);
- (iii) Contract amount by fiscal year; and
- (iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund-state appropriation for fiscal year 2022 and \$68,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$79,000 of the general fund-state appropriation for fiscal year 2022 and \$79,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

~~(10) ((\$90,000 of the general fund-state appropriation for fiscal year 2022 and \$166,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of financial management to complete the following activities:~~

~~(a) By December 1, 2022, and consistent with RCW 43.01.036, the office of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.~~

~~(b) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, the department of fish and wildlife, and the department of commerce.~~

~~(c) The report must include:~~

~~(i) Development of a definition, objectives, and goals for the standard of net ecological gain;~~

~~(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:~~

~~(A) Implementation of a standard of net ecological gain under different~~

~~environmental, development, and land use laws; and~~

~~(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;~~

~~(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and~~

~~(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co benefits.~~

~~(11) \$158,000))~~ \$45,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$113,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

~~((12))~~ (11)(a) \$150,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

(i) The procedure for providing an equity impact statement for legislative proposals;

(ii) The format and content requirements for the equity impact statement;

(iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;

(iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and

(v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

~~((13))~~ (12) \$785,000 of the general fund-state appropriation for fiscal year 2022 and \$960,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(14))~~ (13) \$172,000 of the general fund-state appropriation for fiscal year 2022 and \$167,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(15) \$300,000))~~ (14) \$150,000 of the general fund-state appropriation for fiscal year 2022 and ~~((300,000))~~ \$450,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of

financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

(15) \$40,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2022, and must include review of, at least:

(a) The current rates for services by vendor;

(b) A history of increases to the rates since fiscal year 2010 by vendor;

(c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

(16) \$35,000 of the general fund-state appropriation for fiscal year 2022 and \$86,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1867 (dual credit program data). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17)(a) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office to

contract with a third-party facilitator to convene an applicant background check work group. The purpose of the work group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

(b) For the purposes of this subsection, "impacted individuals" means applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services, including but not limited to individuals subject to the requirements of RCW 26.44.240, 28A.400.303, 43.43.830 through 43.43.845, 43.101.095, 43.216.270, 74.15.030, and 74.39A.056.

(c) The director of the office, or the director's designee, must chair the work group. The chair must appoint representatives to the work group including but not limited to:

(i) A representative of the department of social and health services;

(ii) A representative of the department of children, youth, and families;

(iii) A representative of the Washington state patrol;

(iv) A representative of the department of corrections;

(v) A representative of the office of the superintendent of public instruction; and

(vi) Other state agency representatives or representatives of interested parties, at the discretion of the chair, who have expertise in topics considered by the work group.

(d) By December 1, 2022, the work group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and appropriate committees of the legislature. By June 1, 2023, the work group must submit a final feasibility study and implementation plan to the governor and appropriate committees of the legislature. In developing the feasibility study and implementation plan, the work group must include the following:

(i) A review of current background check requirements and processes for impacted individuals, including:

(A) A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;

(B) An analysis of any "character, suitability, and competence" components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

(C) A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

(ii) A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the work group must consider policy and budgetary factors including, but not limited to:

(A) Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;

(B) Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;

(C) Staffing;

(D) Comparable solutions and processes in other states;

(E) Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;

(F) Processes and considerations to make criminal background check results portable for impacted individuals;

(G) Steps necessary to meet federal regulatory requirements and ensure federal approval of state criminal background check processes;

(H) The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and

(I) Any statutory changes that may be necessary to ensure clarity and consistency.

(18) \$337,000 of the general fund-state appropriation for fiscal year 2022, \$763,000 of the general fund-state appropriation for fiscal year 2023, and \$1,560,000 of the coronavirus state fiscal recovery fund-federal appropriation are provided solely for staff and contract costs to conduct activities related to the receipt, coordination, and tracking of federal funds.

(19) \$193,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$20,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of financial management to conduct a comprehensive study on student access to health care, including behavioral health care, at Washington's public institutions of higher education. The comprehensive study must also include students enrolled in state registered apprenticeship programs. The study must be conducted in collaboration with the health benefit exchange, the health care authority, the state board for community and technical colleges, the council of presidents, and the student achievement council.

(a) The community and technical colleges and the four-year institutions of higher education will make the following data for the 2022-23 academic year available to the office of financial management, the state board of community and technical colleges, and the student achievement council:

(i) The health insurance status of enrolled students;

(ii) The minimum requirements for enrolled students related to health insurance coverage;

(iii) Health insurance or health care coverage options available from the school;

(iv) A description of health care services and facilities available on campus for students, including type of providers, and ways students can access these services;

(v) Out-of-pocket costs associated with accessing or using on-campus health care services and facilities;

(vi) Student demographic information regarding utilization of on-campus health care services and facilities;

(vii) Barriers to accessing on-campus health care services and facilities;

(viii) How the college or university helps students obtain health care services not offered on campus; and

(ix) Information related to partnerships with off-campus health care providers or facilities to provide services to currently enrolled students.

(b) The office of financial management shall make reasonable efforts to provide the following information:

(i) The health insurance status of students enrolled in the 2022-23 academic year;

(ii) The minimum level of health insurance coverage, if any, community and technical colleges and four-year institutions of higher education require for students;

(iii) The types of health insurance schools provide for enrolled students;

(iv) The types of health care services available on campus, including primary care and specialty care, such as emergency services and behavioral health care resources;

(v) A description of health care services available in the communities around campuses, including emergency services and behavioral health providers;

(vi) Data collection gaps that exist related to student health insurance coverage and utilization of health care resources;

(vii) On-campus primary care and specialty care services that are common on school campuses; and

(viii) Other important information in addressing health insurance access and care for students at public institutions of higher education, including issues around equity.

(c) The legislature expects the office of financial management to submit a report to the appropriate health and education committees of the legislature. The final report must include a summary of the data reviewed by the office, including information specific to each type of campus and school, when available, and recommendations for the legislature and public institutions of higher education for improving student health care coverage and access to health care services, including for students enrolled in state registered apprenticeship programs.

(21) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22)(a) \$25,000 of the general fund-state appropriation for fiscal year 2022 and \$201,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to evaluate the effectiveness, utilization, and outcomes of the voluntary incentive programs for landowners and of existing regulatory programs responsible for protecting and restoring areas along streams and rivers toward achieving a science-based standard for a fully functioning riparian ecosystem. To accomplish the evaluation, the office must:

(i) Contract with an independent entity for the analysis. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW; and

(ii) Assist agencies with funding and advice to gather and provide the data necessary for the analysis.

(b) A preliminary report is due to the governor and the appropriate committees of the legislature by September 1, 2022, to inform the development of recommendations to be contained in a final report due by December 1, 2022.

(23) \$1,326,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for additional staff for information technology and payroll

support for the office of independent investigations, which was created by chapter 318, Laws of 2021 (Engrossed Substitute House Bill No. 1267).

(24) Within existing resources, the education research and data center shall submit to the student achievement council the data received from institutions of higher education as described in RCW 28B.118.090. The data shall be submitted by June 30, 2022, and June 30, 2023, and include the most recent data received from institutions of higher education.

(25) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5793 (state boards, etc./stipends). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 131. 2021 c 334 s 132 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account-State	Appropriation	((\$71,650,000))
		<u>\$73,391,000</u>
Administrative Hearings Revolving Account-Local	Appropriation	\$12,000
TOTAL	APPROPRIATION	((\$71,662,000))
		<u>\$73,403,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,346,000 of the administrative hearings revolving account-state appropriation is provided solely for staffing to resolve unemployment insurance appeals. The funding is provided to meet the temporary increase in unemployment insurance hearing appeals, which began in fiscal year 2021, and to reduce the appeal to resolution wait time.

(2) \$154,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & corrections officers). ~~((If the bill is~~

~~not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$86,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of chapter 2, Laws of 2021 (Engrossed Substitute Senate Bill No. 5061) (unemployment insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$12,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$150,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$161,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care and early development programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$19,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(8) \$19,000 of the administrative hearings revolving account-state appropriation is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 132. 2021 c 334 s 133 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State
Appropriation (~~(\$29,759,000)~~)

\$30,485,000

TOTAL APPROPRIATION
(~~(\$29,759,000)~~)

\$30,485,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

Sec. 133. 2021 c 334 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2022) (~~(\$443,000)~~)

\$538,000

General Fund—State Appropriation (FY 2023) (~~(\$464,000)~~)

\$694,000

TOTAL APPROPRIATION (~~(\$907,000)~~)

\$1,232,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction,

the state board of education, and the education committees of the legislature.

Sec. 134. 2021 c 334 s 135 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2022) (~~(\$421,000)~~)

\$585,000

General Fund—State Appropriation (FY 2023) (~~(\$431,000)~~)

\$1,350,000

TOTAL APPROPRIATION (~~(\$852,000)~~)

\$1,935,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission on African American affairs to contract with a Washington state based organization that focuses on the health of African Americans to conduct a Black community health needs assessment. The assessment must include the following activities:

(i) Lead and produce a statewide community assets mapping project to identify institutions, providers, and nongovernmental organizations that contribute to or have impact on Black well-being;

(ii) Collect and organize Black community health needs data and information; and

(iii) Identify priorities for additional phases of work.

(b) By June 30, 2023, the commission shall submit a report to the legislature with findings and recommended solutions that will inform the structure and establishment of an African American health board network.

(2) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$160,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to collaborate with the office of equity to engage a contractor to conduct a detailed analysis of the opportunity gap for

African American and Black students; develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and identify performance measures to monitor adequate yearly progress. The contractor shall submit a study update by December 1, 2022, and submit a final report by June 30, 2023, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

Sec. 135. 2021 c 334 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

General Fund—State Appropriation (FY 2023) \$609,000

Department of Retirement Systems
Expense Account—

State	Appropriation
((\$71,462,000))	
<u>\$74,308,000</u>	
TOTAL	APPROPRIATION
((\$71,462,000))	
<u>\$74,917,000</u>	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399

(universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5676 (PERS/TRS 1 benefit increase). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) \$82,000 of the department of retirement systems—state appropriation is provided solely for implementation of House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$609,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement a Roth individual retirement plan option in the deferred compensation program, including implementation of Engrossed House Bill No. 1752 (deferred compensation/Roth).

Sec. 136. 2021 c 334 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2022) ((~~\$167,182,000~~))

\$172,407,000

General Fund—State Appropriation (FY 2023) ((~~\$411,796,000~~))

\$415,510,000

Timber Tax Distribution Account—State
Appropriation ~~((~~\$7,314,000~~))~~

\$7,616,000

Business License Account—State
Appropriation ~~((~~\$20,335,000~~))~~

\$21,071,000

Waste Reduction, Recycling, and Litter
Control

Account—State	Appropriation
((\$162,000))	

	<u>\$173,000</u>	
Model Toxics Control Operating Account-State		
Appropriation		((\$118,000))
	<u>\$119,000</u>	
Financial Services Regulation Account- State		
Appropriation		\$5,000,000
TOTAL		APPROPRIATION
	((\$611,907,000))	
	<u>\$621,896,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,056,000 of the general fund-state appropriation for fiscal year 2022 and \$409,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2)(a) \$1,303,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current

tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the

feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median

income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any

recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts

of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund-state appropriation for fiscal year 2022 and \$162,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund-state appropriation for fiscal year 2022 and \$33,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988 system). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$213,000 of the general fund-state appropriation for fiscal year 2022 and \$55,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) \$2,489,000 of the general fund-state appropriation for fiscal year 2022 and \$4,189,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(7) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$11,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$7,000 of the general fund-state appropriation for fiscal year 2022 is

provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(9) \$115,000 of the general fund-state appropriation for fiscal year 2022 and \$44,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(10) \$97,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$4,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(12) ~~((\$5,467,000))~~ \$5,567,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$255,513,000))~~ \$245,997,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ Of the total amounts provided in this subsection:

(a) ~~((\$5,467,000))~~ \$5,567,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$13,513,000))~~ \$13,997,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) ~~((\$242,000,000))~~ \$232,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) From within the department's administrative expenditures from the

unclaimed personal property account, the department must provide a report by December 1, 2022, to the governor and the legislature on the unclaimed property program. The report must include:

(a) Annual data for the years 2012 through 2022, that includes:

(i) The number of items of unclaimed property received by the program and the number of holders of unclaimed property who submitted items to the program; and

(ii) The top 10 holders who submitted unclaimed property and the percentage of those holders' submissions that have been subsequently claimed;

(b) Historic data since the inception of the program that shows:

(i) The cumulative number of all unclaimed property items and the aggregate, median, and mean value of those items at the end of each calendar year;

(ii) The annual number of unclaimed property items valued at less than \$75 and the percentage of these items for which the department made contact with a claimant that year; and

(iii) The annual number of direct mail contacts to prospective claimants made by the department and the resulting number of claims made within the following three months; and

(c) Customer service data for the period of December 1, 2020, through December 1, 2022, that includes:

(i) The average length of time between a claim was filed and when it was paid;

(ii) The number and percentage of claims initiated online but not able to be paid to the claimant and the reasons, by percentage, for the failure to successfully pay the claim; and

(iii) The monthly website traffic for the unclaimed property website.

(14) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to implement 2022 revenue legislation. Funding in this subsection is sufficient to implement legislation for which the department has administrative costs.

(15) \$146,000 of the general fund-state appropriation for fiscal year 2023

is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$108,000 of the general fund-state appropriation for fiscal year 2022 and \$157,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1015 (equitable access to credit). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(17) \$141,000 of the general fund-state appropriation for fiscal year 2022 and \$190,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1643 (affordable housing/REET). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(18) \$197,000 of the general fund-state appropriation for fiscal year 2022 and \$245,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Engrossed Substitute House Bill No. 1846 (data centers tax preference). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(19) \$433,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to implement Engrossed Substitute Senate Bill No. 5531 (uniform unclaimed property). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$617,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the agency to relocate staff in the Bothell office to a more affordable location that has a lower lease cost than the current facility.

(21) \$68,000 of the general fund-state appropriation for fiscal year 2022 and \$10,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5983 (cannabinoid regulations). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(22) \$189,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to implement Engrossed

Substitute Senate Bill No. 5980 (B&O tax credits). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 137. 2021 c 334 s 138 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund-State Appropriation (FY 2022) (~~(\$2,631,000)~~)

\$2,621,000

General Fund-State Appropriation (FY 2023) (~~(\$2,652,000)~~)

\$2,721,000

TOTAL APPROPRIATION
(~~(\$5,283,000)~~)

\$5,342,000

Sec. 138. 2021 c 334 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund-State Appropriation (FY 2022) (~~(\$1,975,000)~~)

\$1,993,000

General Fund-State Appropriation (FY 2023) (~~(\$1,564,000)~~)

\$2,001,000

Minority and Women's Business Enterprises Account-

State Appropriation
(~~(\$4,607,000)~~)

\$4,874,000

TOTAL APPROPRIATION
(~~(\$8,146,000)~~)

\$8,868,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) \$135,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Senate Bill No. 5032 (alternative public works contracting procedures). (~~If the bill is not enacted by June 30, 2021, the~~

~~amount provided in this subsection shall lapse.))~~

(3) \$851,000 of the general fund-state appropriation for fiscal year 2022 and \$675,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1259 (women and minority contracting). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

Sec. 139. 2021 c 334 s 140 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund-Federal Appropriation ~~((\$4,633,000))~~

\$4,672,000

Insurance Commissioner's Regulatory Account-State

Appropriation ~~((\$66,236,000))~~

\$70,706,000

Insurance Commissioner's Fraud Account-State

Appropriation ~~((\$3,603,000))~~

\$3,651,000

TOTAL APPROPRIATION ~~((\$74,572,000))~~

\$79,029,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$234,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Second Substitute Senate Bill No. 5315 (captive insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(2) \$64,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Second Substitute Senate Bill No. 5313 (health ins. discrimination). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$24,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Engrossed Second Substitute

Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(4) \$3,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$649,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$83,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Substitute Senate Bill No. 5003 (living donor act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7)(a) \$75,000 of the insurance commissioner's regulatory account-state appropriation is provided solely for a service utilization, cost, and implementation analysis of requiring coverage for the hearing instruments benefit described in House Bill No. 1047 (hearing instruments/children) for children who are 18 years of age or younger and for children and adults.

(b) The commissioner must contract with one or more consultants to:

(i) Obtain projected utilization and cost data from Washington state health carriers for health plans, as defined in RCW 48.43.005, to provide an estimate of aggregate statewide utilization and cost impacts of the coverage described in House Bill No. 1047 (hearing instruments/children) separately for children who are 18 years of age or younger and for children and adults, expressed as total annual cost and as a per member per month cost;

(ii) Assess the impact of federal and state health care nondiscrimination laws on the scope of the benefit described in House Bill No. 1047 (hearing instruments/children); and

(iii) Provide recommendations for distributing state payments to defray the cost of the benefit coverage described in House Bill No. 1047 (hearing instruments/children) for health carriers.

(c) The commissioner must report the findings of the analysis to the appropriate committees of the legislature by December 15, 2021.

(8)(a) \$200,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner, in consultation with the health care authority, to complete an analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The commissioner must contract with one or more consultants to obtain utilization and cost data from Washington state health carriers, as defined in RCW 48.43.005, necessary to provide an estimate of the fiscal impact of providing a fertility treatment benefit for the commercial health plan market.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

- (i) Infertility diagnosis;
- (ii) Fertility medications;
- (iii) Intrauterine insemination;
- (iv) In vitro fertilization; and
- (v) Egg freezing.

(d) The report should include projected costs expressed both as total annual costs and per member per month costs for plan years 2024 through 2027.

(e) The commissioner must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

(9)(a) \$200,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a contract for an actuarial study to assess options for enhancing consumer protections, expanding access to coverage, and accompanying regulations regarding medicare supplemental insurance as defined in RCW 48.66.020. The study shall evaluate, but is not limited to, the following:

(i) For at least the most recent three years for which data is available, the total number of Washington state residents enrolled in medicare, broken down by those who are enrolled in:

(A) Traditional medicare fee-for-service only;

(B) Medicare supplemental insurance plans;

(C) Medicare advantage plans; and

(D) Medicaid and will turn age 65 during the public health emergency with respect to the coronavirus disease 2019 (COVID-19);

(ii) A demographic breakdown of the age, gender, racial, ethnic, and geographic characteristics of the individuals listed in (a)(i) of this subsection. For those younger than age 65, the breakdown should separate those eligible as a result of disability and end-stage renal disease status. The commissioner may include additional demographic factors;

(iii) The estimated impact on premiums, enrollment, and increased access for individuals listed in (a)(i)(A) and (B) of this subsection if the state were to have an annual open enrollment period during which medicare supplemental insurance was guaranteed issue, including separate estimates for expanding coverage to include those eligible for medicare and younger than age 65;

(iv) The estimated impact on premiums, enrollment, and increased access for individuals in (a)(i)(A) and (B) of this subsection if medicare supplemental insurance was guaranteed issue throughout the year, including separate estimates for expanding coverage to include those eligible for medicare and younger than age 65;

(v) The net cost impact to consumers and any other affected parties of the options outlined in (a)(iii) and (iv) of this subsection;

(vi) An analysis of other factors that impact access and premiums for medicare-eligible individuals; and

(vii) A review of medicare supplemental insurance policy protections in other states and their impact on premiums and enrollment in these policies.

(b) By November 15, 2022, the insurance commissioner shall submit a report to the appropriate committees of the legislature with the findings of the study.

(c) The contract recipient for the actuarial study must have:

(i) A comprehensive view of the medicare supplement industry and industry expertise developed from:

(A) Consulting for a diverse group of medicare supplement stakeholders; and

(B) Working directly for insurers issuing medicare supplemental plans; and

(ii) Access to data and expertise necessary to support the study and alternative projections.

(10) \$250,000 of the insurance commissioner's regulatory account-state appropriation is provided solely for the commissioner to contract for an assessment of federal and state authorities to provide recommendations on creating a legal framework within which continuing care retirement community products under chapter 18.390 RCW may achieve heightened consumer protections through shared regulatory oversight by the office of the insurance commissioner. The commissioner must submit a report on the assessment and recommendations to the health care committees of the legislature by December 1, 2022.

(11) \$218,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1821 (telemedicine/relationship). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(12) \$442,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1688 (out-of-network health care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(13) \$43,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Substitute House Bill No. 1389 (peer-to-peer vehicle sharing). If the bill is not enacted by June 30, 2022, the

amount provided in this subsection shall lapse.

(14) \$24,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement House Bill No. 1651 (postpartum contraception). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15)(a) \$100,000 of the insurance commissioner's regulatory account-state appropriation is provided solely for the commissioner to coordinate with the utilities and transportation commission to jointly study the issue of utility liability insurance and report findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(b) The study shall:

(i) Review the availability and cost of liability insurance for electric utilities;

(ii) Identify obstacles to electric utility access to liability insurance, including market conditions as well as legal and regulatory requirements;

(iii) Evaluate financial risk to electric utilities, ratepayers, property owners, and others that exists as a result of the increased cost of insurance or in the event electric utilities are underinsured as a result of a lack of access to coverage; and

(iv) Make policy recommendations to improve access to liability insurance coverage for electric utilities.

(16) \$10,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Substitute Senate Bill No. 5546 (insulin affordability). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$10,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Senate Bill No. 5508 (insurance guaranty fund). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(18) \$7,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Substitute Senate Bill No. 5589 (primary care spending). If the bill is

not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(19) \$43,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Substitute Senate Bill No. 5610 (Rx drug cost sharing). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$31,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$14,000 of the insurance commissioner's regulatory account-state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 140. 2021 c 334 s 141 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account-State

Appropriation ((~~\$65,134,000~~))

\$69,784,000

TOTAL APPROPRIATION ((~~\$65,134,000~~))

\$69,784,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,464,000 of the state investment board expense account-state appropriation is provided solely for investment data software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) During the 2021-2023 fiscal biennium, the Washington state investment board shall provide the law enforcement officers' and firefighters' plan 2 retirement board use of the investment board main conference room. The law enforcement officers' and firefighters' plan 2 retirement board must be allowed to use the board room for

at least five hours on one day per month during regular business hours. Any additional direct costs incurred by the investment board due solely to the use of the conference room by the retirement board may be reimbursed by the law enforcement officers' and firefighters' plan 2 retirement board, consistent with any investment board policies on reimbursement for this facility applied to other major clients and investment partners.

Sec. 141. 2021 c 334 s 142 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

General Fund-State Appropriation (FY 2022) ((~~\$388,000~~))

\$407,000

General Fund-State Appropriation (FY 2023) ((~~\$417,000~~))

\$1,612,000

General Fund-Federal Appropriation ((~~\$3,013,000~~))

\$3,083,000

General Fund-Private/Local Appropriation \$75,000

Dedicated Marijuana Account-State Appropriation

(FY 2022) ((~~\$11,575,000~~))

\$11,846,000

Dedicated Marijuana Account-State Appropriation

(FY 2023) ((~~\$11,608,000~~))

\$12,500,000

Liquor Revolving Account-State Appropriation ((~~\$82,347,000~~))

\$100,265,000

TOTAL APPROPRIATION ((~~\$109,423,000~~))

\$129,788,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the (~~marijuana~~) cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account-state appropriation, (~~(\$4,939,000 for fiscal year 2022 and \$2,065,000 for fiscal year 2023 are)~~) \$20,754,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account-state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account-state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account-state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). (~~If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.~~)

(6) \$316,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementing House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(7) \$20,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 is provided solely for implementing Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) The appropriations in this section include sufficient funding for implementation of Third Substitute House Bill No. 1359 (liquor license fees).

(9) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the board, in consultation with the office of equity and community organizations, to select a third-party contractor to prioritize applicants in the cannabis social equity program under RCW 69.50.335.

(10) \$11,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5004 (medical marijuana tax exemption). If the

bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) \$324,000 of the general fund-state appropriation for fiscal year 2023 and \$1,331,000 of the liquor revolving account-state appropriation are provided solely for implementing Substitute Senate Bill No. 5983 (cannabinoid regulation). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12) \$27,000 of the liquor revolving account-state appropriation is provided solely for implementation of Senate Bill No. 5940 (liquor licenses). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(13) \$123,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5796 (dedicated cannabis distributions).

Sec. 142. 2021 c 334 s 143 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund-State Appropriation (FY 2022) (~~(\$251,000)~~)

\$515,000

General Fund-State Appropriation (FY 2023) (~~(\$199,000)~~)

\$1,502,000

General Fund-Private/Local Appropriation (~~(\$16,591,000)~~)

\$8,564,000

Public Service Revolving Account-State Appropriation (~~(\$42,430,000)~~)

\$44,196,000

Public Service Revolving Account-Federal

Appropriation \$100,000

Pipeline Safety Account-State Appropriation (~~(\$3,435,000)~~)

\$3,593,000

Pipeline Safety Account-Federal Appropriation (~~(\$3,140,000)~~)

\$3,241,000

TOTAL	APPROPRIATION
((\$66,146,000))	
\$61,711,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account-state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account-state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(3) \$179,000 of the public service revolving account-state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(4)(a) \$251,000 of the general fund-state appropriation for fiscal year 2022 and \$199,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

(i) How natural gas utilities can decarbonize;

(ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;

(iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;

(iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;

(v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) \$76,000 of the public service revolving account-state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(6) \$36,000 of the public service revolving account-state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(7) \$667,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1723 (digital equity act). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the commission to coordinate with the office of the insurance commissioner to study the issue of utility liability insurance and report

its findings to the governor and the appropriate committees of the legislature by June 1, 2023.

(9) \$68,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(10) \$92,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5678 (energy project orders). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) \$358,000 of the general fund—state appropriation for fiscal year 2023 and \$56,000 of the pipeline safety account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 143. 2021 c 334 s 144 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2022) (~~(\$10,500,000)~~)

\$10,422,000

General Fund—State Appropriation (FY 2023) (~~(\$9,502,000)~~)

\$13,291,000

General Fund—Federal Appropriation (~~(\$120,157,000)~~)

\$132,559,000

Enhanced 911 Account—State Appropriation (~~(\$53,834,000)~~)

\$54,034,000

Disaster Response Account—State Appropriation (~~(\$42,370,000)~~)

\$75,553,000

Disaster Response Account—Federal Appropriation (~~(\$920,106,000)~~)

\$1,068,847,000

Military Department Rent and Lease Account—State

Appropriation (~~(\$994,000)~~)

\$1,000,000

Military Department Active State Service Account—

State Appropriation \$400,000

Oil Spill Prevention Account—State Appropriation \$1,040,000

Worker and Community Right to Know Fund—State

Appropriation (~~(\$1,932,000)~~)

\$1,919,000

TOTAL APPROPRIATION (~~(\$1,160,735,000)~~)

\$1,359,065,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) (~~(\$1,000,000)~~) \$300,000 of the general fund—state appropriation for fiscal year 2022 (~~is~~) and \$700,000 of

the disaster response account—state appropriation are provided solely for grants to assist eligible individuals and families with the purchase of household appliances, home repair, and home replacement including construction, building materials, site preparation, and permitting fees. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the

agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$250,000)~~) \$775,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are

not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection (~~((7))~~) (9)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

(11) \$438,000 of the disaster response account-state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

(12) \$275,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to the Ruckelshaus center to compare traditional decision making systems with other decision making structures and provide recommendations for future emergency responses.

(13) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract for the development of a plan for a state-level disaster individual assistance program. The program should be modeled after successful programs in other states and be linked to complimentary programs at agencies such as the departments of commerce and social and health services, and the office of the governor. The fully developed program will detail the establishment, operations, and maintenance of a state-level disaster individual assistance program. A report detailing findings and recommendations for creating the program shall be delivered to the appropriate legislative committees by June 30, 2023.

(14) \$15,000 of the enhanced 911 account-state appropriation is provided solely for implementation of Substitute Senate Bill No. 5555 (safety telecommunicators). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(15) \$7,500,000 of the disaster response account-state appropriation is provided solely for the department to make grants for individual assistance to those impacted by extreme weather events and natural disasters in fiscal year 2022 and fiscal year 2023.

(16) \$4,853,000 of the disaster response account-state appropriation is provided solely for the department to use as matching funds for the federal emergency management agency building resilient infrastructure and communities (BRIC) grant program.

Sec. 144. 2021 c 334 s 145 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund-State Appropriation (FY 2022) (~~(\$2,401,000)~~)

\$2,402,000

General Fund-State Appropriation (FY 2023) (~~(\$2,371,000)~~)

\$2,451,000
 Personnel Service Account—State
 Appropriation (~~(\$4,382,000)~~)
\$4,455,000
 Higher Education Personnel Services
 Account—State
 Appropriation (~~(\$1,407,000)~~)
\$1,428,000
 TOTAL APPROPRIATION
 (~~(\$10,561,000)~~)
\$10,736,000

The appropriations in this section are subject to the following conditions and limitations: \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

Sec. 145. 2021 c 334 s 146 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State
 Appropriation (~~(\$4,438,000)~~)
\$4,497,000
 TOTAL APPROPRIATION
 (~~(\$4,438,000)~~)
\$4,497,000

Sec. 146. 2021 c 334 s 147 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
 Administrative Account—State
 Appropriation (~~(\$4,960,000)~~)
\$4,978,000
 TOTAL APPROPRIATION
 (~~(\$4,960,000)~~)
\$4,978,000

The appropriation in this section is subject to the following conditions and limitations: \$3,930,000 of the volunteer

firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

Sec. 147. 2021 c 334 s 148 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State
 Appropriation (~~(\$753,000)~~)
\$754,000
 TOTAL APPROPRIATION (~~(\$753,000)~~)
\$754,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

Sec. 148. 2021 c 334 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund-State Appropriation (FY 2022) (~~(\$5,976,000)~~)

\$7,016,000

General Fund-State Appropriation (FY 2023) (~~(\$5,833,000)~~)

\$12,516,000

General Fund-Private/Local Appropriation \$102,000

Building Code Council Account-State Appropriation (~~(\$1,825,000)~~)

\$2,277,000

TOTAL APPROPRIATION (~~(\$13,736,000)~~)

\$21,911,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$5,208,000)~~) \$6,151,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$5,269,000)~~) \$6,127,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, (~~(utilities,)~~) parking, security, (~~and~~) contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the

department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$162,000 of the general fund-state appropriation in fiscal year 2022 and \$162,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis,

cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022,

and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account-state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11)(a) \$654,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the state efficiency and environmental performance program, to:

(i) Prepare a zero emission vehicle implementation strategy, to include standard metrics and reporting requirements, for the department's managed vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(ii) Prepare a zero emission vehicle implementation strategy in collaboration with state agencies, to include standard metrics and reporting requirements, for state-owned agency fleet vehicles, as outlined in executive order 21-04, to include at least passenger vehicles and maintenance vehicles;

(iii) Collect and report on what vehicles from (a)(i) and (ii) of this subsection are covered under executive order 21-04 as EV ready, and at what interval by fiscal year and at what cost by vehicle make and model;

(iv) Identify current barriers to EV replacement strategies and outline strategies to overcome these barriers for (a)(i) and (ii) of this subsection and report on these discretely;

(v) Identify optimal charging hub locations by fiscal year for (a)(i) and (ii) of this subsection and the estimated costs to do so by fiscal year;

(vi) Prepare a comprehensive fleet transition schedule for (a)(i) and (ii) of this subsection;

(vii) Create implementation plan templates for use by state agencies; and

(viii) Estimate fiscal impacts of EV costs by vehicle type compared to the base funding that was used to purchase or lease the vehicles being replaced for (a)(i) and (ii) of this subsection.

(b) The department must submit a preliminary report responsive to (a)(i) through (viii) of this subsection by April 30, 2023, to the fiscal committees of the legislature, and a final report by June 30, 2023.

(12) \$2,952,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for zero emission electric vehicle supply equipment infrastructure at state-owned facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are scheduled to be purchased in fiscal year 2023. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and state facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2023, for those installed in fiscal year 2023, and each fiscal year thereafter if further funding is provided. The department shall collaborate with the interagency electric vehicle coordinating council established in Engrossed Substitute Senate Bill No. 5974 (transportation resources) to implement this subsection and must work to meet benchmarks established in Engrossed Substitute Senate Bill No. 5974 (transportation resources).

Sec. 149. 2021 c 334 s 150 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund–State Appropriation (FY 2022) (~~(\$2,736,000)~~)

\$2,721,000

General Fund–State Appropriation (FY 2023) (~~(\$2,779,000)~~)

\$3,721,000

General Fund–Federal Appropriation (~~(\$2,948,000)~~)

\$3,325,000

General Fund–Private/Local Appropriation \$14,000

TOTAL APPROPRIATION (~~(\$8,477,000)~~)

\$9,781,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund–state appropriation for fiscal year 2022 and \$103,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$500,000 of the general fund–state appropriation for fiscal year 2022 and \$550,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Washington main street program, including \$150,000 of the general fund–state appropriation for fiscal year 2022 and \$200,000 of the general fund–state appropriation for fiscal year 2023 provided solely for a pilot project grant program for affiliate main street programs. From the amount provided in this subsection, the department may provide grants of up to \$40,000 to the affiliate main street programs for staffing costs, capacity building, and other costs associated with establishing a local nonprofit organization focused solely on downtown revitalization. The department must prioritize affiliate main street programs in locations with a population under 20,000.

(3) \$92,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department of archeology and historic preservation to

conduct a comprehensive study, jointly with the department of licensing, to review the definition of a cemetery, examine current protections and oversight authority, and provide recommendations for future protections and oversight authority of cemeteries in Washington state. The department may solicit input for the analysis from representatives of interested parties to include, but not be limited to, cities, counties, tribes, and law enforcement. The departments shall submit the study to the legislature by December 31, 2022.

(4) \$150,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to develop a trial mapping project that will result in information that state and local planners may use to make land use and transportation decisions through an equity lens. The department may use funding provided in this subsection to:

(a) Engage with marginalized communities and other relevant stakeholders to prioritize locations included in the trial mapping project;

(b) Create and publish documentation of historic places and buildings included in current cultural resources practice framework; and

(c) Make available geographic information system data that is compatible across state and local government mapping platforms.

(5) \$2,000 of the general fund-state appropriation for fiscal year 2022 and \$48,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to collaborate with Black and African American communities across the state to record important historic properties. The department may use funding provided in this subsection to:

(a) Use maps and engage stakeholders in the Black and African American communities to locate geographic areas where Black and African Americans lived and worked before the year 1970;

(b) Engage with Black and African American communities and stakeholders to identify places that are of historic significance;

(c) Add documentation to the department's state database of historic properties; and

(d) Create outreach products to inform and educate the public on the historic properties.

(6) \$98,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(7) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a nonprofit dedicated to providing an online statewide historical encyclopedia to produce and share materials that explore the history of waterfront park and Seattle's central waterfront.

Sec. 150. 2021 c 334 s 151 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund-State Appropriation (FY 2022) \$581,000

General Fund-State Appropriation (FY 2023) (~~(\$531,000)~~)

\$631,000

Consolidated Technology Services Revolving Account-

State Appropriation (~~(\$53,030,000)~~)

\$60,113,000

TOTAL APPROPRIATION (~~(\$54,142,000)~~)

\$61,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$11,623,000)~~) \$11,598,000 of the consolidated technology services revolving account-state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account-state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least ~~((quarterly))~~ twice annually and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account-state appropriation is provided solely for the office of privacy and data protection.

(2) (~~(\$12,393,000)~~) \$12,168,000 of the consolidated technology services revolving account-state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-

organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report and all those projects undertaken by the coalition are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. Beginning July 31, 2022, and by July 31st each year, the office of the chief information officer shall collect from the coalition information to produce summaries and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for coalition information technology projects that are in progress or anticipated to start within this fiscal biennium. The office must also complete a services consultation with the coalition on any and all active coalition projects each August, effective August 1, 2022, regardless of whether any coalition agency will ask for new funding through the budget process, and include projects the coalition is working on with base funding or other funding arrangements. As a result of this consultation, the office of the chief information officer must add a prioritized recommendation of the projects reviewed and submit that to fiscal committees of the legislature each October 31st, effective October 31, 2022. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) (~~(\$4,303,000)~~) \$4,330,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of

Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

- (i) Start date of the project;
- (ii) End date of the project, when the project will close out and implementation will commence;
- (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
- (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
- (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
- (vi) Start date of maintenance and operations;
- (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
- (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
- (ix) Date a feasibility study was completed; and
- (x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal

committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;

(iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and

(iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide ((~~Apprio~~)) data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

~~(13) ((\$129,000 of the consolidated technology services revolving account-state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

((14)) \$12,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not

improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

(i) When state agency use of automated decision making systems should be prohibited;

(ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;

(iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;

(iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;

(v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;

(vi) How automated decision system data should be stored and whether such data should be shared outside the system; and

(vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

(i) The department of children, youth, and families system used to determine risk in the family child welfare system;

(ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or

(iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

~~((15))~~ (14) \$81,000 of the consolidated technology services

revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(16))~~ (15)(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

(i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;

(ii) Organize data in standardized and compatible formats including temporal data, where able; and

(iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

~~((+17))~~ (16) \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(17) \$4,333,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

(18) \$2,375,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

(a) Establishing a cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;

(b) Establishing the cloud retraining program to provide a coordinated approach to skills development and retraining; and

(c) Staffing to define career pathways and core competencies for the state's information technology workforce.

(19) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the office of the chief information officer, who must:

(a) Prepare with the cooperation of state agencies and make publicly available on its website, by January 1, 2023, an initial inventory of all automated decision systems that are currently being used by state agencies; and

(b) Adopt guidance, by June 30, 2022, for state agencies regarding minimum standards that should be used for automated decision systems the agency plans to develop or procure during the 2023 fiscal year.

Sec. 151. 2021 c 334 s 152 (uncodified) is amended to read as follows:

FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation ~~(((\$4,190,000))~~

\$4,229,000

TOTAL APPROPRIATION ~~(((\$4,190,000))~~

\$4,229,000

NEW SECTION. Sec. 152. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

Financial Services Regulation Nonappropriated

Account—State Appropriation \$140,000

TOTAL APPROPRIATION \$140,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the department of financial institutions to conduct a survey of foreclosure trustees doing business in the state of Washington for owner-occupied residential real property between January 1, 2017, and December 31, 2019.

(1) The survey must include:

(a) The name and place of business of the trustee, its owner, and any affiliated firms or businesses that do business in Washington;

(b) The number of notices of trustee sale filed each year for each beneficiary;

(c) Templates without personally identifiable information of all notices sent to borrowers within the survey period; and

(d) Samples of service contracts between the trustee and each beneficiary.

(2) By January 1, 2023, the department of financial institutions shall submit a report to the legislature on the results of the survey and include a discussion of the regulation of foreclosure trustees in Washington's nonjudicial foreclosure system.

NEW SECTION. Sec. 153. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE WASHINGTON STATE LEADERSHIP BOARD**

Washington State Leadership Board
Account-State

Appropriation (FY 2023) \$637,000

TOTAL APPROPRIATION \$637,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$187,000 of the Washington state leadership board account-state appropriation is provided solely for implementation of Senate Bill No. 5750 (WA state leadership board). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(2) \$450,000 of the Washington state leadership board account-state appropriation for fiscal year 2023 is provided solely for implementing programming in RCW 43.15.030, and specifically the Washington world fellows program, sports mentoring program/boundless Washington, compassion scholars, and the Washington state leadership awards. If Senate Bill No. 5750 (WA state leadership board) is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

PART II

HUMAN SERVICES

Sec. 201. 2021 c 334 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through

43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or

investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize((s)) federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2022 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(9) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

Sec. 202. 2021 c 334 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2022) (~~(\$435,890,000)~~)

\$395,156,000

General Fund-State Appropriation (FY 2023) (~~(\$436,264,000)~~)

\$477,498,000

General Fund-Federal Appropriation (~~(\$142,531,000)~~)

\$183,198,000

General Fund-Private/Local Appropriation (~~(\$21,540,000)~~)

\$15,528,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$5,961,000

TOTAL APPROPRIATION (~~(\$1,036,225,000)~~)

\$1,077,341,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund-state appropriation for fiscal year 2022 and \$310,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund-state appropriation for fiscal year 2022 and \$45,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided

by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund-state appropriation for fiscal year 2022 and \$19,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund-state appropriation for fiscal year 2022 and \$135,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state

hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and \$5,075,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and

\$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$59,784,000)~~) \$65,875,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(i) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward

level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) (~~(\$10,581,000)~~) \$4,681,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing

to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the ~~((intensive care model being implemented))~~ violence reduction or safety strategy, a profile of the types of patients being served ~~((at the program))~~, the staffing model being used ~~((for the program))~~, and outcomes associated with ~~((the program))~~ each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served ~~((on the unit))~~.

(m) \$2,593,000 of the general fund-state appropriation for fiscal year 2022 and \$2,593,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. ~~(Lashway)~~ Lashway* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the

state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) ~~((~~\$3,846,000~~))~~ \$3,773,000 of the general fund-state appropriation for fiscal year 2022, ~~((~~\$3,846,000~~))~~ \$4,099,000 of the general fund-state appropriation for fiscal year 2023, and ~~((~~\$7,692,000~~))~~ \$4,772,000 of the general fund-federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) ~~((~~\$2,941,000~~))~~ \$159,000 of the general fund-state appropriation for fiscal year 2023 ~~((and ~~\$2,941,000~~ of the general fund-federal appropriation are))~~ is provided solely for the department to ~~((operate))~~ prepare for opening a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) \$1,382,000 of the general fund-state appropriation for fiscal year 2022, \$5,092,000 of the general fund-state appropriation for fiscal year 2023, and \$5,092,000 of the general fund-federal appropriation is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a

protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) \$4,316,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(s) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by November 1, 2022; and (F) sixth ward closure by April 1, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and

operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

(t) \$360,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(u) \$1,190,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(v) \$36,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1890 (children behavioral health). If the bill

is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(w) \$455,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

(x) \$487,000 of the general fund-state appropriation for fiscal year 2022 and \$601,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

(y) \$88,000 of the general fund-state appropriation for fiscal year 2022 and \$2,920,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

(z) \$34,289,000 of the general fund-federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(2) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2022) (~~(\$5,936,000)~~)

\$5,885,000

General Fund-State Appropriation (FY 2023) (~~(\$5,929,000)~~)

\$6,079,000

General Fund-Federal Appropriation (~~(\$366,000)~~)

\$409,000

TOTAL APPROPRIATION (~~(\$12,231,000)~~)

\$12,373,000

Sec. 203. 2021 c 334 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund-State Appropriation (FY 2022) (~~(\$747,646,000)~~)

\$704,242,000

General Fund-State Appropriation (FY 2023) (~~(\$948,278,000)~~)

\$1,113,004,000

General Fund-Federal Appropriation (~~(\$2,086,801,000)~~)

\$2,303,783,000

General Fund-Private/Local Appropriation \$4,058,000

Developmental Disabilities Community Services

Account-State Appropriation \$52,000,000

TOTAL APPROPRIATION (~~(\$3,838,783,000)~~)

\$4,177,087,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family

home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c)(i) \$2,648,000 of the general fund–state appropriation for fiscal year 2022, \$8,946,000 of the general fund–state appropriation for fiscal year 2023, and \$16,665,000 of the general fund–federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$8,764,000 of the general fund–state appropriation for fiscal year 2023 and \$11,156,000 of the general fund–federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(d)(i) \$291,000 of the general fund–state appropriation for fiscal year 2022, \$992,000 of the general fund–state appropriation for fiscal year 2023, and \$1,844,000 of the general fund–federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$953,000 of the general fund–state appropriation for fiscal year 2023 and \$1,214,000 of the general fund–federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e)(i) \$540,000 of the general fund–state appropriation for fiscal year 2022, \$860,000 of the general fund–state appropriation for fiscal year 2023, and \$1,881,000 of the general fund–federal

appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$1,389,000 of the general fund–state appropriation for fiscal year 2023 and \$1,278,000 of the general fund–federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment

must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$4,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$17,000)~~) \$37,000 of the general fund-state appropriation for fiscal year 2023, and (~~(\$23,000)~~) \$42,000 of the general fund-federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the

developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, (~~(2021)~~) 2022.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund-state appropriation for fiscal year 2023 and \$226,000 of the general fund-federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(n) \$408,000 of the general fund-state appropriation for fiscal year 2022, \$416,000 of the general fund-state appropriation for fiscal year 2023, and \$474,000 of the general fund-federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(o) \$3,474,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$11,423,000)~~) \$88,692,000 of the general fund-state appropriation for fiscal year 2023, and (~~(\$15,262,000)~~) \$92,530,000 of the general fund-federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. (~~The~~) Of the amounts provided in this subsection (o) (include funding to):

(i) \$3,474,000 of the general fund-state appropriation for fiscal year 2022,

\$11,423,000 of the general fund–state appropriation for fiscal year 2023, and \$15,262,000 of the general fund–federal appropriation are provided solely to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(ii) \$77,269,000 of the general fund–state appropriation for fiscal year 2023 and \$77,268,000 of the general fund–federal appropriation are provided solely to increase the provider rate effective July 1, 2022. It is the intent of the legislature that contracted providers use the funding provided in this subsection (1)(o)(ii) to provide hourly wage increases for direct care workers.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund–state appropriation for fiscal year 2022, \$49,000 of the general fund–state appropriation for fiscal year 2023, and \$131,000 of the general fund–federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund–state appropriation for fiscal year 2022, \$1,688,000 of the general fund–state appropriation for fiscal year 2023, and \$1,465,000 of the general fund–federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with

the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund–state appropriation for fiscal year 2022 and \$2,006,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(u) (~~(\$18,733,000)~~) \$43,535,000 of the general fund–state appropriation for fiscal year 2022, \$47,243,000 of the general fund–state appropriation for fiscal year 2023, and (~~(\$46,342,000)~~) \$152,070,000 of the general fund–federal appropriation are provided solely (~~to continue providing~~) for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic (~~(through the end of calendar year 2021)~~). Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

(v) \$78,000 of the general fund–state appropriation for fiscal year 2022, \$75,000 of the general fund–state appropriation for fiscal year 2023, and \$113,000 of the general fund–federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.)~~)

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund–state appropriation for fiscal year 2022, \$2,641,000 of the general fund–state appropriation for fiscal year 2023, and \$4,250,000 of the general fund–federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$19,648,000 of the general fund–state appropriation for fiscal year 2023 and \$25,006,000 of the general fund–federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 204(45) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(z) \$205,000 of the general fund–state appropriation for fiscal year 2022, \$232,000 of the general fund–state appropriation for fiscal year 2023, and \$590,000 of the general fund–federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and

services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)(~~(y)~~) (z):

(i) \$159,000 of the general fund–state appropriation for fiscal year 2022, \$186,000 of the general fund–state appropriation for fiscal year 2023, and \$310,000 of the general fund–federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds, provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council,

colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the

option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) Reporting dates in this subsection (1)(z) are modified by Engrossed Substitute Senate Bill No. 5268 (dev. disability services).

(iii) \$46,000 of the general fund-state appropriation in fiscal year 2022, \$46,000 of the general fund-state appropriation in fiscal year 2023, and \$280,000 of the general fund-federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

~~((z))~~ (aa) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

~~((aa))~~ (bb) \$63,000 of the general fund-state appropriation for fiscal year 2022, \$13,000 of the general fund-state appropriation for fiscal year 2023, and \$77,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(cc) \$123,000 of the general fund-state appropriation for fiscal year 2023 and \$156,000 of the general fund-federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home

care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate by reducing agency administrative expenses.

(dd) \$80,000 of the general fund-state appropriation for fiscal year 2023 and \$61,000 of the general fund-federal appropriation are provided solely for the department to hire one full-time employee to provide advice, evaluations, and recommendations on technological tools to clients, providers, and case managers.

(ee)(i) \$2,172,000 of the general fund-state appropriation for fiscal year 2023 and \$1,666,000 of the general fund-federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including but not limited to:

(A) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(B) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(C) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(D) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(ii) It is the intent of the legislature that the department of social and health services submit annual reports of this information beginning in fiscal year 2024.

(ff) \$204,000 of the general fund-state appropriation for fiscal year 2022, \$1,511,000 of the general fund-state appropriation for fiscal year 2023, and \$988,000 of the general fund-federal

appropriation are provided solely for service rate increases paid to contracted providers of community engagement, supported parenting, and respite services. No later than December 1, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including a detailed accounting of utilization of services and any changes in the utilization as a result of this funding. The department shall submit a final report of this information no later than June 30, 2023. The department shall also conduct a comprehensive study of the current rate structure paid to supported employment and community inclusion providers. No later than October 1, 2022, the department must submit to the governor and the appropriate committees of the legislature a report of this study that includes, but is not limited to, the following:

(i) An overview of the current system and how it operates, including an overview of the current rate structure;

(ii) A description of the organizational components and costs associated with the delivery of supported employment and community inclusion services that achieve client outcomes;

(iii) A recommendation of the rates needed for providers to cover their costs and maintain the infrastructure required to achieve and support client outcomes; and

(iv) A recommendation for a methodology to utilize in the future for regularly analyzing costs associated with service delivery and the rate adjustments, and associated frequency of these adjustments, needed to ensure that services achieve client outcomes.

(gg) \$1,413,000 of the general fund-state appropriation for fiscal year 2023 and \$1,084,000 of the general fund-federal appropriation are provided solely to hire additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2022, the department of social and health services shall submit a preliminary report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the

timeline for completion of these determinations has changed. A final report of this information must be submitted no later than June 30, 2023.

(hh) \$228,000 of the general fund-state appropriation for fiscal year 2023 and \$284,000 of the general fund-federal appropriation are provided solely to increase funding of the assisted living Medicaid methodology established in RCW 74.39A.032 to 68 percent of full methodology funding, effective July 1, 2022.

(ii) \$1,719,000 of the general fund-state appropriation for fiscal year 2023 and \$49,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5268 (dev. disability services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(jj) \$2,581,000 of the general fund-state appropriation for fiscal year 2023 and \$2,060,000 of the general fund-federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5819 (DDA no-paid caseload). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(kk) \$54,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to implement Second Substitute House Bill No. 1890 (children behavioral health). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(ll) \$8,428,000 of the general fund-state appropriation for fiscal year 2023 and \$5,179,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(mm) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that provides benefits planning training to attorneys and other professionals to help them assist individuals with developmental disabilities with retaining state and federal benefits while working.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2022) (~~(\$115,635,000)~~)

\$110,829,000

General Fund-State Appropriation (FY 2023) (~~(\$125,463,000)~~)

\$135,393,000

General Fund-Federal Appropriation (~~(\$241,480,000)~~)

\$253,002,000

General Fund-Private/Local Appropriation \$27,043,000

TOTAL APPROPRIATION (~~(\$509,621,000)~~)

\$526,267,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund-state appropriation for fiscal year 2022 and \$495,000 of the general fund-state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$10,000)~~) \$21,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(e) The department is directed to develop a plan to reduce the footprint of the Rainier residential habilitation center campus and other property facilities taking into consideration recommendations of the Ruckleshaus residential habilitation center work

group report and the department's Rainier school master plan.

(i) The plan must include the following:

(A) Input from interested stakeholders to ensure a thoughtful, safe, and well-supported residential transition to the community;

(B) An outline for maintaining a state-operated safety net for individuals who transition to the community and who may later be in crisis or who need a greater level of care;

(C) Barriers to successful community transitions and how to mitigate those;

(D) A report of stakeholder feedback received and how it was incorporated or not into the plan; and

(E) A proposed timeline to implement the plan and a target date for reducing the footprint of Rainier if the plan is followed.

(ii) The stakeholders must include, at minimum: Individuals who reside or have resided at Rainier within the last two decades, families and guardians of individuals who reside or have resided at Rainier, the city of Buckley, and current or former staff at Rainier and their respective labor organizations.

(iii) The department must confer with and have approval from the governor's office prior to submission of the plan. A final plan shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2023.

(3) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2022) (~~(\$2,639,000)~~)

\$2,717,000

General Fund-State Appropriation (FY 2023) (~~(\$2,688,000)~~)

\$2,940,000

General Fund-Federal Appropriation (~~(\$3,192,000)~~)

\$3,233,000

TOTAL APPROPRIATION (~~(\$8,519,000)~~)

\$8,890,000

(4) SPECIAL PROJECTS

General Fund–State Appropriation (FY 2022) (~~(\$61,000)~~)

\$94,000

General Fund–State Appropriation (FY 2023) (~~(\$61,000)~~)

\$66,000

General Fund–Federal Appropriation (~~(\$1,090,000)~~)

\$1,125,000

TOTAL APPROPRIATION (~~(\$1,212,000)~~)

\$1,285,000

Sec. 204. 2021 c 334 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund–State Appropriation (FY 2022) (~~(\$1,422,098,000)~~)

\$1,344,251,000

General Fund–State Appropriation (FY 2023) (~~(\$1,783,367,000)~~)

\$2,049,486,000

General Fund–Federal Appropriation (~~(\$4,517,927,000)~~)

\$4,913,077,000

General Fund–Private/Local Appropriation \$37,804,000

Traumatic Brain Injury Account–State Appropriation (~~(\$4,544,000)~~)

\$5,586,000

Skilled Nursing Facility Safety Net Trust Account–

State Appropriation \$133,360,000

Long-Term Services and Supports Trust Account–State

Appropriation (~~(\$10,873,000)~~)

\$15,003,000

TOTAL APPROPRIATION (~~(\$7,909,973,000)~~)

\$8,498,567,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average

nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed (~~(\$279.84)~~) \$319.82 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4)(i) \$6,113,000 of the general fund–state appropriation for fiscal year 2022, \$19,799,000 of the general fund–state appropriation for fiscal year 2023, and \$37,161,000 of the general fund–federal

appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(ii) \$18,787,000 of the general fund-state appropriation for fiscal year 2023 and \$23,910,000 of the general fund-federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for fiscal year 2023, as provided in section 939 of this act.

(5)(i) \$1,941,000 of the general fund-state appropriation for fiscal year 2022, \$6,439,000 of the general fund-state appropriation for fiscal year 2023, and \$12,064,000 of the general fund-federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(ii) \$6,028,000 of the general fund-state appropriation for fiscal year 2023 and \$7,669,000 of the general fund-federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients

ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer ~~((initiative 2 of the medicaid transformation waiver that provides))~~ tailored support for older adults and medicaid alternative care as described in initiative 2 of the ~~((medicaid transformation))~~ 1115 demonstration waiver ~~((under healthier Washington))~~. This initiative will be funded by the health care authority ~~((with))~~ through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all ~~((of the))~~ expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund-state expenditures on this initiative.

(12)(i) \$3,378,000 of the general fund-state appropriation for fiscal year 2022, \$5,561,000 of the general fund-state appropriation for fiscal year 2023, and \$11,980,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(ii) \$8,922,000 of the general fund-state appropriation for fiscal year 2023 and \$8,212,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023, as provided in section 941 of this act.

(13) \$1,761,000 of the general fund-state appropriation for fiscal year 2022, \$1,761,000 of the general fund-state appropriation for fiscal year 2023, and

\$4,162,000 of the general fund-federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make

a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund-state appropriation for fiscal year 2022, \$320,000 of the general fund-state appropriation for fiscal year 2023, and \$861,000 of the general fund-federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and

community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund-state appropriation for fiscal year 2022 and \$1,646,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund-state appropriation for fiscal year 2022, \$226,000 of the general fund-state appropriation for fiscal year 2023, and \$572,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(((\$345,000 of the general fund-state appropriation for fiscal year 2022, \$50,000 of the general fund-state appropriation for fiscal year 2023, and \$336,000 of the general fund-federal appropriation are provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(+25))~~ \$4,329,000 of the general fund-state appropriation for fiscal year 2022 and \$4,329,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

~~((+26) \$41,117,000))~~ (25) \$85,981,000 of the general fund-state appropriation for fiscal year 2022, \$85,463,000 of the general fund-state appropriation for

fiscal year 2023, and ((\$101,715,000)) \$292,979,000 of the general fund-federal appropriation are provided solely (~~to continue providing~~) for rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic (~~through the end of calendar year 2021~~). Beginning July 1, 2022, the rate add-ons shall be reduced by 20 percent every two fiscal quarters.

~~((27))~~ (26) \$11,609,000 of the general fund-state appropriation for fiscal year 2023 and \$11,609,000 of the general fund-federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

~~((28))~~ (27) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

~~((29))~~ (28) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

~~((30))~~ (29) \$1,858,000 of the general fund-state appropriation for fiscal year 2022 and \$1,857,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

~~((31))~~ (30) \$479,000 of the general fund-state appropriation for fiscal year 2022 and \$479,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

~~((32))~~ (31) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

~~((33))~~ (32) \$1,344,000 of the general fund-state appropriation for fiscal year 2022 and \$1,344,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

~~((34) \$10,797,000))~~ (33) \$7,938,000 of the general fund-state appropriation for fiscal year 2022, ~~(((\$11,477,000)) \$13,412,000~~ of the general fund-state appropriation for fiscal year 2023, and ~~(((\$23,946,000)) \$22,456,000~~ of the general fund-federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

~~((35))~~ (34) \$58,000 of the general fund-state appropriation for fiscal year 2022 and \$90,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((36))~~ (35) \$50,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide

one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

~~((37))~~ (36) \$4,504,000 of the general fund-state appropriation for fiscal year 2022, \$9,072,000 of the general fund-state appropriation for fiscal year 2023, and \$452,000 of the general fund-federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

~~((38))~~ (37) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

(b) Display the severity and resolution of citation and enforcement

actions in plain talk language for consumers and insurers to better understand the nature of the situation.

~~((39))~~ (38) \$435,000 of the general fund-state appropriation for fiscal year 2022 and \$435,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

(a) The number of people served in the pilot;

(b) The number of people served in the pilot who transitioned to medicaid personal care;

(c) The number of people served in the pilot who found stable housing; and

(d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

~~((40))~~ (39) \$3,063,000 of the general fund-state appropriation for fiscal year 2022 and \$4,517,000 of the general fund-federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

~~((41))~~ (40) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

~~((42))~~ (41) \$69,000 of the general fund-state appropriation for fiscal year 2022, \$65,000 of the general fund-state appropriation for fiscal year 2023, and \$98,000 of the general fund-federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(43))~~ (42) \$75,000 of the general fund-state appropriation for fiscal year 2022, \$54,000 of the general fund-state appropriation for fiscal year 2023, and \$130,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(44))~~ (43) \$15,000 of the general fund-state appropriation for fiscal year 2022, ~~((51,000))~~ \$111,000 of the general fund-state appropriation for fiscal year 2023, and ~~((32,000))~~ \$61,000 of the general fund-federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(44) \$12,890,000 of the general fund-state appropriation for fiscal year 2023 and \$12,891,000 of the general fund-federal appropriation are provided solely to adjust the minimum occupancy assumption used to calculate the indirect care median to 75 percent.

(45) \$38,265,000 of the general fund-state appropriation for fiscal year 2023 and \$48,666,000 of the general fund-federal appropriation are provided solely for the purposes of settling all claims in the two related cases *Liang et al v. Washington DSHS et al*, Thurston county superior court case no. 20-2-02506-34 and *SEIU 775 v. Washington DSHS et al*, Thurston county superior court case no. 18-2-05584-34, Washington supreme court case no. 99658-8. The expenditure of these amounts is contingent upon the release of all claims in both cited cases, and total settlement costs shall not exceed the amounts provided in this subsection and section 203(1)(y) of this act. If the settlement agreement is not fully executed and approved by the Thurston county superior court by June 30, 2023, the amounts provided in this subsection shall lapse.

(46) \$799,000 of the general fund-state appropriation for fiscal year 2023 and \$1,016,000 of the general fund-federal appropriation are provided solely to make up for a gap in the employer tax rates paid to agency providers. Funds must be used to ensure wages and benefits of home care agency workers who provide direct care are increased to satisfy wage parity requirements set forth in RCW 74.39A.310, except in situations where agency providers covered the gap in the tax rate

by reducing agency administrative expenses.

(47) \$133,000 of the general fund-state appropriation for fiscal year 2022, \$181,000 of the general fund-state appropriation for fiscal year 2023, and \$313,000 of the general fund-federal appropriation are provided solely to continue the overpayment resolution team through the 2021-2023 fiscal biennium. No later than June 30, 2023, the department shall submit to the appropriate committees of the legislature a report describing the work undertaken by this team and the associated outcomes.

(48) \$1,081,000 of the general fund-state appropriation for fiscal year 2023 and \$1,200,000 of the general fund-federal appropriation are provided solely to increase rates by 20 percent for in-home private duty nursing agencies and to increase rates by 10 percent for private duty nursing adult family homes effective July 1, 2022.

(49) \$1,750,000 of the general fund-state appropriation for fiscal year 2023 and \$350,000 of the general fund-federal appropriation are provided solely for area agency on aging care coordinators stationed in acute care hospitals to help transition clients ready for hospital discharge into home and community-based settings. Care coordinators shall keep data on numbers of patients discharged and readmission impacts and report that information to the department of social and health services.

(50) \$23,000 of the general fund-state appropriation for fiscal year 2022, \$15,879,000 of the general fund-state appropriation for fiscal year 2023, and \$17,378,000 of the general fund-federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 and of the specialized dementia care rate methodology to 68 percent of full methodology funding, effective July 1, 2022.

(a) Of the amounts provided in this subsection, \$23,000 of the general fund-state appropriation for fiscal year 2022, \$39,000 of the general fund-state appropriation for fiscal year 2023, and \$62,000 of the general fund-federal appropriation are provided solely for a one-time project staff position at the department to develop and submit a report to the governor and appropriate legislative committees no later than

December 30, 2022. The report must include a review and summary of discharge regulations and notification requirements for assisted living providers and include recommendations related to disclosure of providers' terms and conditions for medicaid acceptance.

(b) Following the submission of the report in (a) of this subsection and through the end of the 2021-2023 fiscal biennium, the department shall regularly review and report on medicaid resident utilization of and access to assisted living facilities.

(51) \$12,000,000 of the general fund-state appropriation for fiscal year 2023 and \$12,000,000 of the general fund-federal appropriation are provided solely to increase the rate paid for area agency on aging case management services by 23 percent.

(52) \$68,000 of the general fund-state appropriation for fiscal year 2023 and \$67,000 of the general fund-federal appropriation are provided solely for implementation of Senate Bill No. 5866 (medicaid LTSS/tribes). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(53) \$24,138,000 of the general fund-state appropriation for fiscal year 2023 and \$24,138,000 of the general fund-federal appropriation are provided solely to increase skilled nursing facility medicaid rates in order to increase low-wage direct and indirect care worker wages by up to four dollars per hour effective July 1, 2022. Funding provided in this subsection is provided for purposes of wage equity.

(a) Of the amounts provided in this subsection, \$21,910,000 of the general fund-state appropriation for fiscal year 2023 and \$21,910,000 of the general fund-federal appropriation are provided solely to increase the fixed rate paid for direct care to no less than 111 percent of statewide case mix neutral median costs to increase low-wage direct care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage direct care workers" means certified nursing assistants, dietary workers, laundry workers, and other workers who provide direct care to patients and who have no managerial roles. The department shall determine each facility-specific wage equity funding amount in the direct care rate component by comparing the rate

at 105 percent of the direct care median to the rate at 111 percent of the direct care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(b) Of the amounts provided in this subsection, \$2,229,000 of the general fund-state appropriation for fiscal year 2023 and \$2,228,000 of the general fund-federal appropriation are provided solely to increase the fixed rate paid for indirect care to no less than 92 percent of statewide median costs to increase low-wage indirect care worker wages by up to four dollars per hour effective July 1, 2022. For the purpose of this subsection, "low-wage indirect care workers" means central supply workers and housekeeping workers. The department shall determine each facility-specific wage equity funding amount for the indirect care rate component by comparing the rate at 90 percent of the indirect care median to the rate at 92 percent of the indirect care median, and by multiplying the rate difference by the actual paid medicaid days over the July 1, 2022, through June 30, 2023 period.

(c) Working with stakeholders, the department shall develop and adopt rules to establish a verification process for each skilled nursing facility provider to demonstrate how the provider has used its wage equity funding to increase wages for low-wage workers by up to four dollars per hour, and for the department to recover any funding difference between each provider's wage equity funding and the amount of wage equity funding that the provider utilizes to increase low-wage worker wages. The verification process must use wages paid as of December 31, 2021, as the base wage to compare providers' wage spending in the designated job categories to the facility-specific amounts of wage equity funding provided in (a) and (b) of this subsection, excluding any amounts adjusted by settlement. The verification and recovery process in this subsection is a distinct and separate process from the settlement process described in RCW 74.46.022.

(d) It is the intent of the legislature that wage equity funding provided in this subsection be carried forward into the department's appropriation for the 2023-2025 fiscal biennium.

(54) \$350,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a study of the feasibility of placing individuals under the jurisdiction of the department of corrections in nursing home facilities licensed or to be licensed by the department to better meet the client's care needs. By October 1, 2022, in collaboration with the department of corrections and the health care authority, the department must submit a preliminary report to the governor and the relevant fiscal and policy committees of the legislature. At a minimum, the preliminary report must review the medical, behavioral health, and long-term care needs of the individuals and assess whether the state could obtain and be eligible for federal funding for providing health care and long-term care services for individuals under the jurisdiction of the department of corrections placed in nursing home facilities. By June 30, 2023, the department, in collaboration with the department of corrections, must submit a final report to the governor and the relevant fiscal and policy committees of the legislature. The final report shall:

(a) Assess the relevant characteristics and needs of the potential patient population;

(b) Assess the feasibility, daily operating costs, staffing needs, and other relevant factors of potential locations or contractors, including the Maple Lane corrections center, for placement of long-term care individuals under the jurisdiction of the department of corrections for a potential nursing home facility to be licensed by the department;

(c) A cost-benefit analysis of placing individuals under the jurisdiction of department of corrections clients in potential facilities identified in subsection (b) of this subsection, including the possibility or absence of federal funding for operations. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual. This analysis shall take into account both state-run and privately contracted options;

(d) Assess the ability of potential facilities identified in subsection (b) of this subsection to better meet clients' medical and personal needs; and

(e) Assess the ability to provide medicaid funded services to meet the health care needs of these individuals.

(55) \$438,000 of the general fund-state appropriation for fiscal year 2023 and \$558,000 of the general fund-federal appropriation are provided solely to increase the rates paid for adult day health and adult day care providers effective July 1, 2022, by the amount of the temporary rate add-on in effect through June 30, 2022.

(56) \$900,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to expand the availability of home-delivered meals for eligible long-term care clients.

(57) \$82,000 of the general fund-state appropriation for fiscal year 2023 and \$82,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1980 (concurrent services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(58) The long-term services and supports trust commission established in RCW 50B.04.030 must submit the results of the following activities, including any legislative recommendations, to the governor and appropriate legislative committees no later than January 1, 2023:

(a) The commission shall develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The commission must include consideration of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington, alternative forms of benefits for out-of-state eligible beneficiaries, methods of cross-state coordination on long-term services and supports providers, and timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.

(b) The commission shall develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption under RCW 50B.04.085, including consideration of procedures that minimize administrative burden, minimize negative impact on long-term services and supports trust account solvency, and incentivize maintenance of coverage.

(c) The commission shall develop options for providing workers who have received exemptions based on having private long-term care insurance pursuant to RCW 50B.04.085 an opportunity to rescind their exemption and permanently reenter the long-term services and supports trust program.

Sec. 205. 2021 c 334 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2022) (~~(\$414,105,000)~~)

\$393,972,000

General Fund—State Appropriation (FY 2023) (~~(\$420,792,000)~~)

\$511,507,000

General Fund—Federal Appropriation (~~(\$1,528,996,000)~~)

\$1,658,341,000

General Fund—Private/Local Appropriation \$5,274,000

Domestic Violence Prevention Account—State

Appropriation \$2,404,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$345,399,000

TOTAL APPROPRIATION (~~(\$2,716,970,000)~~)

\$2,916,897,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$118,168,000)~~) \$69,453,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$119,846,000)~~) \$122,583,000 of the general fund—state

appropriation for fiscal year 2023, and (~~(\$859,678,000)~~) \$860,217,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$386,329,000)~~) \$366,071,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) (~~(\$10,914,000)~~) \$7,776,000 of the general fund—state appropriation for fiscal year 2022, (~~(\$14,104,000)~~) \$9,729,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5),

through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) (~~(\$3,420,000)~~) \$9,950,000 of the general fund–state appropriation for fiscal year 2023 and \$2,126,000 of the general fund–federal appropriation are provided solely for the ((cost of benefits associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs)) department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2023. ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to provide the high unemployment time limit extension approved under the bill upon the expiration of the 60 month time limit extension pursuant to (b)(ii) of this subsection.))

(iv) \$217,000 of the general fund–state appropriation for fiscal year 2022 and \$863,000 of the general fund–federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(v) \$50,000 of the general fund–federal appropriation is provided solely to increase the monthly payment standard for households with nine or more assistance unit members that are receiving temporary assistance for needy families or state family assistance benefits, effective July 1, 2022.

(c) (~~(\$172,917,000)~~) \$176,446,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$5,952,000 of the general fund–state appropriation for fiscal year 2022 and \$157,000 of the general fund–federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund–state appropriation for fiscal year 2022 and \$568,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund–state appropriation for fiscal year 2022, \$760,000 of the general fund–state appropriation for fiscal year 2023, and \$1,706,000 of the general fund–federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) (~~(\$3,701,000)~~) \$7,230,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with ((the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs)) the extension of the 60 month time limit through June 30, 2023. ((If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.))

(d) Of the amounts in (a) of this subsection, (~~(\$353,402,000)~~) \$318,402,000 of the general fund–federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A

portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund-state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund-federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, ~~((\$116,195,000))~~ \$122,836,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund-state appropriation for fiscal year 2022 and \$805,000 of the general fund-state appropriation for fiscal year 2023 of the amounts in (a) of this subsection ~~((is))~~ are provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit

through June 30, 2023 in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund-state appropriation in fiscal year 2022 and \$43,000 of the general fund-state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund-federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~ The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(v) \$489,000 of the general fund-federal appropriation is provided solely for administrative and overhead costs associated with the implementation of Substitute Senate Bill No. 5838 (diaper subsidy/TANF). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget

units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families

program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund-state appropriation for fiscal year 2022 and \$2,546,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be

eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund-state appropriation for fiscal year 2022 and \$1,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund-state appropriation for fiscal year 2022 and \$380,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund-state appropriation for fiscal year 2022 and \$377,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon

completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) \$5,399,000 of the coronavirus state fiscal recovery account-federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through (~~September 30, 2021~~) January 31, 2022.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund-state appropriation for fiscal year 2022 and ~~(\$22,635,000)~~ \$22,766,000 of the general fund-federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund-state appropriation for fiscal year 2022 and \$89,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund-state appropriation for fiscal year 2022,

\$81,000 of the general fund-state appropriation for fiscal year 2023, and \$237,000 of the general fund-federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$11,884,000 of the general fund-state appropriation for fiscal year 2022 and \$15,248,000 of the general fund-federal appropriation are provided solely to cover the variance in total child support arrears collected in fiscal year 2022 compared to the total arrears collected in fiscal year 2021.

(20) \$36,860,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to increase the grant standard for the aged, blind, or disabled program to a maximum of \$417 per month for a one-person grant and \$528 for a two-person grant effective September 1, 2022.

(21) \$513,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to eliminate the mid-certification review for blind or disabled participants in the aged, blind, or disabled program, effective July 1, 2022.

(22) \$195,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to expand the aged, blind, or disabled program's clothing, personal maintenance, and necessary incidentals grant to individuals between the ages of 21 and 64 who are residing in a public mental institution, effective September 1, 2022.

(23) \$207,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to implement House Bill No. 1748 (human trafficking/ABD prog.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$560,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to implement a state-funded employment and training program for recipients of the state's food assistance program, effective July 1, 2022.

(25) \$219,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to implement Substitute Senate Bill No. 5785

(transitional food assistance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$95,000 of the general fund–state appropriation for fiscal year 2023 and \$61,000 of the general fund–federal appropriation are provided solely to remove the asset limit test for the medicare savings plan program in collaboration with the health care authority, effective January 1, 2023.

(27) \$207,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(28) \$8,489,000 of the general fund–state appropriation for fiscal year 2022 and \$19,909,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to contract with nonprofit organizations to provide services to refugees and immigrants that have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine. The services shall include, but are not limited to, emergency, temporary, and long-term housing and assistance with food, transportation, accessing childhood education services, applying for benefits and immigrant services, education and employment support, and social services navigation.

(29) \$750,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to provide funding to domestic violence services providers in Washington state that receive funding through the domestic violence services program and provide shelter services. The funding to each entity shall be proportionate, based upon bed capacity. This funding shall be in addition to any other funds previously provided to or scheduled to be provided under a contract with the domestic violence services program in the 2021–2023 fiscal biennium.

(30) \$1,000 of the general fund–state appropriation for fiscal year 2023 is for the implementation of Engrossed Second Substitute House Bill No. 2075 (DSHS service requirements).

(31) \$211,000 of the general fund–state appropriation for fiscal year 2022, \$5,727,000 of the general fund–state appropriation for fiscal year 2023, and \$13,762,000 of the general fund–federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(32) \$27,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5729 (hearing deadlines/good cause). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 206. 2021 c 334 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES–VOCATIONAL REHABILITATION PROGRAM

General Fund–State Appropriation (FY 2022)	((\$16,231,000))
	<u>\$17,363,000</u>
General Fund–State Appropriation (FY 2023)	((\$16,456,000))
	<u>\$24,443,000</u>
General Fund–Federal Appropriation	((\$109,595,000))
	<u>\$109,830,000</u>
TOTAL	APPROPRIATION
	((\$142,282,000))
	<u>\$151,636,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund–state appropriation for fiscal year 2022 and \$40,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability). ~~((If the bill is not enacted by June 30, 2021, the~~

~~amounts provided in this subsection shall lapse.~~)

(2) \$5,087,000 of the general fund-state appropriation for fiscal year 2023 and \$235,000 of the general fund-federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5790 (community support services). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 207. 2021 c 334 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-SPECIAL COMMITMENT PROGRAM

General Fund-State Appropriation (FY 2022) (~~(\$63,650,000)~~)

\$65,051,000

General Fund-State Appropriation (FY 2023) (~~(\$61,748,000)~~)

\$69,743,000

TOTAL APPROPRIATION
(~~(\$125,398,000)~~)

\$134,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund-state appropriation for fiscal year 2022 and \$1,079,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund-state appropriation for fiscal year 2022 and \$15,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund-state appropriation for fiscal year 2022 and \$4,496,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

Sec. 208. 2021 c 334 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund-State Appropriation (FY 2022) (~~(\$39,381,000)~~)

\$41,169,000

General Fund-State Appropriation (FY 2023) (~~(\$39,035,000)~~)

\$45,628,000

General Fund-Federal Appropriation
(~~(\$51,371,000)~~)

\$53,582,000

TOTAL APPROPRIATION
(~~(\$129,787,000)~~)

\$140,379,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2)(a) \$3,000 of the general fund–state appropriation for fiscal year 2022, \$5,000 of the general fund–state appropriation for fiscal year 2023, and \$8,000 of the general fund–federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(b) \$20,000 of the general fund–state appropriation for fiscal year 2023 and \$11,000 of the general fund–federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund–state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$364,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the creation of a program director position and a project manager position tasked with ensuring an enterprise-wide approach to poverty reduction across Washington. These positions will convene and facilitate the poverty reduction subcabinet, track agency progress on poverty reduction efforts to build a stronger continuum of care, coordinate budget and policy proposals, and ensure that recommendations incorporate data prepared by the poverty reduction technical advisory group.

(6) \$461,000 of the general fund–state appropriation for fiscal year 2023 is

provided solely to create a poverty reduction technical advisory group that is tasked with developing a statewide measurement and data framework that can help inform future budget and policy decisions. This group must also track the state's progress towards creating a just and equitable future. This group must collaborate with communities experiencing poverty and the state office of equity to ensure their input is factored into the analysis of data.

(7) \$75,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with the Washington state health care authority, to study the cost and benefit of adopting available options to expand medicare savings programs and classic medicaid programs, including categorically needy and medically needy, to promote affordable care, premiums, and cost-sharing for medicare enrollees. The cost analysis must identify available federal funding for each option. The department shall consider options that create affordability comparable to affordable care act programs available to adults without medicare, as well as intermediate options that move toward comparability. The study must analyze equity impacts of each option, considering gender, race, and ethnicity. The department shall submit the study and recommendations to the fiscal and health care committees of the legislature, as well as the joint legislative-executive committee on planning for aging and disability issues, by November 1, 2022.

(8) \$75,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to design and conduct a study describing the service experiences and characteristics of persons receiving medicaid-funded long-term services and supports and persons receiving services related to developmental or intellectual disabilities, and associated social and health services expenditures. Where feasible, this analysis shall include service experiences and expenditures of these populations within and across medicaid-funded long-term services and supports, medicaid-funded medical programs, medicaid-funded behavioral health programs, and medicare programs in Washington state. The department analysis shall be developed in consultation with relevant stakeholders, including but not limited to the Washington state health care authority.

The department shall submit a final study report to the governor and appropriate committees of the legislature by December 31, 2022.

(9) \$65,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to prepare an annual report in consultation with the department of commerce on the projected demand for permanent supportive housing. This report is to be submitted to the appropriate committees of the legislature by December 1, 2022.

Sec. 209. 2021 c 334 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund-State Appropriation (FY 2022) (~~(\$65,743,000)~~)

\$68,048,000

General Fund-State Appropriation (FY 2023) (~~(\$56,529,000)~~)

\$60,750,000

General Fund-Federal Appropriation (~~(\$53,229,000)~~)

\$55,969,000

TOTAL APPROPRIATION (~~(\$175,501,000)~~)

\$184,767,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

Sec. 210. 2021 c 334 s 210 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans,

insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to

ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the authority may transfer general fund-state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 of this act are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund-state appropriations for fiscal year 2022 that are provided solely for a specified purpose. The authority

may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year 2022, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

Sec. 211. 2021 c 334 s 211 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2022) (~~(\$2,516,277,000)~~)

\$2,391,518,000

General Fund—State Appropriation (FY 2023) (~~(\$2,439,933,000)~~)

\$2,600,611,000

General Fund—Federal Appropriation (~~(\$13,199,214,000)~~)

\$13,934,556,000

General Fund—Private/Local Appropriation (~~(\$355,726,000)~~)

\$465,890,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation \$15,086,000

Hospital Safety Net Assessment Account—State

Appropriation (~~(\$723,238,000)~~)

\$685,383,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) (~~(\$24,511,000)~~)

\$26,063,000

Dedicated Marijuana Account—State Appropriation

(FY 2023)	((25,182,000))	
	<u>\$27,241,000</u>	
Medical Aid Account—State		
Appropriation	\$540,000	
Telebehavioral Health Access Account—State		
Appropriation	((7,714,000))	
	<u>\$8,034,000</u>	
Coronavirus State Fiscal Recovery Fund—Federal		
Appropriation	((35,000,000))	
	<u>\$59,600,000</u>	
Ambulance Transport Fund—State		
Appropriation	\$14,317,000	
TOTAL		APPROPRIATION
	((19,342,421,000))	
	<u>\$20,228,839,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b)

develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section concludes December 31, 2022.

(2)(a) No more than ~~((63,052,000))~~ \$78,409,000 of the general fund—federal appropriation and no more than ~~((50,840,000))~~ \$66,264,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also

report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than (~~(\$243,047,000)~~) \$198,909,000 of the general fund-federal appropriation and no more than (~~(\$99,274,000)~~) \$81,245,000 of the general fund-private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund-state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than \$26,837,000 of the general fund-federal appropriation and \$26,839,000 of the general fund-local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid

transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund-state expenditures on this initiative.

(4) No more than (~~(\$50,389,000)~~) \$28,680,000 of the general fund-federal appropriation and no more than (~~(\$22,862,000)~~) \$12,992,000 of the general fund-local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that

appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (6), (7), and (8) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (6), (7), and (8) of this section begins January 1, 2023.

(6)(a) \$32,432,000 of the general fund-federal appropriation and \$40,296,000 of the general fund-local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this

initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund-state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) \$110,778,000 of the general fund-federal appropriation and \$45,248,000 of the general fund-private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund-state, general fund-federal, or general fund-local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and

health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2022.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(7) \$19,902,000 of the general fund-federal appropriation and \$19,903,000 of the general fund-local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund-state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(8)(a) \$13,235,000 of the general fund-federal appropriation and \$7,318,000 of the general fund-local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be

expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the department, in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund-state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(9) \$202,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for supported employment services and \$208,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for

initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

(10) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

~~((6))~~ (11) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

~~((7))~~ (12) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((8))~~ (13) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((9))~~ (14) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((10))~~ (15) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((11))~~ (16) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(17) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((12) \$3,997,000)~~ (18) \$3,733,000 of the general fund-state appropriation for fiscal year 2022, \$4,261,000 of the general fund-state appropriation for fiscal year 2023, and ~~((8,786,000))~~ \$9,050,000 of the general fund-federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((13))~~ (19) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((14))~~ (20) \$7,000,000 of the general fund-federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's

discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((15))~~ (21) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates

developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~((702,000))~~ \$425,000 of the general fund-state appropriation for fiscal year 2022 and ~~((649,000))~~ \$391,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

~~((16))~~ (22) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((17))~~ (23) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low

birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((18))~~ (24) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((19))~~ (25) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((20))~~ (26) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((21))~~ (27) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((22))~~ (28) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit

exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((23))~~ (29) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

~~((24))~~ (30) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((25))~~ (31) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((26))~~ (32) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((27))~~ (33) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance

clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((29))~~ (34) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

~~((29))~~ (35) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((30))~~ (36) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((31))~~ (37) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((32))~~ (38)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a)(i), (iii), and (iv) of this subsection.

~~((33))~~ (39) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((34))~~ (40) \$2,786,000 of the general fund-state appropriation for fiscal year 2022, \$3,714,000 of the general fund-state appropriation for fiscal year 2023, and \$11,009,000 of the general fund-federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015,

H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections (~~((35) and (36))~~) (41) and (42) of this section.

~~((35))~~ (41) \$19,664,000 of the general fund-state appropriation for fiscal year 2022, \$26,218,000 of the general fund-state appropriation for fiscal year 2023, and \$77,996,000 of the general fund-federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections (~~((34) and (36))~~) (40) and (42) of this section.

~~((36))~~ (42) \$2,233,000 of the general fund-state appropriation for fiscal year 2022, \$2,977,000 of the general fund-state appropriation for fiscal year 2023, and \$10,871,000 of the general fund-federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code

if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections ~~((34) and (35))~~ (40) and (41) of this section.

~~((37))~~ (43)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

~~((38))~~ (44)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to

comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((39))~~ (45) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((40))~~ (46) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

~~((41))~~ (47) \$60,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

~~((42))~~ (48) \$160,000 of the general fund-state appropriation for fiscal year 2022 and \$1,440,000 of the general fund-federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((43))~~ (49) \$275,000 of the general fund-state appropriation for fiscal year 2022, \$160,000 of the general fund-state appropriation for fiscal year 2023, and \$3,913,000 of the general fund-federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system

and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((44))~~ (50) \$484,000 of the general fund-state appropriation for fiscal year 2022 and \$466,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(45))~~ (51) \$654,000 of the general fund-state appropriation for fiscal year 2022, \$655,000 of the general fund-state appropriation for fiscal year 2023, and \$2,154,000 of the general fund-federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

~~((46))~~ (52) \$1,715,000 of the general fund-state appropriation for fiscal year 2022, \$1,804,000 of the general fund-state appropriation for fiscal year 2023, and \$6,647,000 of the general fund-federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through ~~((d))~~ (e) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745 by July 1, 2022. If the hospitals qualifying for this rate increase do not accept single bed certification patients by July 1, 2022, the authority must discontinue this rate increase after October 1, 2022, and must return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018.

~~((47))~~ (53) \$100,000 of the general fund-state appropriation for fiscal year 2022, \$100,000 of the general fund-state appropriation for fiscal year 2023, and \$200,000 of the general fund-federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

~~((48))~~ (54) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

~~((49))~~ (55) \$22,000 of the general fund-state appropriation for fiscal year 2022, \$22,000 of the general fund-state appropriation for fiscal year 2023, and \$134,000 of the general fund-federal appropriation are provided solely to

implement Substitute Senate Bill No. 5157 (behavioral disorders/justice). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(50))~~ (56) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

~~((51))~~ (57)(a) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress

implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(b) \$200,000 of the general fund-state appropriation for fiscal year 2023 and \$200,000 of the general fund-federal appropriation are provided solely for the authority to contract with access to baby and child dentistry local programs for the purpose of maintaining and expanding capacity for local program coordinators. The goals of this contracting include, but are not limited to, reducing racial and ethnic disparities in access to care and oral health outcomes, increasing the percentage of medicaid-enrolled children under the age of two accessing dental care, and continued provider engagement and outreach. The authority may contract with the office of equity and other statewide and local equity partners to provide training and identify activities and deliverables.

~~((52))~~ (58) \$75,000 of the general fund-state appropriation for fiscal year 2022 and \$75,000 of the general fund-federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

~~((53))~~ (59) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((54))~~ (60) \$149,000 of the general fund-state appropriation for fiscal year 2022 and \$140,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). ~~((If the bill is not enacted by June 30,~~

~~2021, the amounts provided in this subsection shall lapse.~~

~~(55))~~ (61) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((56))~~ (62) \$10,695,000 of the general fund-state appropriation for fiscal year 2022, \$10,695,000 of the general fund-state appropriation for fiscal year 2023, and \$54,656,000 of the general fund-federal appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

~~((57))~~ (63) \$551,000 of the general fund-state appropriation for fiscal year 2022, \$770,000 of the general fund-state appropriation for fiscal year 2023, and \$3,288,000 of the general fund-federal

appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(58))~~ (64) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

~~((59))~~ (65) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

~~((60))~~ (66)(a) \$35,000,000 of the coronavirus state fiscal recovery ~~((account))~~ fund-federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

~~((61))~~ (67) \$123,000 of the general fund-state appropriation for fiscal year 2022, \$46,000 of the general fund-state appropriation for fiscal year 2023, and \$743,000 of the general fund-federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(62))~~ (68) \$1,350,000 of the general fund-state appropriation for fiscal year 2023 and \$2,570,000 of the general fund-federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(63))~~ (69) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((64))~~ (70) \$184,000 of the general fund-state appropriation for fiscal year 2022 and \$175,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(65))~~ (71) \$232,000 of the general fund-state appropriation for fiscal year 2022, \$300,000 of the general fund-state appropriation for fiscal year 2023, and \$599,000 of the general fund-federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

~~((66))~~ (72) \$1,303,000 of the general fund-state appropriation for fiscal year 2022 and \$285,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed

Substitute Senate Bill No. 5203 (generic prescription drugs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(67))~~ (73) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

~~((68))~~ (74) \$434,000 of the general fund-state appropriation for fiscal year 2022 and \$489,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

~~((69))~~ (75) \$25,000 of the general fund-state appropriation for fiscal year 2022 and \$25,000 of the general fund-federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

~~((70))~~ (76) \$281,000 of the general fund-state appropriation for fiscal year 2022, \$192,000 of the general fund-state appropriation for fiscal year 2023, and \$803,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services). ~~((If the bill is not enacted~~

~~by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(71))~~ (77)(a) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

(b) \$6,090,000 of the general fund-state appropriation for fiscal year 2023 and \$6,125,000 of the general fund-federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(78) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

(79) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

(80) \$77,000 of the general fund-state appropriation for fiscal year 2022 and \$286,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1728 (insulin work group reauth.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(81) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

(82) \$103,000 of the general fund-state appropriation for fiscal year 2022, \$253,000 of the general fund-state appropriation for fiscal year 2023, and \$2,724,000 of the general fund-federal appropriation are provided solely for the authority to procure an electronic

consent management solution for patients and health care providers to exchange health-related information and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(83) \$1,788,000 of the general fund-state appropriation for fiscal year 2022, \$1,788,000 of the general fund-state appropriation for fiscal year 2023, and \$994,000 of the general fund-federal appropriation are provided solely for electronic health record expansion that must be based on the operational and technical needs necessary to implement the national 988 system and are subject to the conditions, limitations, and review requirements of section 701 of this act. As a condition of funding under this subsection, the authority must complete all reporting required under RCW 71.24.898.

(84) \$3,250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to make information technology system and provider network upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage for uninsured adults with incomes up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the department of social and health services and is subject to the conditions, limitations, and review provided in section 701 of this act.

(85) \$10,406,000 of the general fund-state appropriation for fiscal year 2023 and \$10,715,000 of the general fund-federal appropriation are provided solely to maintain and increase access for children's dental services for medicaid enrolled patients through increased provider rates beginning January 1, 2023. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for children's dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis as follows:

(a) Increase the rates for codes for the access to baby and child dentistry (ABCD) program by 40 percent;

(b) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old that have a corresponding ABCD code to the

current ABCD code rate, plus an additional 10 percent rate increase; and

(c) Increase the rates for codes for children's dental program rates for persons aged zero to 20 years old without a corresponding ABCD code to 70 percent of the medical assistance rates on a fee-for-service basis for adult dental services in effect on January 1, 2022. This increase does not apply to codes with rates already greater than 70 percent of the adult dental services rate.

(86) \$250,000 of the general fund-state appropriation for fiscal year 2023 and \$250,000 of the general fund-federal appropriation are provided solely for the authority to conduct a feasibility study for planning, design, implementation, and administration of a case management solution that supports acquisition, storage, and retrieval of data and data analysis pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-00178-MJP.

(87) \$56,000 of the general fund-state appropriation for fiscal year 2022 and \$1,548,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for health information technology and evaluations necessary to support the 1115 demonstration waiver as it relates to institutions for mental diseases and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(88) \$272,000 of the general fund-state appropriation for fiscal year 2023 and \$149,000 of the general fund-federal appropriation are provided solely to align services provided through both fee-for-service and managed care to the bright futures guidelines, or a comparable schedule, for early and periodic screening, diagnosis, and treatment beginning January 1, 2023.

(89) \$3,174,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5745 (personal needs allowance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(90) \$297,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5589 (primary care spending). If the bill is not

enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(91) \$1,460,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (Rx drug affordability board). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(92) \$61,000 of the general fund–state appropriation for fiscal year 2023 and \$183,000 of the general fund–federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5736 (minors/behavioral health). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(93) \$250,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the authority to design a standardized payment methodology for a palliative care benefit for the state medicaid program and the employee and retiree benefits programs. The authority may contract with a third party to design the palliative care model and complete the work required in this subsection.

(94) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult acupuncture benefit.

(95) Within the amounts appropriated in this section, the authority shall develop a state plan amendment, rules, and payment policies; complete necessary system changes related to payment processing and provider enrollment; and update managed care contracts and provider communications in anticipation of providing an adult chiropractic benefit.

(96) \$640,000 of the general fund–state appropriation for fiscal year 2023 and \$655,000 of the general fund–federal appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home private duty nursing agencies.

(97) \$180,000 of the general fund–state appropriation for fiscal year 2023

and \$187,000 of the general fund–federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for private duty nursing in medically intensive children's group home settings.

(98) \$140,000 of the general fund–state appropriation for fiscal year 2023 and \$266,000 of the general fund–federal appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

(99)(a) \$50,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the authority to provide a report on psilocybin services wellness and opportunities in consultation with stakeholders as described in this subsection.

(b) The director of the authority, or the director's designee, must chair the stakeholder group.

(c) The stakeholder group must include, but not be limited to, the following members:

(i) The secretary of the department of health or the secretary's designee;

(ii) The director of the liquor and cannabis board or the director's designee;

(iii) The director of the department of agriculture or the director's designee; and

(iv) As appointed by the director of the authority, or the director's designee:

(A) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(B) Up to two recognized indigenous practitioners with knowledge of the use of psilocybin or other psychedelic compounds in their communities;

(C) An individual with expertise in disability rights advocacy;

(D) A member of the nursing profession with knowledge of psilocybin;

(E) A psychologist with knowledge of psilocybin;

(F) A mental health counselor, marriage and family therapist, or social worker with knowledge of psilocybin;

(G) A physician with knowledge of psilocybin;

(H) A health researcher with expertise in health equity;

(I) A representative of the cannabis industry with knowledge of regulation of cannabis businesses in Washington;

(J) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;

(K) A member of the psychedelic medicine alliance of Washington; and

(L) Up to two members with lived experience of utilizing psilocybin.

(d) The authority must convene the first meeting of the stakeholder group no later than June 30, 2022.

(e) The authority must provide a preliminary brief report to the governor and appropriate committees of the legislature by December 1, 2022, focusing on (f)(i), (ii), and (iii) of this subsection, and a final report by December 1, 2023. The authority may form subcommittees within the stakeholder group and adopt procedures necessary to facilitate its work.

(f) The duties of the authority in consultation with the stakeholder group shall include, but not be limited to, the following activities:

(i) Review the Oregon health authority's proposed rules for the regulation of psilocybin and assess the impact the adoption of substantially similar laws and rules or Senate Bill No. 5660 would have in Washington state, and identify specific areas where a different approach may be necessary or desirable;

(ii) Review systems and procedures established by the liquor and cannabis board to monitor manufacturing, testing, and tracking of cannabis to determine suitability and adaptations required for use with psilocybin if Washington adopts legislation substantially similar to the Oregon psilocybin services act or Senate Bill No. 5660;

(iii) Review the social opportunity program proposed in Senate Bill No. 5660 for the purpose of recommending improvements or enhancements to promote

equitable access to a potential legal psilocybin industry within an operable administrative framework;

(iv) Assess functional requirements of Senate Bill No. 5660 that would exceed the expertise and capacity of the department of health and identify opportunities for development or collaboration with other state agencies and entities to meet the requirements; and

(v) Discuss options to integrate licensed behavioral health professionals into the practice of psilocybin therapy under the framework of Senate Bill No. 5660 where appropriate.

(g) The department of health, liquor and cannabis board, and department of agriculture must provide subject matter expertise and support to stakeholder group and any subcommittee meetings of the stakeholder group. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience with rulemaking, with the regulation of health professionals, and with the regulation of health facilities.

(h) Meetings of the stakeholder group under this section shall be open to participation by members of the public.

(i) Stakeholder group members participating on behalf of an employer, governmental entity, or other organization are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(100) \$24,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the authority to provide one-time funding to community health centers paid under either APM3 or APM4 that experienced overpayments because of COVID-19 service-related reductions or had funds withheld due to missing targeted benchmarks because of extraordinary community pandemic response needs in calendar year 2020.

(101) \$250,000 of the general fund—state appropriation for fiscal year 2023 and \$250,000 of the general fund—federal appropriation are provided solely for project management and contracting to

assist the authority with post-eligibility review planning in anticipation of the end of the COVID-19 public health emergency.

(102) \$40,000 of the general fund-state appropriation for fiscal year 2022, \$40,000 of the general fund-state appropriation for fiscal year 2023, \$80,000 of the general fund-federal appropriation, and \$320,000 of the telebehavioral access account-state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

(103)(a) \$2,087,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to establish a two-year grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW beginning January 1, 2023. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds. Within the amounts provided within this subsection, the authority will provide an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and a final report by January 1, 2025. The report shall include, but not be limited to, the quantitative impacts of the grant program, how many community health workers are participating in the grant program, how many clinics these community health workers represent, how many clients are being served, and evaluation of any measurable health outcomes identified in the planning period prior to January 2023.

(b) In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.

(104)(a) No more than \$156,707,000 of the general fund-federal appropriation and no more than \$60,942,000 of the general fund-local appropriation may be expended for an outpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund-state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by University of Washington medical center and harborview medical center;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by University of Washington medical center and harborview medical center to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

(105) \$70,000 of the general fund-state appropriation for fiscal year 2023 and \$65,000 of the general fund-federal appropriation are provided solely for the authority to collaborate with the department of health and the University of Washington to develop a licensure and regulatory program for behavioral health support specialists consistent with the provisions in Engrossed Second Substitute Senate Bill No. 5884 (behavioral health support).

(106) \$16,000 of the general fund-state appropriation for fiscal year 2022, \$31,000 of the general fund-state appropriation for fiscal year 2023, and \$420,000 of the general fund-federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(107) \$5,000 of the general fund-state appropriation for fiscal year 2022, \$22,000 of the general fund-state appropriation for fiscal year 2023, and \$75,000 of the general fund-federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency hearings). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(108)(a) \$3,735,000 of the general fund-state appropriation for fiscal year 2023 and \$14,075,000 of the general fund-federal appropriation are provided solely for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization beginning January 1, 2023.

(b) Beginning January 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2022, and annually thereafter, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

(109)(a) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority, in consultation with the office of the insurance commissioner, to complete an

analysis of the cost to implement a fertility treatment benefit as described in the department of health's December 2021 mandated benefit sunrise review.

(b) The authority must contract with one or more consultants to:

(i) Obtain utilization and cost data from the state to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage for medicaid recipients, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027; and

(ii) Obtain utilization and cost data from the public employees benefits board and school employees benefits board programs to provide an estimate of aggregate utilization and cost impacts of fertility treatment coverage, expressed as total annual cost and as a per member per month cost for plan years 2024 through 2027.

(c) The analysis must include, but is not limited to, a utilization and cost analysis of each of the following services:

- (i) Infertility diagnosis;
- (ii) Fertility medications;
- (iii) Intrauterine insemination;
- (iv) In vitro fertilization; and
- (v) Egg freezing.

(d) The authority must report the findings of the analysis to the governor and appropriate committees of the legislature by June 30, 2023.

(110)(a) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for one-time grants for eligible clinics to establish behavioral health integration in primary care clinics for children and adolescents. The authority may award grants of up to \$200,000 per clinic.

(b) Recipients may use grants under this subsection for:

(i) Training to create operational workflows that promote team-based care and evidence-based practices;

(ii) System development to implement universal screening of patients using standardized assessment tools;

(iii) Development of a registry to track patient outcomes;

(iv) Behavioral health professional recruitment and retainment;

(v) Psychiatric supervision recruitment and retainment for consultation services for the behavioral health integration program;

(vi) Partnership development with community mental health centers for referral of patients with higher level needs;

(vii) Information technology infrastructure, including electronic health record adjustments and registry creation; and

(viii) Physical space modifications to accommodate additional staff.

(c) To be eligible for grants under this subsection, clinics must have:

(i) At least 35 percent of their total patients enrolled in medicaid. Priority for funding must be given to clinics with the highest proportion of patients enrolled in medicaid;

(ii) A primary care advocate or proponent of the behavioral health integration program;

(iii) Support for the behavioral health integration program at the highest level of clinic leadership;

(iv) An arrangement for psychiatric consultation and supervision;

(v) A team-based approach to care, including the primary care provider, behavioral health professional, psychiatric consultant, patient, and patient's family; and

(vi) A plan to:

(A) Hire a behavioral health professional to be located within the clinic;

(B) Create a registry that monitors patient engagement and symptom improvement;

(C) Implement universal screening for behavioral health needs;

(D) Provide care coordination with schools, emergency departments, hospitals, and other points of care; and

(E) Ensure closed-loop referrals to specialty behavioral health care when indicated, as well as engagement in specialty treatment as clinically indicated.

(111) \$55,000 of the general fund-state appropriation for fiscal year 2023 and \$122,000 of the general fund-federal appropriation are provided solely to implement Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(112) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

(113)(a) \$500,000 of the general fund-state appropriation for fiscal year 2023 and \$1,500,000 of the general fund-federal appropriation are provided solely for the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, to determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(114) \$226,000 of the general fund-state appropriation for fiscal year 2023, \$1,072,000 of the general fund-private/local appropriation, and \$2,588,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute House

Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(115) \$8,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for one-time bridge grants to hospitals in financial distress. To qualify for these grants, a hospital must:

(a) Be located in Washington;

(b) Serve individuals enrolled in state and federal medical assistance programs;

(c) Continue to maintain a medicaid population at similar utilization levels as in calendar year 2021;

(d) Be necessary for an adequate provider network for the medicaid program;

(e) Demonstrate a plan for long-term financial sustainability; and

(f) Meet one of the following criteria:

(i) Lack adequate cash-on-hand to remain financially solvent;

(ii) Have experienced financial losses during hospital fiscal year 2021; or

(iii) Be at risk of bankruptcy.

(116) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

Sec. 212. 2021 c 334 s 212 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY-PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM

State Health Care Authority
Administrative Account-

State Appropriation
~~((\$37,403,000))~~

\$39,296,000

TOTAL APPROPRIATION
~~((\$37,403,000))~~

\$39,296,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits. However, the funding provided anticipates that the public employees' benefits board may increase the virtual access to behavioral health resources and interventions and case management.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees'

benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) The health care authority shall analyze and report on the potential impacts of providing a one-time enrollment window for retirees to reestablish eligibility for enrollment in retiree benefits under the public employees' benefit board program. The authority shall submit the report to the appropriate committees of the legislature by January 1, 2022. At a minimum the report must include an estimate of the employer cost and a description of the assumptions used.

(6) \$285,000 of the state health care authority administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(7)(a) \$250,000 of the state health care authority administrative account—state appropriation is provided solely for the health care authority to conduct a study on contracting for administration of the state's self-insured uniform medical plan. The uniform medical plan is now among the largest health benefit coverage groups in the state, covering a growing subscriber base of nearly 375,000 Washington residents enrolled in the uniform medical plan. In 2011, the uniform medical plan began administering additional services through a third-party administrative contract, rather than administering those services internally. Among those services were provision of the provider network and provider contracts, provider relations, portions of claims administration, member appeals, and portions of member communications.

(b) The purpose of the study is to enable the authority to provide the option of a return of some, or all, of the administrative functions that began to be provided by contracted services in 2011. The current contract for these services expires in 2029.

(c) By June 30, 2023, the health care authority must prepare a report on the uniform medical plan administrative services that were provided by contract prior to 2010, those that have been procured through the third-party administrative contract since, what

elements of those services could be provided either directly or through discrete provider contracts, and the resources the authority would need to administer these functions. The report must also compare the cost of the administration of components before and after the transition to the current contracts; include assumptions about the impacts on claims; include a description of the performance guarantees in the current contract; and provide an implementation plan to enable the health care authority to resume self-administration for some or all of the administrative services at the end of the current contract.

(d) The report must be presented to the public employees' benefits board and the school employees' benefits board at the first meeting of each board following completion of the report in 2023, and provided to the appropriate committees of the legislature thereafter.

Sec. 213. 2021 c 334 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative Account—	State	Appropriation
	((\$25,771,000))	
	\$28,317,000	
	TOTAL	APPROPRIATION
	((\$25,771,000))	
	\$28,317,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$15,000 of the school employees' insurance administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$250,000 of the school employees' insurance administrative account—state appropriation is provided solely for the study described in section 212(7) of this act.

Sec. 214. 2021 c 334 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY
2022) (~~(\$4,831,000)~~)

\$4,881,000

General Fund—State Appropriation (FY
2023) (~~(\$4,543,000)~~)

\$9,547,000

General Fund—Federal Appropriation
(~~(\$83,017,000)~~)

\$54,032,000

Health Benefit Exchange Account—State
Appropriation (~~(\$77,710,000)~~)

\$80,860,000

State Health Care Affordability
Account—State

Appropriation (~~(\$50,000,000)~~)

\$55,000,000

TOTAL APPROPRIATION
(~~(\$220,101,000)~~)

\$204,320,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

(i) Technical approach and architecture;

(ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and

(iii) Discussion of how an integrated health and human services solution would:

(A) Comply with federal requirements;

(B) Maximize efficient use of staff time;

(C) Support accurate and secure client eligibility information;

(D) Improve the client enrollment experience; and

(E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for

healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) (~~(\$25,171,000)~~) \$1,171,000 of the general fund—federal appropriation (CRRSA) and (~~(\$5,095,000)~~) \$2,595,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

(i) Is an employee working in a licensed child care facility;

(ii) Enrolls in a silver standardized health plan under RCW 43.71.095;

(iii) Prior to January 1, (~~(2023)~~) 2024, has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;

(v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and

(vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

(i) No longer meets the eligibility criteria in (b) of this subsection;

(ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

(i) The number of individuals participating in the program to date; and

(ii) The actual costs of the program to date, including agency administrative costs.

(h) Within the amounts provided in this subsection, the exchange may create an outreach program to help employees who work in licensed child care facilities enroll in the premium assistance program,

beginning for plan year 2023, as established in chapter 246, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5377) (standardized health plans).

(i) The health care insurance premium assistance program for employees who work in licensed child care facilities is effective through plan year 2023.

(8) \$136,000 of the general fund–state appropriation for fiscal year 2022, \$136,000 of the general fund–state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account–state appropriation, and \$274,000 of the general fund–federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

(a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund–state appropriation for fiscal year 2022 and \$538,000 of the general fund–federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) (~~(\$8,012,000)~~) \$8,162,000 of the health benefit exchange account–state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). (~~(If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.)~~)

(11) \$50,000,000 of the state health care affordability account–state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans), and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal

poverty level; and (b) meets other eligibility criteria as established in section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(12)(a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

(d) \$50,000 of the general fund–state appropriation for fiscal year 2022 and \$2,891,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for system updates and community-led engagement activities necessary to implement the waiver.

(13) \$733,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for system upgrades necessary for the anticipated expansion of medicaid equivalent health care coverage to uninsured adults with income up to 138 percent of the federal poverty level regardless of immigration status in collaboration with the health care authority.

(14) \$1,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for one-time activities to promote continuous coverage for individuals losing coverage through Washington apple health at the end of the COVID-19 public health emergency.

(15) \$20,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the exchange, in collaboration with the state board of community and technical colleges, the student achievement council, and the council of presidents, to provide educational resources and ongoing assister training to support the operations of a pilot program to help connect students, including those enrolled in state registered apprenticeship programs, with health care coverage.

(16) \$5,000,000 of the state health care affordability account-state appropriation is provided solely to provide premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (11)(a) of this section, and is contingent upon approval of the applicable waiver described in subsection (12)(b) of this section.

Sec. 215. 2021 c 334 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY-
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund-State Appropriation (FY 2022) (~~(\$667,948,000)~~)

\$687,270,000

General Fund-State Appropriation (FY 2023) (~~(\$733,456,000)~~)

\$914,234,000

General Fund-Federal Appropriation (~~(\$2,593,457,000)~~)

\$2,876,776,000

General Fund-Private/Local Appropriation (~~(\$37,325,000)~~)

\$37,675,000

Criminal Justice Treatment Account-State

Appropriation \$21,988,000

Problem Gambling Account-State Appropriation (~~(\$1,963,000)~~)

\$2,113,000

Dedicated Marijuana Account-State Appropriation

(FY 2022) \$28,493,000

Dedicated Marijuana Account-State Appropriation

(FY 2023) \$28,493,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation (~~(\$31,000,000)~~)

\$131,000,000

TOTAL APPROPRIATION (~~(\$4,144,123,000)~~)

\$4,728,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) (~~(\$22,643,000)~~) \$23,271,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$27,143,000)~~) \$30,514,000 of the general fund-state appropriation for fiscal year 2023, and (~~(\$9,073,000)~~) \$11,503,000 of the general fund-federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the

criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,000,000 of the general fund-state appropriation for fiscal year 2023 and \$219,000 of the general fund-federal appropriation are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By June 30, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) (~~(\$10,424,000)~~) \$12,359,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$10,424,000)~~) \$12,359,000 of the general fund-state appropriation for fiscal year 2023, and \$23,444,000 of the general fund-federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the

differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (~~(+6)~~) (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(~~(+5)~~) (6) \$3,520,000 of the general fund-federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(~~(+6) \$95,066,000~~) (7) \$95,822,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$95,066,000)~~) \$116,633,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$72,275,000)~~) \$88,275,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(b) (~~(\$22,791,000)~~) \$23,547,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$22,791,000)~~)

\$28,358,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021, and a seven percent rate increase effective January 1, 2023.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund–state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

~~((7))~~ (8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

~~((8))~~ (9) \$1,204,000 of the general fund–state appropriation for fiscal year 2022 and \$1,204,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

~~((9))~~ (10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection ~~((6))~~ (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not

diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((10))~~ (11) \$2,291,000 of the general fund-state appropriation for fiscal year 2022 and \$2,291,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((11))~~ (12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((12))~~ (13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in

payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

~~((13))~~ (14) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

~~((14))~~ (15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, postpartum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

~~((15))~~ (16) \$3,500,000 of the general fund-federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

~~((16))~~ (17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to

the department of corrections for all department of corrections offenders that receive medicaid paid services.

~~((17))~~ (18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.

~~((18))~~ (19) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

~~((19))~~ (20) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of

secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

~~((20))~~ (21) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral

health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

~~((21))~~ (22) \$1,401,000 of the general fund-state appropriation for fiscal year 2022, \$1,401,000 of the general fund-state appropriation for fiscal year 2023, and \$3,210,000 of the general fund-federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

~~((22))~~ (23)(a) \$12,878,000 of the dedicated marijuana account-state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

~~((23))~~ (24)(a) \$1,125,000 of the general fund-state appropriation for fiscal year 2022 and \$1,125,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((24))~~ (25) \$1,850,000 of the general fund-state appropriation for fiscal year 2022, \$1,850,000 of the general fund-state appropriation for fiscal year 2023, and \$13,312,000 of the general fund-federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in

accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

~~((25))~~ (26) \$1,256,000 of the general fund-state appropriation for fiscal year 2022, \$1,256,000 of the general fund-state appropriation for fiscal year 2023, and \$2,942,000 of the general fund-federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

~~((26))~~ (27) \$1,423,000 of the general fund-state appropriation for fiscal year 2022, \$1,423,000 of the general fund-state appropriation for fiscal year 2023, and \$5,908,000 of the general fund-federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

~~((27))~~ (28) \$350,000 of the general fund-federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

~~((28))~~ (29) \$500,000 of the general fund-state appropriation for fiscal year 2022, \$500,000 of the general fund-state appropriation for fiscal year 2023, and \$1,000,000 of the general fund-federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

~~((29))~~ (30) \$3,396,000 of the general fund-state appropriation for fiscal year 2022, \$3,396,000 of the general fund-state appropriation for

fiscal year 2023, and \$16,200,000 of the general fund-federal appropriation are provided solely for support of and to continue to increase clubhouse ~~((facilities))~~ programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

~~((30))~~ (31) \$947,000 of the general fund-state appropriation for fiscal year 2022, \$947,000 of the general fund-state appropriation for fiscal year 2023, and \$1,896,000 of the general fund-federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

~~((31))~~ (32) \$708,000 of the general fund-state appropriation for fiscal year 2022, \$708,000 of the general fund-state appropriation for fiscal year 2023, and \$1,598,000 of the general fund-federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

~~((32))~~ (33) \$800,000 of the general fund-state appropriation for fiscal year 2022, \$800,000 of the general fund-state appropriation for fiscal year 2023, and \$1,452,000 of the general fund-federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

~~((33))~~ (34) \$446,000 of the general fund-state appropriation for fiscal year 2022, \$446,000 of the general fund-state appropriation for fiscal year 2023, and \$178,000 of the general fund-federal

appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((34))~~ (35) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

~~((35))~~ (36) \$500,000 of the problem gambling account-state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

~~((36))~~ (37) \$9,000,000 of the criminal justice treatment account-state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include

medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

~~((37))~~ (38) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

~~((38))~~ (39) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs) specific metrics related to behavioral health outcomes under integrated managed care. (The report shall) These metrics must include, but are not ~~((be))~~ limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report by June 30, 2023, outlining the specific metrics implemented. Thereafter, the authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before ~~((July 1st))~~ December 30th of each year detailing the

implemented metrics and relevant performance outcomes for the prior calendar year.

~~((29))~~ (40) \$3,377,000 of the general fund-state appropriation for fiscal year 2022 and ~~((5,177,000))~~ \$8,027,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to implement ~~((two))~~ pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(f) Of the amounts provided in this subsection, \$2,850,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to expand the number of pilot sites to a third location. The criteria in (c) and (d) of this subsection shall also apply to this pilot site. Data from this pilot site must be incorporated into the final report required in (e) of this subsection.

~~((40))~~ (41)(a) \$100,000 of the general fund-federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings, with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

~~((41))~~ (42) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal

appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation

and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the general fund-federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (~~((41))~~) (42).

~~((42))~~ (43) \$3,109,000 of the general fund-state appropriation for fiscal year 2022 and \$3,109,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

~~((43))~~ (44) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

~~((44))~~ (45) \$19,000,000 of the general fund-federal appropriation (CRSSA) and \$1,600,000 of the general fund-federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund-federal appropriation (CRSSA) is provided solely for treatment services to

low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund-federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund-federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund-federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund-federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund-federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

~~((45))~~ (46) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

~~((46))~~ (47) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund-state appropriation for fiscal year 2022 and \$440,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for training support grants. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(47) \$2,500,000)~~ (48) \$1,400,000 of the general fund-state appropriation for fiscal year 2022 and ~~((2,500,000))~~ \$3,600,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

~~((48))~~ (49) \$500,000 of the general fund-federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

~~((49))~~ (50) \$1,800,000 of the general fund-federal appropriation is provided solely for the authority to

contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

~~((50))~~ (51) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023

are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

~~((51))~~ (52) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

~~((52))~~ (53) \$1,250,000 of the general fund-state appropriation for fiscal year 2022 and \$1,250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

~~((53) \$1,762,000))~~ (54) \$881,000 of the general fund-~~(federal))~~ state appropriation ~~((is))~~ for fiscal year 2022 and \$881,000 of the general fund-state for fiscal year 2023 are provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

~~((54))~~ (55) \$250,000 of the general fund-federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall

focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as coresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

~~((55))~~ (56) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

~~((56))~~ (57) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for

community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

~~((57))~~ (58) \$17,128,000 of the general fund—state appropriation for fiscal year 2023 and \$32,861,000 of the general fund—federal appropriation are provided solely to implement a 7 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2023. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 7 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(59) ~~((114,000))~~ \$1,307,000 of the general fund—state appropriation for fiscal year 2022, ~~((114,000))~~ \$5,217,000 of the general fund—state appropriation for fiscal year 2023, and ~~((228,000))~~ \$6,524,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 62 beds by the end of fiscal year 2022 and to 72 beds by the end of fiscal year 2023. The rates are increased by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

~~((58))~~ (60) \$117,000 of the general fund-state appropriation for fiscal year 2022, ~~(((\$117,000))~~ \$251,000 of the general fund-state appropriation for fiscal year 2023, and ~~(((\$168,000))~~ \$265,000 of the general fund-federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021, and by an additional 4.5 percent effective January 1, 2023.

~~((59) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund federal appropriation are provided solely to support actuarial work required for the authority to develop behavioral health comparison rates.~~

~~((60))~~ (61) \$205,000 of the general fund-state appropriation for fiscal year 2022 and \$205,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

~~((61))~~ (62) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

~~((62))~~ (63) \$150,000 of the general fund-federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

~~((63))~~ (64) \$5,000,000 of the general fund-federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

~~((64))~~ (65) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by

the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

~~((65))~~ (66) \$13,374,000 of the general fund-state appropriation for fiscal year 2022, ~~((12,474,000))~~ \$15,474,000 of the general fund-state appropriation for fiscal year 2023, and ~~((12,731,000))~~ \$13,743,000 of the general fund-federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund-state appropriation for fiscal year 2023 and \$1,012,000 of the general fund-federal appropriation are provided solely to increase capacity for mobile crisis services in King county. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

~~((66) \$42,987,000))~~ (67) \$29,671,000 of the general fund-state appropriation for fiscal year 2022, ~~((57,253,000))~~ \$37,628,000 of the general fund-state appropriation for fiscal year 2023, and ~~((80,040,000))~~ \$44,606,000 of the general fund-federal appropriation are provided solely for the ~~((department))~~ authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW

71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per

diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations,

and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

~~((67))~~ (68)(a) \$31,000,000 of the ~~((general fund federal appropriation (CSFRF)))~~ coronavirus state fiscal recovery fund-federal appropriation is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

~~((68))~~ (69)(a) \$375,000 of the general fund-state appropriation for fiscal year ~~((2021))~~ 2022 and \$375,000 of the general fund-state appropriation for fiscal year ~~((2022))~~ 2023 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

~~((69))~~ (70) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

~~((70))~~ (71) \$260,000 of the general fund-state appropriation for fiscal year 2022, \$3,028,000 of the general fund-state appropriation for fiscal year 2023, and \$3,028,000 of the general fund-federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of rehabilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.

~~((71))~~ (72) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

~~((72) No more than \$1,535,000)~~ (73) \$1,991,000 of the general fund-federal

appropriation and ~~(((\$910,000))~~
\$1,147,000 of the general fund-local
 appropriation ~~((may be expended))~~ are
 provided solely for supported housing and
 employment services described in
 initiative 3a and 3b of the ~~((medicaid
 transformation))~~ 1115 demonstration
 waiver ~~((under healthier Washington))~~
 and this is the maximum amount that may
 be expended for this purpose. Under this
 initiative, the authority and the
 department of social and health services
 shall ensure that allowable and necessary
 services are provided to eligible clients
 as identified by the authority or its
 providers or third party administrator.
 The department and the authority in
 consultation with the medicaid forecast
 work group, shall ensure that reasonable
 reimbursements are established for
 services deemed necessary within an
 identified limit per individual. The
 authority shall not increase general
 fund-state expenditures ~~((under this
 initiative))~~ above appropriated levels
 for this specific purpose. The secretary
 in collaboration with the director of the
 authority shall report to the joint
 select committee on health care oversight
 no less than quarterly on financial and
 health outcomes. The secretary in
 cooperation with the director shall also
 report to the fiscal committees of the
 legislature ~~((all of))~~ the expenditures
 of this subsection and shall provide such
 fiscal data in the time, manner, and form
 requested by the legislative fiscal
 committees.

~~((73) \$396,000 of the general fund-
 state appropriation for fiscal year 2022,
 \$329,000 of the general fund state
 appropriation for fiscal year 2023, and
 \$3,153,000 of the general fund federal
 appropriation are provided solely to
 support the administrative costs
 associated with the application and
 implementation of a federal waiver
 allowing for full federal participation
 in mental health treatment facilities
 identified as institutions of mental
 diseases.))~~

(74)(a) \$150,000 of the general fund-
 state appropriation for fiscal year 2022
 is provided solely for the authority to
 convene a work group to develop a
 recommended teaching clinic enhancement
 rate for behavioral health agencies
 training and supervising students and
 those seeking their certification or
 license. This work should include:
 Developing standards for classifying a
 behavioral health agency as a teaching

clinic; a cost methodology to determine
 a teaching clinic enhancement rate; and
 a timeline for implementation. The work
 group must include representatives from:

- (i) The department of health;
- (ii) The office of the governor;
- (iii) The Washington workforce
 training and education board;
- (iv) The Washington council for
 behavioral health;
- (v) Licensed and certified behavioral
 health agencies; and
- (vi) Higher education institutions.

(b) By October 15, 2021, the health
 care authority must submit a report of
 the work group's recommendations to the
 governor and the appropriate committees
 of the legislature.

(75) \$343,000 of the general fund-
 state appropriation for fiscal year 2022,
 \$344,000 of the general fund-state
 appropriation for fiscal year 2023, and
 \$687,000 of the general fund-federal
 appropriation are provided solely for
 increasing services to pregnant and
 parenting women provided through the
 parent child assistance program.

(76) \$130,000 of the general fund-
 state appropriation for fiscal year 2022
 and \$130,000 of the general fund-state
 appropriation for fiscal year 2023 are
 provided solely for maintaining and
 increasing the capabilities of a tool to
 track medication assisted treatment
 provider capacity.

(77) \$500,000 of the general fund-
 state appropriation for fiscal year 2022
 and \$500,000 of the general fund-state
 appropriation for fiscal year 2023 are
 provided solely for grants to support
 substance use disorder family navigators
 across the state.

(78) \$125,000 of the general fund-
 state appropriation for fiscal year 2022
 and \$125,000 of the general fund-state
 appropriation for fiscal year 2023 are
 provided solely for grants to support
 recovery cafes across the state.

(79) \$69,000 of the general fund-state
 appropriation for fiscal year 2022,
 \$63,000 of the general fund-state
 appropriation for fiscal year 2023, and
 \$198,000 of the general fund-federal
 appropriation are provided solely for the
 implementation of Engrossed Second
 Substitute Senate Bill No. 5071 (civil

commitment transition). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(80) \$200,000 of the general fund-state appropriation for fiscal year 2022, \$195,000 of the general fund-state appropriation for fiscal year 2023, and \$755,000 of the general fund-federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

(81) \$71,000 of the general fund-state appropriation for fiscal year 2022, \$66,000 of the general fund-state appropriation for fiscal year 2023, and \$136,000 of the general fund-federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(82) \$150,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

(83) \$2,000,000 of the general fund-federal appropriation is provided solely for grants to law enforcement and other

first responders to include a mental health professional on the team of personnel responding to emergencies.

(84) \$375,000 of the general fund-state appropriation for fiscal year 2022 and \$375,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

(85) \$26,000 of the general fund-state appropriation for fiscal year 2022, \$26,000 of the general fund-state appropriation for fiscal year 2023, and \$48,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(86) \$400,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(87) ~~(\$2,834,000)~~ \$349,000 of the general fund-state appropriation for fiscal year 2022, \$1,849,000 of the general fund-state appropriation for fiscal year 2023, and ~~(\$1,813,000)~~ \$942,000 of the general fund-federal appropriation are provided solely for the authority to contract for services at two distinct 16 bed programs in a facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to

assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(88) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$956,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under AGC v. Washington State Health Care Authority, Thurston county superior court no. 21-2-00479-34.

(89) \$38,230,000 of the general fund-state appropriation for fiscal year 2022 and \$18,188,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules. Of these amounts, \$20,042,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for belated claims for services that were rendered prior to fiscal year 2022.

(90) \$6,010,000 of the general fund-state appropriation for fiscal year 2023 and \$990,000 of the general fund-federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses; provide other harm reduction services and supplies, including but not limited to distributing naloxone, fentanyl, and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power. The authority should prioritize funds for naloxone distribution for programs or settings that are least likely to be able

to bill medicaid. Of the amounts provided in this subsection, \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl. Any moneys deposited into the general fund pursuant to section 126(41) of this act from the Purdue Pharma and Sackler family settlement must be used for the purposes of this subsection.

(91) \$2,382,000 of the general fund-state appropriation for fiscal year 2023 and \$6,438,000 of the general fund-federal appropriation are provided solely for a transition to bundled payment arrangement methodology for opioid treatment providers. Within these amounts, providers will receive a rate increase through the new methodology and the authority must direct medicaid managed care organizations, to the extent allowed under federal medicaid law, to adopt a value based bundled payment methodology in contracts with opioid treatment providers. This increase is effective January 1, 2023.

(92) \$2,387,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to support the creation of a bridge period for individuals also enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(93) \$1,574,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to contract with a program to provide medical respite care for individuals with behavioral health needs. The program must serve individuals with significant behavioral health needs and medical issues who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The program must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and

health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractor, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(94) \$490,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to create a master leasing incentive program with specific emphasis on Trueblood programs. The authority shall also create a toolkit for use by landlords serving special populations. The authority and department of commerce shall collaborate on this effort.

(95) \$664,000 of the general fund-state appropriation for fiscal year 2023 and \$154,000 of the general fund-federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(96) \$6,027,000 of the general fund-state appropriation for fiscal year 2023 and \$2,009,000 of the general fund-federal appropriation are provided solely to create and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort. The authority and department of commerce

shall collaborate on this effort and must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 31, 2022.

(97) \$775,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to create a rental voucher and bridge program and implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(98) \$200,000 of the general fund-state appropriation for fiscal year 2022, \$200,000 of the general fund-state appropriation for fiscal year 2023, and \$400,000 of the general fund-federal appropriation are provided solely for the authority to contract for a behavioral health comparison rate study. The study must be conducted to examine provider resources involved in developing individual covered behavioral health services and to establish benchmark payment rates that reflect the reasonable and necessary costs associated with the delivery of behavioral health services. The study must include an evaluation of actual medicaid managed care organization payment rates to the benchmark rates and summarize the results of this evaluation. The study must be conducted in a manner so that the benchmark comparison rates are incorporated into a full behavioral health fee schedule that can be used for assessing the costs associated with expansion of services, rate increases, and medicaid managed care plan state directed payments. The authority must provide a preliminary report on the study to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(99) \$382,000 of the general fund-state appropriation for fiscal year 2023 and \$254,000 of the general fund-federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund-state appropriation for fiscal year 2023

and \$192,000 of the general fund-federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid

individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(100) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to contract with a consultant to develop a Washington state behavioral health service delivery guide. The guide must include, but is not limited to, information on the service modalities, facilities, and providers that make up Washington's behavioral health delivery system. The authority must consult with behavioral health stakeholders and is permitted to enter into a data sharing agreement necessary to facilitate the production of the guide. The authority must publish the guide for the public and submit the guide to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(101) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to conduct a study on involuntary treatment access barriers related to transportation issues. The study must assess: Challenges ambulance companies and emergency responders have in billing medicaid for involuntary transportation services; whether current transportation rates are a barrier to access and if so what type of increase is needed to address this; and the possibility of creating a specialized type of involuntary transportation provider. The authority must also modify the current unavailable detention facilities report to identify whether the reason a bed was not available was due to: Transportation issues; all beds being full at the facility; staffing shortages; inability of facilities with available beds to meet the behavioral needs of the patient; inability of facilities with available beds to meet the medical needs of the patient; or other specified reasons. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with findings and recommendations from the study by December 31, 2022.

(102) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to increase contracts for recovery navigator services established in chapter 311, Laws of 2021 (ESB 5476). These amounts must be allocated to increase funding for recovery navigator services in King, Pierce, and Snohomish counties. These amounts must supplement and not supplant funding allocated, pursuant to section 22(1), chapter 311, Laws of 2021, to the regional behavioral health administrative services organizations serving those counties.

(103) \$4,213,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2022.

(b) \$2,213,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for Whatcom county to establish an alternative response base station. Within these amounts: \$1,477,000 is provided solely for facility renovation and equipment; \$149,000 is provided solely for acquisition of an alternative response

transport vehicle; and \$587,000 is provided solely for operating expenses, including personnel, maintenance, and utility expenses.

(104) \$100,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for, on a one-time basis, the authority to address behavioral health treatment access issues resulting from workforce shortages and impacts of the COVID-19 public health emergency. This funding must be used to provide one-time assistance payments to nonhospital-based community behavioral health treatment providers receiving payment for medicaid services contracted through the medicaid managed care organizations or behavioral health administrative service organizations. The authority shall begin distributing funding under this subsection as soon as possible, and shall complete the distribution of funds by October 1, 2022. The authority must distribute funding in accordance with the following requirements:

(a) The authority must enter into appropriate agreements with recipients to ensure that this stabilization funding is used for purposes of this subsection. Prior to the receipt of funds, providers must agree to expend these assistance payments by June 30, 2023.

(b) Allocation methodologies must be administratively efficient and based on previous medicaid utilization, modeled after prior nongrant-based allocations, so that funding can be distributed more timely than through grant or application-based allocations. The authority must consider individuals served through medicaid and behavioral health administrative service organizations contracts in its allocation methodology.

(c) Providers must use the funding for immediate workforce retention and recruitment needs or costs incurred due to the COVID-19 public health emergency. Funds may also be used to support other needed investments to help stabilize the community behavioral health workforce including, but not limited to, childcare stipends, student loan repayment, tuition assistance, relocation expenses, or other recruitment efforts to begin adding new staff and rebuilding lost capacity.

(d) By December 1, 2022, the authority must submit an accounting to the office of financial management and the

appropriate committees of the legislature that includes a list of all recipients of funding under this subsection and the amount of funding received.

(e) Within the amounts appropriated in this subsection, the authority may utilize up to \$200,000 to conduct a qualitative analysis of how recipients utilized funds for workforce retention and recruitment, which may include hiring a consultant and a survey of selected recipients. The authority must report on the findings of the qualitative analysis to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(105) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used to develop, refine, and pilot a new, advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(106) \$300,000 of the general fund-state appropriation for fiscal year 2023 and \$300,000 of the general fund-federal appropriation are provided on a one-time

basis solely for the authority to explore the development and implementation of a sustainable, alternative payment model for comprehensive community behavioral health services, including the certified community behavioral health clinic (CCBHC) model. Funding must be used to secure actuarial expertise; conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being CCBHC success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a preliminary report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and preliminary cost estimates by December 31, 2022. The study must include:

(a) Overviews of alternate payment models and options and considerations for implementing the certified community behavioral health clinic model within Washington state;

(b) An analysis of the impact of expanding alternate payment models on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement alternate payment models under those regulations;

(d) Options for payment rate designs;

(e) An analysis of the benefits and potential challenges in integrating the CCBHC reimbursement model within an integrated managed care environment;

(f) Actuarial analysis on the costs for implementing alternative payment model options, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation.

(107) \$60,000 of the general fund-state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to develop an integrative cultural healing model to be implemented and managed by the Confederated Tribes of the Colville Reservation. For the purposes of this subsection, "integrative cultural healing model" means a behavioral health model developed for and by tribal and urban-based Native American partners in

eastern Washington. Grant funds must be used for staff costs for implementing the model; acquisition of cultural tools, materials, and other group facilitation supplies; securing access to outdoor environments in traditional places of gathering foods, medicines, and materials; salaries for training time; and stipends, travel, and mileage reimbursement to support the participation of local elders or knowledge keepers.

(108) \$1,135,000 of the general fund-state appropriation for fiscal year 2023 and \$568,000 of the general fund-federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff.

(109) \$150,000 of the general fund-state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to provide a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social

services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(110) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided on a one-time basis solely for the authority to conduct a study and provide data regarding challenges to receiving behavioral health services in rural communities. The study by the authority must review timely access to behavioral health services in rural areas including: (a) Designated crisis responder response times; (b) the availability of behavioral health inpatient and outpatient services; (c) wait times for hospital beds; and (d) the availability of adult and youth mobile crisis teams. The study must include recommendations on strategies to improve access to behavioral health services in rural areas in the short-term as the state works to develop and implement the recommendations of the crisis response improvement strategy committee established in chapter 302, Laws of 2021. The authority must submit a report to the office of financial management and the appropriate committees of the legislature with a summary of the data, findings, and recommendations by December 1, 2022.

(111) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use

recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(112) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to provide a one-time grant to a nonprofit organization to establish a program to provide pro bono counseling and behavioral health services to uninsured individuals with incomes below 300 percent of the federal poverty level. The grantee must have experience in leveraging local and philanthropic funding to coordinate pro bono health care services within Washington. The authority must provide the funding pursuant to an appropriate agreement for documented capacity-building to begin providing pro bono counseling and behavioral health services no later than April 1, 2023. The agreement must require the grantee to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

(113) \$2,148,000 of the general fund-state appropriation for fiscal year 2023 and \$499,000 of the general fund-federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in four regions of the state. The services must be provided through clinical response teams that

receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts, \$445,000 of the general fund-state appropriation and \$79,000 of the general fund-federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(114) \$1,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a contract with a licensed youth residential psychiatric substance abuse and mental health agency located in Clark and Spokane counties for reopening evaluation and treatment units, increasing staff capacity, treating patients with cooccurring substance use and acute mental health disorders, and expanding outpatient services for young adults ages 18 through 24.

(115) \$4,377,000 of the general fund-state appropriation for fiscal year 2023 and \$919,000 of the general fund-federal appropriation are provided solely for implementation of Substitute House Bill No. 1773 (assisted outpatient treatment). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(116) \$257,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1800 (behavioral health/minors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(117) \$115,000 of the general fund-state appropriation for fiscal year 2023 and \$218,000 of the general fund-federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1860 (behavioral health discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(118) \$563,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers and meet the requirements of Second Substitute House

Bill No. 1890 (children behavioral health).

(119) \$427,000 of the general fund-state appropriation for fiscal year 2023 and \$183,000 of the general fund-federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(120) \$759,000 of the general fund-state appropriation for fiscal year 2023 and \$759,000 of the general fund-federal appropriation are provided solely for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(121) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to increase contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

(122) \$79,000 of the general fund-state appropriation for fiscal year 2023 and \$78,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(123) \$5,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for bridge funding grants to community behavioral health agencies participating in federal certified community behavioral health clinic expansion grant programs to sustain their continued level of operations following expiration of federal grant funding during the planning process for adoption of the certified community behavioral health clinic model statewide.

(124) \$12,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5664 (forensic competency programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(125) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the authority to contract with worldbridgers for a peer workforce expansion pilot project to increase certified peer support counselors in Clark county.

(126) \$48,000 of the general fund-state appropriation for fiscal year 2023 and \$49,000 of the general fund-federal appropriation are provided solely for the authority to create a short-term residential crisis stabilization program (RCSP) for youth with severe behavioral health diagnoses. It is the intent of the legislature to fund the contracted costs of these facilities beginning in the 2023-2025 fiscal biennium.

(127) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

(128) \$2,825,000 of the general fund-state appropriation for fiscal year 2023 and \$797,000 of the general fund-federal appropriation are provided solely for the authority to contract with opioid treatment providers to purchase five mobile methadone units and to contract for the operations of those units to fill treatment gaps statewide.

(129)(a) \$290,000 of the general fund-state appropriation for fiscal year 2023 and \$58,000 of the general fund-federal appropriation are provided solely for a task force on individuals who experience refusals of service for involuntary behavioral health treatment and then are referred to our state hospitals for forensic competency evaluation and restoration services, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The health care authority shall appoint the following members:

(A) The director of the health care authority or his or her designee;

(B) The secretary of the department of social and health services or his or her designee;

(C) The chief executive officer of western state hospital or his or her designee;

(D) The chief executive officer of eastern state hospital or his or her designee;

(E) The Washington state attorney general or his or her designee;

(F) Two individuals with lived experience of involuntary civil commitment for behavioral health;

(G) Two individuals with lived experience as a family member of a person who experienced involuntary civil commitment for behavioral health;

(H) A representative of:

(I) The Washington state hospital association;

(II) The Washington designated crisis responder association;

(III) Behavioral health administrative services organizations;

(IV) King county;

(V) Spokane county;

(VI) The Washington association of prosecuting attorneys;

(VII) The Washington defender association; and

(VIII) A services provider for forensically involved individuals; and

(I) Up to two members from the state hospital employees exclusive bargaining unit representative, at least one of whom must have direct experience working with patients at state hospitals who have a history of violence.

(b) The task force shall choose as its cochairs one person from among its legislative members and one person from among its executive branch members. The health care authority shall convene the first meeting of the task force by June 30, 2022.

(c) The task force shall review the following issues in terms of those individuals who have a history of one or more acts of violence:

(i) Solutions to provide appropriate treatment for persons who experience difficulty obtaining placement in local evaluation and treatment facilities or secure withdrawal management and stabilization facilities due to a history of one or more violent acts as that term is defined under chapter 71.05 RCW; and

(ii) Acceptable procedures for obtaining needed medical clearance for involuntary treatment with a goal to reduce or avoid the use of emergency departments.

(d) Staff support for the task force must be provided by the health care authority.

(e) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) Task force expenditures for legislative members are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(g) The task force shall report preliminary findings and recommendations to the governor and appropriate committees of the legislature by October 15, 2022, and issue its final recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(130) \$3,990,000 of the general fund-state appropriation for fiscal year 2023 is provided solely with the downtown emergency service center to contract for three behavioral health response teams in King county. These teams must collaborate with regional outreach teams and agencies throughout King county and follow up with individuals after an acute crisis episode for up to three months to establish long-term community linkages and referrals to behavioral health treatment.

Sec. 216. 2021 c 334 s 216 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund-State Appropriation (FY 2022) (~~(\$2,946,000)~~)

\$3,220,000

General Fund-State Appropriation (FY 2023) (~~(\$2,966,000)~~)

\$3,630,000

General Fund-Federal Appropriation (~~(\$2,572,000)~~)

\$2,706,000

TOTAL APPROPRIATION (~~(\$8,484,000)~~)

\$9,556,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 217. 2021 c 334 s 217 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund-State

Appropriation \$10,000

Accident Account-State Appropriation (~~(\$24,093,000)~~)

\$25,152,000

Medical Aid Account-State Appropriation (~~(\$24,090,000)~~)

\$25,150,000

TOTAL APPROPRIATION (~~(\$48,193,000)~~)

\$50,312,000

The appropriations in this section are subject to the following conditions and limitations: \$12,000 of the accident account-state appropriation and \$10,000 of the medical aid account-state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (worker safety pandemic response). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

Sec. 218. 2021 c 334 s 218 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund-State Appropriation (FY 2022) (~~(\$34,677,000)~~)

\$38,905,000

General Fund-State Appropriation (FY 2023) (~~(\$34,509,000)~~)

\$51,034,000

General Fund-Private/Local Appropriation (~~(\$5,961,000)~~)

\$8,016,000

Death Investigations Account-State Appropriation (~~(\$1,216,000)~~)

\$1,598,000

Municipal Criminal Justice Assistance Account-State

Appropriation \$460,000

Washington Auto Theft Prevention Authority Account-

State Appropriation (~~(\$7,167,000)~~)

\$10,667,000

Washington Internet Crimes Against Children Account-

State Appropriation \$2,270,000

24/7 Sobriety Account-State Appropriation \$20,000

TOTAL APPROPRIATION (~~(\$84,010,000)~~)

\$112,970,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund-state appropriation for fiscal year 2022 and \$5,000,000 of the general fund-state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) (~~(\$1,504,000)~~) \$3,393,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$1,513,000)~~) \$5,317,000 of the general fund-state appropriation for fiscal year 2023 are

provided solely for 75 percent of the costs of providing ~~((five))~~ 9.5 additional statewide basic law enforcement trainings in ~~((each))~~ fiscal year 2022 and 13.5 additional statewide basic law enforcement trainings in fiscal year 2023. This provides a total of 19.5 classes in fiscal year 2022 and 23.5 classes in fiscal year 2023. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

~~(4) ((\$429,000 of the general fund-state appropriation for fiscal year 2022 and \$429,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account))~~ \$2,270,000 of the Washington internet crimes against children account-state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) ~~((\$5,000,000))~~ \$4,000,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$5,000,000))~~ \$4,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund-state appropriation for fiscal year 2022 and \$899,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) ~~((\$1,216,000))~~ \$1,598,000 of the death investigations account-state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund-state appropriation for fiscal year 2022, \$26,000 of the general fund-state appropriation for fiscal year 2023, and \$12,000 of the general fund-local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house

of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund–state appropriation for fiscal year 2022 and \$20,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund–state appropriation for fiscal year 2022 and \$10,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund–state appropriation for fiscal year 2022 and \$10,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund–state appropriation for fiscal year 2022, \$727,000 of the general fund–state appropriation for fiscal year 2023, and \$248,000 of the general fund–local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund–state appropriation for fiscal year 2022 and \$408,000 of the general fund–state appropriation for fiscal year 2023 are

provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund–state appropriation for fiscal year 2022 and \$1,986,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$474,000 of the general fund–state appropriation for fiscal year 2022 and \$446,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$151,000 of the general fund–state appropriation for fiscal year 2022 and \$148,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund–state appropriation for fiscal year 2022 and \$296,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$31,000 of the general fund–state appropriation for fiscal year 2022 and \$31,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(20) \$269,000 of the general fund-state appropriation for fiscal year 2022 and \$261,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) \$25,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(22) \$40,000 of the general fund-state appropriation for fiscal year 2022 and \$40,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(23) \$25,000 of the general fund-state appropriation for fiscal year 2022 and \$25,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(24) \$30,000 of the general fund-state appropriation for fiscal year 2022 and \$30,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(25) \$2,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the commission to provide grants to local law enforcement

agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(26) \$290,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(27) \$1,575,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement

agencies for training of chapter 324, Laws of 2021 (permissible uses of force).

(28) \$2,150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training of chapter 321, Laws of 2021 (duty to intervene).

(29) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Substitute House Bill No. 1735 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(30) \$1,050,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Substitute House Bill No. 2037 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(31) \$525,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies for training required under Engrossed Senate Bill No. 5919 (use of force by peace officers). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(32) \$100,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body-worn cameras; (iii) costs associated with public records

requests for body-worn camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

(33) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to the criminal justice training commission to support an instructor to teach a model use of force and deescalation tactics training to local peace officers across the state. The goal is to establish and disseminate a standard use of force training program that is uniform throughout the state for currently employed peace officers.

Sec. 219. 2021 c 334 s 219 (uncodified) is amended to read as follows:

FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS

General Fund—State Appropriation (FY 2022) (~~(\$7,063,000)~~)

\$8,289,000

General Fund—State Appropriation (FY 2023) (~~(\$12,657,000)~~)

\$15,656,000

TOTAL APPROPRIATION
(~~(\$19,720,000)~~)

\$23,945,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (establishing an office of independent investigations), to create an office within the office of the governor for the purposes of investigating deadly force incidents involving peace officers. (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) \$1,295,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for contracting with the Washington state patrol for laboratory-based testing and processing of crime scene evidence collected during investigations.

(3) \$1,173,000 of the general fund—state appropriation for fiscal year 2022 and \$1,148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purchase of information technology equipment.

(4) \$251,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for contracted specialized training for investigators relating to death investigations in cases involving deadly force.

Sec. 220. 2021 c 334 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2022) (~~(\$13,752,000)~~)

\$12,070,000

General Fund—State Appropriation (FY 2023) (~~(\$15,492,000)~~)

\$27,358,000

General Fund—Federal Appropriation
(~~(\$11,876,000)~~)

\$20,839,000

Asbestos Account—State Appropriation
(~~(\$573,000)~~)

\$598,000

Electrical License Account—State
Appropriation (~~(\$56,707,000)~~)

\$59,225,000

Farm Labor Contractor Account—State
Appropriation \$28,000

Worker and Community Right to Know
Fund—State

Appropriation (~~(\$1,000,000)~~)

\$1,062,000

Construction Registration Inspection
Account—State

Appropriation (~~(\$28,947,000)~~)

\$30,231,000

Public Works Administration Account—
State

Appropriation (~~(\$9,352,000)~~)

\$11,420,000

Manufactured Home Installation
Training Account—

State Appropriation (~~(\$395,000)~~)

\$424,000

Accident Account—State Appropriation
(~~(\$366,060,000)~~)

\$383,862,000

Accident Account—Federal
Appropriation (~~(\$16,047,000)~~)

\$16,071,000

Medical Aid Account—State
Appropriation (~~(\$366,663,000)~~)

\$383,187,000

Medical Aid Account—Federal
Appropriation (~~(\$3,608,000)~~)

\$3,617,000

Plumbing Certificate Account—State
Appropriation (~~(\$3,316,000)~~)

\$3,481,000

Pressure Systems Safety Account—State
Appropriation (~~(\$4,582,000)~~)

\$4,800,000

TOTAL APPROPRIATION
(~~(\$898,398,000)~~)

\$958,273,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$8,551,000)~~) \$4,363,000 of the accident account–state appropriation and (~~(\$8,551,000)~~) \$4,363,000 of the medical aid account–state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

- (i) Business readiness;
- (ii) Change readiness;
- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the

chief information officer, and how the project:

(A) Has mitigated each risk; and

(B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the (~~(reporting data provided each quarter)~~) project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account–state appropriation and \$250,000 of the accident account–state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account–state appropriation and \$258,000 of the medical aid account–state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention

program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund-state appropriation for fiscal year 2022 and \$2,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account-state appropriation and \$876,000 of the medical aid account-state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) \$2,849,000 of the construction registration inspection account-state appropriation, \$152,000 of the accident account-state appropriation, and \$31,000 of the medical aid account-state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) (~~(\$4,380,000)~~) (a) \$4,044,000 of the medical aid account-state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$336,000 of the medical aid account-state appropriation is provided solely for the maintenance and operation of the provider credentialing project.

(8) \$530,000 of the accident account-state appropriation and \$94,000 of the medical aid account-state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account-state appropriation and \$60,000 of the medical aid account-state appropriation

are provided for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account-state appropriation and \$184,000 of the medical aid account-state appropriation are provided solely for costs associated with the implementation of Engrossed

Substitute Senate Bill No. 5115 (health emergency/labor). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) ~~((~~\$825,000~~))~~ \$1,228,000 of the accident account-state appropriation and ~~((~~\$620,000~~))~~ \$217,000 of the medical aid account-state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$760,000 of the general fund-state appropriation for fiscal year 2022 and \$1,393,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$367,000 of the accident account-state appropriation and \$366,000 of the medical aid account-state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$1,626,000 of the accident account-state appropriation and \$288,000 of the medical aid account-state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this subsection.

(18) \$298,000 of the accident account-state appropriation and \$53,000 of the medical aid account-state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$1,360,000 of the accident account-state appropriation and \$240,000 of the medical aid account-state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account-state appropriation and \$66,000 of the medical aid account-state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) \$584,000 of the accident account-state appropriation and \$584,000 of the medical aid account-state appropriation are provided solely for costs associated with staff overtime affiliated with the state emergency operations center. Prior to utilizing these funds, the department of labor and industries must collaborate with the military department to determine if any overtime costs may be eligible for reimbursement from the federal emergency management agency.

(22) \$961,000 of the accident account-state appropriation and \$169,000 of the medical aid account-state appropriation are provided solely for enhancements to the apprenticeship registration and tracking computer system to align data collection with federal regulations and to create functionality that allows for web-based document uploading. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(23) \$350,000 of the accident account-state appropriation and \$350,000 of the medical aid account-state appropriation are provided solely for the completion of the licensing and certification administrators IT project to meet the implementation requirements of chapter 277, Laws of 2020 (SHB 2409). This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(24) \$897,000 of the medical aid account-state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(25) \$821,000 of the public works administration account-state appropriation is provided solely to expand capacity to investigate and enforce prevailing-wage complaints.

(26) \$794,000 of the public works administration account-state appropriation is provided solely for planning and requirements gathering to make system improvements to the prevailing wage program information technology system. Of the amount in this subsection, \$300,000 is for two permanent information technology developers to maintain the system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(27) \$2,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to modernize the technology and remote learning infrastructure within existing state registered apprenticeship programs as provided in Engrossed Second

Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Grant applications must include a plan to sustain the investment over time. Up to five percent of the total amount provided in this subsection can be used to cover administrative expenses.

(28) \$4,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to upgrade apprenticeship program equipment to better replicate conditions on the job during the training of apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. The grant program is limited to state registered apprenticeship programs. Up to five percent of the total within this subsection can be used to cover administrative expenses.

(29) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to create and administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in state registered apprenticeship programs as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. Up to five percent of the amount provided in this subsection may be used to cover administrative expenses.

(30) \$12,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for vouchers to cover the cost of driver's education courses for minors enrolled in a state registered apprenticeship program as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(31) \$205,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to start conducting a four-year retention study of state registered apprentices as provided in Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection

shall lapse. The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees beginning June 30, 2023.

(32) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to explore requirements needed to create a centralized technical support system for new nontraditional apprenticeship programs to help applicants navigate and start the process.

(33) \$207,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5814 (child abuse/medical evaluation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(34) \$191,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5600 (apprenticeship programs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(35) \$454,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5714 (solar canopies tax deferral). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(36) \$412,000 of the accident account-state appropriation and \$73,000 of the medical aid account-state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5761 (wage and salary information). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(37) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization that will support development, outreach, and recruitment to provide job readiness skills and

apprenticeship training to public school paraeducators to support college degree attainment to become certified teachers. The grant recipient must be a nonprofit organization serving classified public school employees statewide.

(38) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to create a certified nursing assistant model joint labor-management apprenticeship program to address the certified nursing assistant staffing crisis in skilled nursing facilities by improving workforce recruitment and retention, reducing barriers to entry, and restoring the pipeline of entry level health care professionals into skilled nursing facilities.

(39) \$2,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(40) \$454,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1988 (clean tech. tax deferrals). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(41) \$6,000,000 of the driver resource center fund nonappropriated account-state appropriation, \$313,000 of the accident account-state appropriation, and \$57,000 of the medical aid account-state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 221. 2021 c 334 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund-state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund-State Appropriation (FY 2022) (~~(\$3,966,000)~~)

\$4,094,000

General Fund-State Appropriation (FY 2023) (~~(\$3,791,000)~~)

\$4,199,000

Charitable, Educational, Penal, and Reformatory

Institutions Account-State
Appropriation \$10,000

TOTAL APPROPRIATION

~~(\$7,767,000)~~

\$8,303,000

(3) FIELD SERVICES

General Fund-State Appropriation (FY 2022) (~~(\$8,121,000)~~)

\$8,200,000

General Fund-State Appropriation (FY 2023) (~~(\$7,878,000)~~)

\$9,313,000

General Fund-Federal Appropriation
(~~(\$4,412,000)~~)

\$9,116,000

General Fund-Private/Local
Appropriation (~~(\$4,959,000)~~)

\$6,730,000

Veteran Estate Management Account-
Private/Local

Appropriation \$717,000

TOTAL APPROPRIATION

~~(\$26,087,000)~~

\$34,076,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$449,000 of the general fund-state appropriation for fiscal year 2022 and \$449,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund-state appropriation for fiscal year 2022 and \$233,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health

system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) \$300,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$300,000))~~ \$600,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington, in fiscal year 2022 and for four veterans service officers in fiscal year 2023. In fiscal year 2023, two veterans service officers must be located in eastern Washington and two veterans service officers must be located in western Washington.

(d) \$677,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$57,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity that provides accredited peer support training for both veterans and community service members. The funding provided in this subsection is in addition to the department's existing appropriation for its in-house peer support program. No later than June 30, 2023, the department must report to the legislature regarding the number of peer supporters trained pursuant to the contract under this subsection.

(4) ~~((INSTITUTIONAL SERVICES))~~ STATE VETERANS HOMES PROGRAM

General Fund-State Appropriation (FY 2022) ~~((\$10,991,000))~~
\$16,346,000

General Fund-State Appropriation (FY 2023) ~~((\$12,510,000))~~
\$23,581,000

General Fund-Federal Appropriation ~~((\$108,522,000))~~
\$110,588,000

General	Fund-Private/Local
Appropriation ((\$21,794,000))	
	<u>\$18,635,000</u>
TOTAL	APPROPRIATION
((\$153,817,000))	
	<u>\$169,150,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund-state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund-state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund-state appropriation for fiscal year 2022 and \$222,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) CEMETERY SERVICES

General Fund-State Appropriation (FY 2022) \$85,000

General Fund-State Appropriation (FY 2023) ~~((\$101,000))~~
\$124,000

General Fund-Federal Appropriation \$710,000

TOTAL APPROPRIATION ~~((\$896,000))~~
\$919,000

Sec. 222. 2021 c 334 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund-State Appropriation (FY 2022) ~~((\$99,870,000))~~
\$112,474,000

General Fund-State Appropriation (FY 2023) ~~((\$96,638,000))~~

\$133,094,000
 General Fund-Federal Appropriation
 ((~~\$569,921,000~~))
\$577,500,000
 General Fund-Private/Local
 Appropriation ((~~\$234,627,000~~))
\$248,316,000
 Hospital Data Collection Account-State
 Appropriation ((~~\$428,000~~))
\$472,000
 Health Professions Account-State
 Appropriation ((~~\$146,975,000~~))
\$157,658,000
 Aquatic Lands Enhancement Account-
 State
 Appropriation ((~~\$633,000~~))
\$637,000
 Emergency Medical Services and Trauma
 Care Systems
 Trust Account-State Appropriation
 ((~~\$10,053,000~~))
\$10,105,000
 Safe Drinking Water Account-State
 Appropriation ((~~\$5,976,000~~))
\$7,237,000
 Drinking Water Assistance Account-
 Federal
 Appropriation ((~~\$16,759,000~~))
\$20,908,000
 Waterworks Operator Certification
 Account-State
 Appropriation ((~~\$1,978,000~~))
\$2,006,000
 Drinking Water Assistance
 Administrative Account-
 State
 Appropriation
 ((~~\$1,604,000~~))
\$1,634,000
 Site Closure Account-State
 Appropriation ((~~\$180,000~~))
\$186,000
 Biotoxin Account-State Appropriation
 ((~~\$1,675,000~~))
\$1,727,000

Model Toxics Control Operating
 Account-State
 Appropriation ((~~\$7,555,000~~))
\$7,750,000
 Medical Test Site Licensure Account-
 State
 Appropriation ((~~\$3,187,000~~))
\$3,275,000
 Secure Drug Take-Back Program Account-
 State
 Appropriation ((~~\$299,000~~))
\$1,435,000
 Youth Tobacco and Vapor Products
 Prevention Account-
 State
 Appropriation
 ((~~\$3,222,000~~))
\$3,242,000
 Dedicated Marijuana Account-State
 Appropriation
 (FY 2022) ((~~\$10,538,000~~))
\$10,584,000
 Dedicated Marijuana Account-State
 Appropriation
 (FY 2023) ((~~\$10,562,000~~))
\$11,800,000
 Public Health Supplemental Account-
 Private/Local
 Appropriation ((~~\$3,619,000~~))
\$3,702,000
 Accident Account-State Appropriation
 ((~~\$348,000~~))
\$368,000
 Medical Aid Account-State
 Appropriation ((~~\$53,000~~))
\$57,000
Statewide 988 Behavioral Health Crisis
 Response Line
Account-State Appropriation
\$10,280,000
Coronavirus State Fiscal Recovery
Fund-Federal
Appropriation \$144,364,000
 TOTAL APPROPRIATION
 ((~~\$1,226,700,000~~))
\$1,470,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of

health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain

a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund-local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account-state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.) ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(11) \$703,000 of the general fund-state appropriation for fiscal year 2022 and \$703,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(12) ((\$73,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(13)) \$79,000 of the general fund-state appropriation for fiscal year 2022 and \$76,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(14) \$1,333,000)) (13) \$873,000 of the general fund-state appropriation for fiscal year 2022 and ((\$1,117,000)) \$1,577,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(15)) (14) \$13,000 of the general fund-state appropriation for fiscal year 2022 and \$13,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(16) \$74,000 of the general fund state appropriation for fiscal year 2022 and \$74,000 of the general fund federal appropriation are)) (15) \$187,000 of the health professions account-state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(17)) (16) \$50,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.~~

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

(iv) One member from the Washington state dental association;

(v) One member from the Washington state dental hygienists' association;

(vi) One dental therapist;

(vii) One dentist who has or is currently supervising a dental therapist or therapists;

(viii) One representative from a dental only integrated delivery system;

(ix) One representative from an urban Indian health clinic;

(x) One representative from a federally qualified health center or the Washington association for community health;

(xi) One representative from a dental therapy education program;

(xii) One representative from a Washington tribe that currently employs dental therapists; and

(xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

(i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and

(ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

~~((19))~~ (17) \$492,000 of the general fund-state appropriation for fiscal year 2022 and \$492,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to

coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

~~((19))~~ (18) \$96,000 of the general fund-state appropriation for fiscal year 2022 and \$92,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

~~((20))~~ (19) \$750,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2022, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

~~((21))~~ (20)(a) ~~(\$200,000)~~ \$65,000 of the general fund-state appropriation for fiscal year 2022 ~~(is)~~ and \$135,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound, eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

(i) The secretary of health, or the secretary's designee;

(ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task

force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

~~((22))~~ (21) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a work group to make recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

~~((23))~~ (22) \$236,000 of the general fund-state appropriation for fiscal year 2022 and \$236,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health

districts). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(24))~~ (23) \$332,000 of the general fund-state appropriation for fiscal year 2022 and \$1,885,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

~~((25))~~ (24) \$34,000 of the general fund-state appropriation for fiscal year 2022 and \$58,000 of the general fund-local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(26))~~ (25) \$832,000 of the general fund-local appropriation and \$554,000 of

the health professions account-state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(27))~~ (26) \$21,000 of the health professions account-state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(28))~~ (27) \$374,000 of the general fund-state appropriation for fiscal year 2022 and \$362,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (28) \$97,000 of the general fund-local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(30)~~ \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$98,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1127 (COVID 19 health data privacy). ~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(31))~~ (29) \$17,000 of the health professions account-state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(32) \$596,000)~~ (30) \$1,188,000 of the general fund-state appropriation for fiscal year 2022, ~~((~~\$58,000)) \$2,488,000 of the general fund-state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account-state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). ~~((If the bill is~~

~~not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~) Of the amounts provided in this subsection, \$2,000,000 of general fund-state appropriation is for assistance to 37 rural hospitals that are required to comply with the provisions under the bill.

~~((33))~~ (31) \$71,000 of the health professions account-state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(34))~~ (32) \$2,809,000 of the model toxics control operating account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(35))~~ (33) \$17,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(36))~~ (34) \$92,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(37))~~ (35) \$516,000 of the general fund-state appropriation for fiscal year 2022 and \$1,873,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(38))~~ (36) \$301,000 of the secure drug take-back program account-state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(39))~~ (37) \$22,000 of the general fund-state appropriation for fiscal year

2022 and \$78,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((40))~~ (38) \$17,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((41))~~ (39) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

~~((42))~~ (40) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

~~((43))~~ (41) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

~~((44))~~ (42) \$600,000 of the general fund-state appropriation for fiscal year 2022 and \$600,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to

farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

~~((45))~~ (43) \$500,000 of the general fund-state appropriation for fiscal year 2022 and ~~((500,000))~~ \$725,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

~~((46))~~ (44) \$400,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in

or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

~~((47))~~ (45) \$2,122,000 of the general fund-state appropriation for fiscal year 2022 and \$2,122,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

~~((48))~~ (46) \$2,325,000 of the general fund-state appropriation for fiscal year 2022 and \$2,625,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

~~((49))~~ (47) \$1,500,000 of the general fund-state appropriation for fiscal year 2022 and \$1,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

~~((50))~~ (48) \$474,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((51))~~ (49) \$1,779,000 of the health professions account-state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((52))~~ (50) \$627,000 of the general fund-state appropriation for fiscal year 2022 and \$627,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

~~((53))~~ (51) \$250,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

~~((54))~~ (52) \$450,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the

launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

~~((55))~~ (53) \$85,000 of the general fund-state appropriation for fiscal year 2022 and \$23,000 of the health professions account-state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(54) \$3,000,000 of the general fund-state appropriation for fiscal year 2022 and \$3,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington nursing commission to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(55) \$761,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Washington nursing commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

(56) \$147,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department in collaboration with the state health care authority and the University of Washington to develop a licensure and regulatory program for behavioral health support specialists consistent with the provisions in Engrossed Second Substitute Senate Bill No. 5884 (behavioral health support).

(57) \$212,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5821 (cardiac & stroke response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(58) \$41,000 of the general fund-state appropriation for fiscal year 2022 and \$777,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(59) \$223,000 of the general fund-state appropriation for fiscal year 2022 and \$186,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

(60) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to provide a grant to a statewide community based environmental justice organization to establish an environmental justice community participation fund. The participation fund must allocate the funding as grants to community-based organizations serving vulnerable populations in highly impacted communities in rural and urban areas for the purpose of supporting their communities' access, understanding, and participation in environmental justice council deliberations and the implementation of chapter 70A.02 RCW.

(61) \$2,488,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for additional resources for the department to issue provider credentials within seven calendar days of receiving a complete application.

(62) \$532,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to create a program within the office of drinking water to offer engineering assistance to nonfluoridated water systems with over 5,000 connections. The

program will assist water systems to plan for future community water fluoridation.

(63) \$74,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1881 (birth doula). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(64) \$121,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to expand access to the smoking cessation quitline, implement electronic referrals to the quitline, and provide grants to develop messaging related to smoking cessation.

(65) \$7,400,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for one-time grants to providers of abortion care that participate in the department's family planning and reproductive health program and which experienced drops in patient visit volume during the pandemic in order to maintain the availability of services for low-income Washingtonians.

(66) \$268,000 of the health professions account-state appropriation is provided solely for implementation of Substitute Senate Bill No. 5753 (board & commission sizes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(67) \$166,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to conduct an oral health equity assessment. The department must use available data and community needs assessments to identify unmet oral health needs and develop recommendations to advance positive oral health outcomes while reducing inequities through increased access to community water fluoridation. The department must consult with the state office of equity and may collaborate with public health oral health care providers and community-based organizations to conduct the assessment and develop recommendations. The department must submit the oral health equity assessment report and recommendations to the appropriate committees of the legislature by June 30, 2023.

(68) \$14,000 of the health professions account-state appropriation is provided solely for implementation of Substitute Senate Bill No. 5496 (health prof.

monitoring). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(69) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to convene a nonregulatory stakeholder forum to discuss solutions to per- and polyfluoroalkyl substances (PFAS) chemical contamination of surface and groundwater.

(70) \$19,088,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the costs of public health data systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(71) \$814,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to expand grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

(72) \$54,000 of the general fund-state appropriation for fiscal year 2022 and \$1,300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

(73) \$654,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department, in collaboration with an organization that represents pediatric care needs in Washington state, to establish a curriculum and provide training for community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW, beginning January 1, 2023, in support of the health care authority's two-year grant program. The department will coordinate ongoing curriculum development meetings with the relational health training work group.

(74) \$1,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to the greater Columbia accountable community of health to develop and implement an innovative emergency medical services program to bridge the gap of unmet health care needs in the community.

(75) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to cancer pathways to provide statewide education and support for adults, children, and families impacted by cancer, including support groups, camps for kids impacted by cancer, and risk reduction education for teens.

(76) \$66,956,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department's continued vaccine administration efforts, including mass vaccination sites where needed and pass-through contracts with local health jurisdictions. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's vaccine administration activities through January 1, 2023. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 vaccine administration fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any vaccine administration costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 vaccine administration initiatives, including, but not limited to, mass vaccination sites, primary care provider outreach, mobile vaccination administration, and outreach. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(77) \$58,320,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department to respond to the COVID-19 pandemic through means including diagnostic testing, case investigation, outbreak response, care coordination, community outreach, operational and technical support, disease surveillance, client services, and support for local health jurisdictions and tribes. If the federal emergency management agency reimbursement at full cost for eligible activities is renewed beyond June 30, 2022, the department must conserve this

appropriation and maximize the use of federal reimbursements. The legislature intends this funding to be sufficient to cover the department's response through January 1, 2023, at which point the legislature plans to reevaluate the scope of the public health threat posed by COVID-19. By October 1, 2022, the department must submit a report to the health care and fiscal committees of the legislature detailing a cost-based COVID-19 fiscal response plan for the remainder of the 2021-2023 fiscal biennium as well as any costs the department projects into the 2023-2025 fiscal biennium. This report must include a funding strategy for specific agency COVID-19 response initiatives, including, but not limited to, mass testing sites, testing contracts, laboratory and scientific analysis, and other agency initiatives in response to the pandemic. This report must also include specific and itemized individual local health jurisdiction initiatives in which the department has or plans to request funding from the legislature on behalf of the local health jurisdiction.

(78) \$85,000 of the health professions account-state appropriation is provided solely for the implementation of Senate Bill No. 5518 (OT licensure compact). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(79) \$91,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5702 (donor human milk coverage). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(80) \$22,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5765 (midwifery). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(81) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to create the criminal justice integrated data system task force, to be convened and chaired by a representative from the department.

(a) In addition to the chair, the task force shall consist of the following members or the member's designee with

experience in criminal justice data systems and reporting:

- (i) The governor;
- (ii) The chief justice of the Washington state supreme court;
- (iii) The attorney general;
- (iv) The director of the department of corrections;
- (v) The director of the department of children, youth, and families;
- (vi) The director of the department of social and health services;
- (vii) The director of the administrative office of the courts;
- (viii) A representative of the Washington association of prosecuting attorneys;
- (ix) A representative of the Washington association of sheriffs and police chiefs;
- (x) A representative of the association of Washington cities;
- (xi) A representative of the Washington state association of counties;
- (xii) A representative of the office of crime victims advocacy;
- (xiii) A representative from the Washington state institute for public policy;
- (xiv) A representative from the office of public defense or a defense representative;
- (xv) A representative from the Harborview injury prevention and research center;
- (xvi) A representative from the Washington association of coroners and medical examiners; and
- (xvii) A representative from the Washington state association of county clerks.

(b) The task force shall notify the members of the law and justice committees of the house and senate of scheduled meetings and agendas.

(c) By December 1, 2022, the task force shall submit a report to the legislature detailing recommendations, an implementation plan, and a feasibility study for a criminal justice integrated data system to receive and maintain data

and information from local governments, state agencies, and nongovernmental entities. This report must also include:

(i) Recommendations on the creation and composition of a criminal justice data oversight council and processes by which the council will approve requests for projects, reports, and data analyses generated from the criminal justice integrated data system;

(ii) Opportunities to integrate and leverage federal and other dollars for this work; and

(iii) A staffing plan for the department of health to create a violence and death investigation resource center to collect and analyze vital statistics on violence and deaths in the state to:

(A) Identify localized and statewide trends;

(B) Survey medical examiners and coroners in the state to identify the critical needs of the offices;

(C) Develop systems to facilitate information and data sharing between medical examiner and coroner offices; and

(D) Develop best practices for death investigations in the state.

(d) Of the amounts provided in this subsection, \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with the Washington association of coroners and medical examiners to conduct a study of the critical shortage of board-certified forensic pathologists and recommend to the legislature what steps the state can take to foster a robust forensic pathology community. The study shall cover issues related to Conrad 30/J-1 visa waivers and measures to encourage enrollment in the University of Washington and Washington State University forensic pathology residency programs. This study must also include recommendations on how to create two new forensic pathology fellow slots, one in conjunction with the University of Washington and one in conjunction with Washington State University. The Washington association of coroners and medical examiners shall directly report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022.

(82) \$39,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of

Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$428,000 of the general fund–state appropriation for fiscal year 2022 and \$855,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the continued operations of the Washington medical coordination center.

(84) \$17,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey of home care and home health agencies as defined in RCW 70.127.010, to gather financial information for tax or fee planning purposes, including but not limited to total by service line. Any such financial information reported must be de-identified so it does not identify individual recipients of care. The department shall provide this information to the department of social and health services and service employees international union 775 for analysis upon completion of the survey.

(85) \$2,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to conduct a mass public awareness campaign targeted at alerting the public to the dangers caused by methamphetamines and fentanyl, including outreach to both youth and adults aimed at preventing addiction and overdose deaths.

(86) \$91,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to convene a work group to study the root causes of rising behavioral health issues in Washington communities.

(a) The membership of the work group shall emphasize individuals with actual, practical experience dealing with the behavioral health system and shall include:

(i) Individuals who have received behavioral health services in a variety of settings and circumstances throughout the behavioral health system;

(ii) Family members of individuals who have received behavioral health services;

(iii) Behavioral health treatment providers with experience providing

behavioral health services in various settings, including crisis behavioral health services. Providers serving on the work group may not represent, or be employed by, any organizations or interest groups representing the interests of health care providers or behavioral health stakeholders;

(iv) Tribal representatives with experience providing or receiving behavioral health services from tribal health departments;

(v) Members of the clergy;

(vi) Law enforcement officers with training and experience in responding to individuals with behavioral health conditions or who are undergoing behavioral health crises;

(vii) Behavioral health advocates; and

(viii) Any other individuals with experience in the behavioral health system, as deemed appropriate by the department.

(b) The work group shall, at a minimum, discuss:

(i) Factors leading to increased demand for behavioral health services in Washington;

(ii) Barriers to addressing unmet needs and any gaps in the behavioral health system;

(iii) The effectiveness of the state's integrated care initiative regarding access for the seriously mentally ill, reductions in hospitalization and institutionalization, improvements in community-based care, and support for an effective network of community-based care providers for the seriously mentally ill; and

(iv) Suggestions for improving the behavioral health system, including methods to address behavioral health workforce shortages.

(c) The work group shall submit to the governor and the appropriate committees of the legislature a progress report by December 15, 2022, and its findings and recommendations by June 30, 2023.

(87) \$25,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a community organization in Greenwater to establish temporary portable toilets to be

accessible to tourists and other individuals traveling on state route 410.

(88) \$552,000 of the health professions account-state appropriation is provided solely for implementation of chapter 203, Laws of 2021 (long-term services/emergency).

(89) \$48,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 and \$7,000 of the general fund-private/local appropriation are provided solely to implement Second Substitute House Bill No. 1210 (cannabis terminology). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(90) \$88,000 of the general fund-state appropriation for fiscal year 2023 and \$44,000 of the hospital data collection account-state appropriation are provided solely for implementation of Substitute House Bill No. 1616 (charity care). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(91) \$17,000 of the health professions account-state appropriation is provided solely for implementation of Substitute House Bill No. 1675 (dialysate & dialysis devices). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(92) \$40,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1074 (fatality reviews). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(93) \$44,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1739 (hospital policies/pathogens). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(94) \$17,000 of the health professions account-state appropriation is provided solely for implementation of Substitute House Bill No. 1124 (nurse delegation/glucose). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(95) \$243,000 of the health professions account-state appropriation is provided solely for implementation of Substitute House Bill No. 1286 (psychology compact). If the bill is not

enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(96)(a) \$125,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with the department of environmental and occupational health sciences within the University of Washington to develop a report to the legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the department of environmental and occupational health sciences shall collaborate with other school of public health programs within the University of Washington, the department of health, and the department of ecology.

(b) The report shall include:

(i) A review of policies and regulations in other states pertaining to environmental health in K-12 schools;

(ii) Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;

(iii) A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and

(iv) Recommendations for next steps for policies and standards in Washington schools.

(c) The report is due by December 31, 2022.

(97) \$680,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to establish a stipend program for licensed nurses to receive reimbursement of up to \$2,500 to cover eligible expenses incurred in order to complete the training necessary to become a certified sexual assault nurse examiner.

(98) \$408,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to establish a grant program for hospitals to obtain the services of a certified sexual assault nurse examiner from other sources if the hospital does not have those services available internally.

(99) \$5,000,000 of the general fund-state appropriation for fiscal year 2023

is provided solely for tobacco, vapor product, and nicotine control, cessation, treatment and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(100) \$550,000 of the general fund-state appropriation for fiscal year 2022 and \$450,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a one-time contract with the Yakima neighborhood health services to increase the number of certified and licensed health professionals practicing in community health centers serving low-income and rural populations. The amounts provided in this subsection must be used to support faculty, training, and scholarship costs for a newly established, one-year advanced registered nurse practitioner (ARNP) residency program in Yakima.

(101) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the child profile health promotion notification system. Pursuant to the department's recommendation in its December 2020 report, which reviewed its processes for efficiencies and possible technological advances to reduce costs, the department must further explore how to integrate a fee to support the program in the future. A report regarding the department's further exploration of a fee to support the program is due to the legislature by December 15, 2022.

(102) This section includes a general fund-federal appropriation (CRF) that is provided solely for COVID-19 response activities including staffing, increased travel, equipment, and grants to local health jurisdictions and tribes, and to manage hospital capacity issues. This funding expires December 31, 2021.

(103) \$1,000 of the general fund-state appropriation for fiscal year 2022 and \$117,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

(104) \$1,084,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 is provided solely

for implementation of Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue).

(105) \$34,000 of the general fund-private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5695 (DOC body scanner pilot). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 223. 2021 c 334 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. The department of corrections must notify the fiscal committees of the legislature prior to receiving approval from the director of financial management. To the extent that appropriations under this section are insufficient to fund actual expenditures in excess of caseload forecast assumptions or for expenses in response to the COVID-19 pandemic, the department may transfer general fund-state appropriations for fiscal year 2022 that are provided solely for a specified purpose. The department may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year 2022, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund–State Appropriation (FY 2022) (~~(\$77,278,000)~~)

\$79,197,000

General Fund–State Appropriation (FY 2023) (~~(\$79,651,000)~~)

\$89,195,000

General Fund–Federal Appropriation
\$400,000

TOTAL APPROPRIATION
(~~(\$157,329,000)~~)

\$168,792,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,135,000 of the general fund–state appropriation for fiscal year 2022 and \$1,731,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision, and staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of

financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund–state appropriation for fiscal year 2022 and \$17,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). (~~If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(e) \$197,000 of the general fund–state appropriation for fiscal year 2022 and \$187,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). (~~If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(f)(i) \$779,000 of the general fund–state appropriation for fiscal year 2022 and \$817,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f)(i) of this subsection, \$680,000 of the general fund–state appropriation for fiscal year 2022 and \$285,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). (~~If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(g) \$1,116,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject

to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(h) \$609,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for staff and vendor costs to transform correctional culture in prisons and work releases, and to improve health and safety for all, through additional training. The prison rape elimination act compliance specialists must be among the first staff trained.

(i) \$130,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a human resource consultant to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(j) \$70,000 of the general fund-state appropriation for fiscal year 2022 and \$223,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(k) \$12,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund-State Appropriation (FY 2022) (~~(\$602,497,000)~~)

\$450,287,000

General Fund-State Appropriation (FY 2023) (~~(\$605,877,000)~~)

\$683,573,000

General Fund-Federal Appropriation (~~(\$1,300,000)~~)

\$161,465,000

General Fund-Private/Local Appropriation \$335,000

Washington Auto Theft Prevention Authority Account-

State Appropriation (~~(\$4,343,000)~~)

\$4,468,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$28,409,000

TOTAL APPROPRIATION (~~(\$1,214,017,000)~~)

\$1,328,537,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions

regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) ~~((\$501,000))~~ \$574,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$501,000))~~ \$671,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. Additional funds are provided for a stationary engineer and a custodian.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(e) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this

result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(f) \$714,000 of the general fund-state appropriation for fiscal year 2022 and \$695,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for dedicated prison rape elimination act compliance specialists. Of the amount provided in this subsection, one compliance specialist staff must be provided at each of the following prisons:

- (i) Monroe correctional center;
- (ii) Larch correctional center;
- (iii) Olympic correctional center;
- (iv) Cedar creek correctional center;
- (v) Washington corrections center for women; and
- (vi) Mission creek corrections center for women.

(g) \$2,750,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for three body scanners, correctional officer staffing, corrections specialist staffing, a drug recovery system, body scanner training, and body scanner installation costs to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(h) \$5,962,000 of the general fund-state appropriation for fiscal year 2022 and \$9,106,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions made in the 2021-2023 biennial operating budget.

(i) \$28,409,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(j) \$1,251,000 of the general fund-state appropriation for fiscal year 2022 and \$1,294,000 of the general fund-state appropriation for fiscal year 2023 are

provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, cognitive behavioral interventions, educational programming, and community partnership programs.

(k) \$150,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to collaborate with the department of social and health services to conduct a study of the feasibility of placing long-term care individuals under the jurisdiction of the department in nursing home facilities licensed or to be licensed by the department of social and health services to better meet the client's care needs. The department of corrections must provide daily operating costs of prisons where these individuals may be coming from, the fiscal year 2021 daily costs per incarcerated individual assigned to the sage living unit, and the costs associated with electronic home monitoring costs per individual.

(l) \$160,072,000 of the general fund-federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(3) COMMUNITY SUPERVISION

General Fund-State Appropriation (FY 2022) (~~(\$248,374,000)~~)

\$161,098,000

General Fund-State Appropriation (FY 2023) (~~(\$274,412,000)~~)

\$222,989,000

General Fund-Federal Appropriation
\$29,733,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$8,480,000

TOTAL APPROPRIATION
(~~(\$522,786,000)~~)

\$422,300,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$1,749,000 of the general fund-state appropriation for fiscal year 2022 and \$10,536,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs. Of this amount \$7,394,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) (~~(\$1,124,000)~~) \$661,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$523,000)~~) \$725,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for increased costs associated with the relocation of leased facilities. The department shall engage

in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund–state appropriation for fiscal year 2022 and \$23,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). ~~((If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(g) \$450,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by July 1, 2022.

(h) \$2,521,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees

within 30 calendar days after six months post implementation.

(i) Within the amounts provided in this subsection (3) for work release programs, the department will operate the Helen B. Ratcliff work release facility.

(j) \$1,810,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(k) \$1,930,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(l) \$29,733,000 of the general fund–federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund–State Appropriation (FY 2022) ~~(((\$7,324,000))~~

\$8,757,000

General Fund–State Appropriation (FY 2023) ~~(((\$7,539,000))~~

\$9,097,000

TOTAL APPROPRIATION
~~(((\$14,863,000))~~

\$17,854,000

(5) INTERAGENCY PAYMENTS

General Fund–State Appropriation (FY 2022) ~~(((\$58,651,000))~~

\$58,192,000

General Fund–State Appropriation (FY 2023) ~~(((\$52,702,000))~~

\$51,865,000

Coronavirus State Fiscal Recovery Fund–Federal

Appropriation \$267,000

TOTAL APPROPRIATION
~~(((\$111,353,000))~~

\$110,324,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$21,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discreet organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date, which the department must report on. The report must include the budgeted and actual tolling staffing levels by fiscal month in fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$192,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for medical staffing in prisons for patient centered care and behavioral health care to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(c) \$4,000 of the general fund-state appropriation for fiscal year 2022 and \$9,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(d) \$19,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(e) \$26,000 of the general fund-state appropriation for fiscal year 2022 and \$161,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, transition services, pre-employment testing, enhanced health care discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(f) \$4,000 of the general fund-state appropriation for fiscal year 2022 and \$4,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1956 (incarcerated individuals/PRA). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(g) \$2,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund-State Appropriation (FY 2022) (~~(\$77,046,000)~~)

\$73,267,000

General Fund-State Appropriation (FY 2023) (~~(\$77,596,000)~~)

\$84,376,000

General Fund-Federal Appropriation
\$4,303,000

TOTAL APPROPRIATION
(~~(\$154,642,000)~~)

\$161,946,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are

evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund-state appropriation for fiscal year 2022 and \$3,106,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) \$1,001,000 of the general fund-state appropriation for fiscal year 2022 and \$675,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, \$272,000 of the general fund-state appropriation for fiscal year 2022 and \$247,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(f) \$784,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing

vouchers, and release medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(g) \$1,268,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for resentencing and reentry staffing associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(h) \$438,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for program specialist staffing for increased comprehensive assessments and treatments, and substance use disorder treatment to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(i) \$4,508,000 of the general fund-state appropriation for fiscal year 2022 and \$7,893,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for reentry investments to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to cognitive behavioral interventions and educational programming.

(j) \$121,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department of corrections to collaborate with the Washington state board for community and technical colleges and the department of licensing to develop a prerelease commercial driving license training pilot program.

(k) \$655,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1818 (reentry and rehabilitation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(l) \$1,168,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to expand library services to incarcerated individuals in adult correctional facilities. The department of corrections must work in conjunction with the Washington state

library to provide additional library materials, collections, and one additional library staff position at each of the nine institutional library service branches located throughout the state. Library materials and collections include but are not limited to Washington state newspapers, current consumer medical information, and other current reference collections that will support the department's reentry efforts in supporting the recovery and personal growth of incarcerated individuals.

(m) \$320,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification, including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator programs is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and that tracks outcomes of the parenting navigator program. A preliminary report must be submitted to the legislature by June 30, 2023, with the expectation that a final report be funded in the 2023-2025 fiscal biennium budget and submitted by December 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for

the department's review and preliminary report on the effectiveness of the parent navigator program.

(n) \$4,088,000 of the general fund-federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

(7) HEALTH CARE SERVICES

General Fund-State Appropriation (FY 2022) (~~(\$174,184,000)~~)

\$134,471,000

General Fund-State Appropriation (FY 2023) (~~(\$175,599,000)~~)

\$205,666,000

General Fund-Federal Appropriation (~~(\$1,400,000)~~)

\$47,507,000

General Fund-Private/Local Appropriation \$2,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$11,968,000

TOTAL APPROPRIATION (~~(\$351,183,000)~~)

\$399,614,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund-state appropriation for fiscal year 2022 and \$167,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(c) \$13,947,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to increase medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

(d) \$999,000 of the general fund-state appropriation for fiscal year 2022 and \$1,030,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for medical staff, telehealth carts, necessary technology costs, and the build out of 64 dedicated teleservice rooms that will allow for legal and medical telepresence at all 12 prison facilities.

(e) \$77,000 of the general fund-state appropriation for fiscal year 2022 and \$900,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act. The department must collaborate with the Washington state department of veterans affairs on the development of the system's business requirements.

(f) \$829,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for nursing staff for dry cell watch at Washington corrections center for men to implement Second Substitute Senate Bill No. 5695 (body scanners). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(g) \$5,395,000 of the general fund-state appropriation for fiscal year 2022 and \$8,239,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to restore graduated reentry reductions in the 2021-2023 biennial operating budget.

(h) \$11,968,000 of the coronavirus state fiscal recovery fund-federal appropriation are provided solely for expenses incurred in response to the COVID-19 pandemic during fiscal year 2022.

(i) \$613,000 of the general fund-state appropriation for fiscal year 2022 and \$1,069,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for reentry investments

to include reentry and discharge staffing. The staffing must provide expanded reentry and discharge services to include, but not limited to, enhanced health care discharge planning.

(j) The department of corrections must prepare a report on and an analysis of its medical staffing.

(i) The report must identify barriers relating to incarcerated individuals receiving timely treatment.

(ii) The report must specifically include a chart that shows:

(A) The incarcerated population caseloads from fiscal year 2019 through the first quarter of fiscal year 2023. The incarcerated caseloads must be shown by each of the department's individual 12 institutions;

(B) The number of funded, unfunded, and contracted-equivalent medical/health care staff at each institution, by major position type that includes, but is not limited to, physicians, psychologists, psychiatrists, registered nurses, supervising nursing staff, medical assistants, patient service representatives, medical directors, clinical pharmacists, and medical adjudicators;

(C) The caseloads for health care staff that shows the ratio of each medical staff position referenced in (j)(ii)(B) of this subsection to incarcerated individuals by institution;

(D) The number of funded medical staffing vacancies referenced in (j)(ii)(B) of this subsection by institution and quarter in fiscal year 2022 through the first quarter of fiscal year 2023; and

(E) A staffing model that shows the number of additional health care staff needed by position referenced in (j)(ii)(B) of this subsection for each institution.

(iii) The department must submit a final report to the appropriate committees of the legislature by October 30, 2022.

(k) \$46,107,000 of the general fund-federal appropriation (CRF) is provided solely for COVID-19 related payroll and benefit expenditures that were incurred between July 1, 2021, and December 31, 2021, for public safety and health employees whose services are presumed to

be substantially dedicated to responding to the COVID-19 public health emergency. This funding expires December 31, 2021.

Sec. 224. 2021 c 334 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund-State Appropriation (FY 2022) (~~(\$3,534,000)~~)

\$4,717,000

General Fund-State Appropriation (FY 2023) (~~(\$3,573,000)~~)

\$5,970,000

General Fund-Federal Appropriation (~~(\$25,544,000)~~)

\$25,648,000

General Fund-Private/Local Appropriation \$60,000

TOTAL APPROPRIATION (~~(\$32,711,000)~~)

\$36,395,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$50,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to consult with a food service architect to determine the feasibility and cost of remodels to select cafes owned by entrepreneurs participating in the business enterprise program, and to prepare a report that includes the results, recommendations, cost, and potential funding sources that could be used to assist with remodels. The report is due to the governor and appropriate legislative committees by November 1, 2021.

(2) \$70,000 of the general fund-state appropriation is provided solely for the department to provide individualized training to its blind, visually-impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

(3) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a consultant and create a report that identifies new or expanded enterprise opportunities for blind individuals, potential revenue sources, and new needs and methods for preparing

individuals to effectively manage these enterprises. The report is due to the governor and appropriate legislative committees by June 30, 2023.

(4) \$888,000 of the general fund-state appropriation for fiscal year 2022 and \$1,552,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to remodel and upgrade equipment for select cafes owned by entrepreneurs participating in the business enterprise program to help them adjust to the changing needs of dining caused by the COVID-19 pandemic.

Sec. 225. 2021 c 334 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund-State Appropriation (FY 2022) (~~(\$1,757,000)~~)

\$3,448,000

General Fund-State Appropriation (FY 2023) (~~(\$2,834,000)~~)

\$11,356,000

General Fund-Federal Appropriation (~~(\$382,529,000)~~)

\$337,132,000

General Fund-Private/Local Appropriation (~~(\$36,416,000)~~)

\$37,325,000

Unemployment Compensation Administration Account-Federal Appropriation (~~(\$420,315,000)~~)

\$444,688,000

Administrative Contingency Account-State Appropriation (~~(\$26,636,000)~~)

\$27,029,000

Employment Service Administrative Account-State Appropriation (~~(\$60,926,000)~~)

\$68,128,000

Family and Medical Leave Insurance Account-State Appropriation (~~(\$139,697,000)~~)

\$145,594,000

Workforce Education Investment Account-State

Appropriation (~~(\$7,400,000)~~)
 \$11,283,000

Long-Term Services and Supports Trust
 Account—State

Appropriation (~~(\$32,265,000)~~)
 \$35,902,000

Coronavirus State Fiscal Recovery
 Fund—Federal

Appropriation (~~(\$168,745,000)~~)
 \$66,128,000

Unemployment Insurance Relief Account—
 State

Appropriation \$500,000,000

TOTAL APPROPRIATION
 (~~(\$1,779,520,000)~~)
 \$1,688,013,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$30,458,000 of the long-term services and supports trust account-state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is provided for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) \$101,000 of the employment service administrative account-state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan

must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).

(9)(a) ~~\$875,000 of the general fund—state appropriation for fiscal year 2022((, \$875,000 of the general fund—state appropriation for fiscal year 2023,))~~ and ~~((~~\$7,385,000~~))~~ \$8,260,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(b) \$3,000,000 of the workforce education investment account—state appropriation is provided solely for career connect learning grants to sector intermediaries. Up to five percent of the amount in this subsection may be used for administrative expenses associated with the sector intermediary grant program.

(10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify

the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) ~~((~~\$41,456,000~~))~~ \$31,288,000 of the ~~((general fund federal appropriation (ARPA) and))~~ coronavirus state fiscal recovery fund—federal appropriation, \$2,684,000 of the general fund—federal appropriation (CRF), and \$13,063,000 of the unemployment compensation administration account—federal appropriation are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) ~~\$22,346,000 of the ((general fund—federal—appropriation (ARPA)))~~ coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) ~~((~~\$5,768,000~~))~~ \$6,223,000 of the ~~((general fund federal appropriation (ARPA)))~~ unemployment compensation account—federal appropriation is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance

fraud and cases are investigated in a timely manner.

~~((c))~~ ~~(\$4,465,000 of the ((general fund federal appropriation (ARPA)))~~ coronavirus state fiscal recovery fund-federal appropriation is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

~~((d))~~ ~~(\$400,000 of the general fund federal appropriation (ARPA) is provided solely for translation of documents and letters and other improvements to ensure customer ease of access.~~

~~((e))~~ ~~(\$4,477,000 of the ((general fund federal appropriation (ARPA)))~~ coronavirus state fiscal recovery fund-federal appropriation is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

~~((f))~~ ~~((e))~~ (\$1,417,000 of the general fund-federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

~~((g))~~ ~~((f))~~ (\$1,267,000 of the general fund-federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

~~((h))~~ ~~(\$4,000,000))~~ (\$6,840,000 of the ((general fund federal appropriation (ARPA) for fiscal year 2022)) unemployment compensation administration account-federal appropriation is provided solely for the department to ((translate notices)) implement the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken

in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) \$10,000,000 of the unemployment compensation administration account-federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance

claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund-state appropriation for fiscal year 2022, \$1,874,000 of the general fund-state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account-state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(16) \$90,000 of the unemployment account-federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(17) \$5,322,000 of the unemployment account-federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system). ~~((If the bill is not enacted by July 1, 2021, the amount provided in this subsection shall lapse.))~~

(18) ~~(((\$168,745,000))~~ \$34,840,000 of the coronavirus state fiscal recovery ~~((account))~~ fund-federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). ~~((Of the amount provided in this subsection, at least 95 percent is provided solely for grants and assistance awarded by the department pursuant to the bill. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(19) \$500,000,000 of the unemployment insurance relief fund-state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~ The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account-state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(21) \$1,075,000 of the unemployment account-federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(22) \$10,571,000 of the ~~((general fund))~~ unemployment compensation administration account-federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

(24) \$4,843,000 of the employment service administrative account-state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(25) \$6,208,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided, and progress made towards self-sufficiency.

The department must provide a report to the governor and the legislature on December 1, 2022, and June 1, 2023, that includes an analysis of the program, a summary of the quarterly data collected, and associated recommendations for program delivery.

(26) \$1,720,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5649 (family and medical leave). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(27) \$702,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5873 (unemployment insurance). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(28) \$262,000 of the employment services administrative account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847 (public employee PSLF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(29) \$140,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

(30) \$1,691,000 of the general fund—state appropriation for fiscal year 2022 and \$3,049,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to temporarily hire additional staff during the COVID-19 pandemic if existing resources are not sufficient to manage unemployment insurance program claims and backlogs. Prior to hiring additional staff under this subsection, the department must consult with the office of financial management.

Sec. 226. 2021 c 334 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL

(1)(a) The appropriations to the department of children, youth, and

families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, 2022, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2022 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2022 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in

a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. ~~((The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.))~~

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

Sec. 227. 2021 c 334 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2022) ~~((\$389,597,000))~~

\$374,129,000

General Fund—State Appropriation (FY 2023) ~~((\$403,209,000))~~

\$456,485,000

General Fund—Federal Appropriation ~~((\$475,829,000))~~

\$486,218,000

General Fund—Private/Local Appropriation \$2,824,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$5,500,000

TOTAL APPROPRIATION ~~((\$1,276,959,000))~~

\$1,325,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children

served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and ~~((\$453,000))~~ \$722,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(a) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$572,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster and kinship family constellations, and for a contract with an organization with expertise in implementing the hub home model with fidelity to provide technical assistance to hub home families and the department.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2023 is provided solely to support long-term implementation of the hub home model, including integrating the hub home model within the department's current and future service array and multiyear expansion planning. The department shall submit a preliminary report to the governor and appropriate legislative committees by December 1, 2022, and a final report to the governor and appropriate legislative committees by June 30, 2023, that details its progress

and plans for long-term implementation of the hub home model.

(3) \$579,000 of the general fund–state appropriation for fiscal year 2022 and \$579,000 of the general fund–state appropriation for fiscal year 2023 and \$110,000 of the general fund–federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund–state appropriation for fiscal year 2022 and \$1,245,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund–state appropriation for fiscal year 2022 and \$94,000 of the general fund–state

appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$539,000 of the general fund–state appropriation for fiscal year 2022, (~~(\$540,000)~~) \$1,000,000 of the general fund–state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund–federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, (~~(or)~~) regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund–state appropriation for fiscal year 2022, \$375,000 of the general fund–state appropriation for fiscal year 2023, and \$112,000 of the general fund–federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the

legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund-state appropriation for fiscal year 2022, \$2,230,000 of the general fund-state appropriation for fiscal year 2023, and \$156,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund-state appropriation for fiscal year 2022 and \$197,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund-state appropriation for fiscal year 2022, \$6,195,000 of the general fund-state appropriation for fiscal year 2023, and \$1,188,000 of the general fund-federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family

foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained, and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund-state appropriation for fiscal year 2022 and \$600,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a

partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—(~~federal~~) state appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the (~~general fund—federal appropriation (ARPA/CSFRF)~~) coronavirus state fiscal recovery fund—federal appropriation is provided solely for one-time \$250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the department of children, youth, and families to create and implement a new approach to transition planning for young

people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family

support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund-state appropriation for fiscal year 2023 and \$153,000 of the general fund-federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$219,000 of the general fund-state appropriation for fiscal year 2022, \$208,000 of the general fund-state appropriation for fiscal year 2023, and \$295,000 of the general fund-federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

~~(27) ((\$29,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to implement Second Substitute House Bill No. 1127 (COVID 19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(28))~~ \$451,000 of the general fund-state appropriation for fiscal year 2022 and \$662,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

~~((29))~~ (28) \$326,000 of the general fund-state appropriation for fiscal year 2022, \$326,000 of the general fund-state appropriation for fiscal year 2023, and \$148,000 of the general fund-federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted~~

~~by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(30))~~ (29) \$499,000 of the general fund-state appropriation for fiscal year 2022, \$499,000 of the general fund-state appropriation for fiscal year 2023, and \$310,000 of the general fund-federal appropriation are provided solely to expand the family connections program in two areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the two expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

~~((31))~~ (30) \$25,000 of the general fund-state appropriation for fiscal year 2023 and \$25,000 of the general fund-federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(32))~~ (31) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(32) \$1,513,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a new behavioral rehabilitation services facility in Vancouver.

(33) \$449,000 of the general fund-state appropriation for fiscal year 2022, \$1,203,000 of the general fund-state appropriation for fiscal year 2023, and \$353,000 of the general fund-federal appropriation are provided solely for the department to revise and update its policies, procedures, and the state Title IV-E plan to reflect that it is appropriate to only refer child welfare cases to the department of social and health services division of child support

enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(34) \$800,000 of the general fund-state appropriation for fiscal year 2023 and \$200,000 of the general fund-federal appropriation are provided solely for the department to contract for a child welfare workload study, which must include an evaluation of workload impacts required by state and federal law and make recommendations for staffing models and system improvements.

(a) The study must consider, but is not limited to, enacted laws and forthcoming legislation related to child welfare such as the keeping families together act, chapter 211, Laws of 2021, and the family first prevention services act.

(b) The study must include, at a minimum, all child welfare case-carrying workers including but not limited to: Child protective services, child welfare case workers, and child welfare licensing staff, including foster care assessment, safety and monitoring, and child protective services licensing.

(c) The study must evaluate the workload impacts related to changes in the application of the federal Indian child welfare act, 25 U.S.C. Secs. 1901-1963 and the Washington state Indian child welfare act, chapter 13.38 RCW as required by *In re Dependency of G.J.A., A.R.A., S.S.A., J.J.A., and V.A.*, 197 Wn.2d 868 (2021) and *In re Dependency of Z.J.G. and M.E.J.G.*, 196 Wn.2d 152 (2020).

(d) The department must establish a steering committee inclusive of members who are familiar with public child welfare practice and who have had substantial experience with similar studies. The steering committee members will be appointed by the agency secretary and must include internal and external members.

(e) A final report must also include recommendations to streamline internal processes; to more equitably allocate staff and contracted resources statewide; to reduce workload through technology; to reduce staff attrition; and to increase direct service time. The report must be submitted to the governor and appropriate fiscal committees of the legislature by June 30, 2023.

(35) Within the amounts provided in this section, sufficient funding is provided for the department to contract with a community organization to administer monthly stipends to young adults who were impacted by the federal moratorium that prohibited states from discharging them from extended foster care due to age through September 30, 2021, and young adults who age out of extended foster care between October 1, 2021, and June 30, 2023. To the extent feasible, the organization must administer the monthly stipends at consistent amounts per young adult each month.

(36) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract for a systems assessment of state and federally funded services and benefits for young adults enrolled in or exiting extended foster care and make recommendations to improve the continuum of supports for the extended foster care population to support successful transitions to independent adulthood.

(a) The systems assessment must include, but is not limited to, the following:

(i) A survey of state and federally funded services and benefits, and the utilization of such services and benefits, including but not limited to economic services, housing programs and payment vouchers, independent living programs, educational supports, and access to postsecondary opportunities, including vocational training and placement programs, legal services, navigation assistance, and peer mentoring. The survey must examine how these services and benefits contribute to a continuum of supports for young adults enrolled in extended foster care and those who have exited since September 2021;

(ii) A young adult needs assessment, including collecting data on young adults enrolled in extended foster care and those who have exited since September 2021. The needs assessment must also gauge young adults' awareness of and ability to access the available services and benefits;

(iii) Identification of gaps or redundancies within the existing array of state and federally funded programs serving the extended foster care population;

(iv) Identification of funding sources or programs that could be used to address any gaps in the array of services and benefits available; and

(v) An assessment of the various data systems currently used or capable of being used to report on the young adult population served by the extended foster care program. The data assessment must include a discussion of any system limitations and recommendations to support future data tracking of outcomes for this population.

(b) The department and contractor must engage with state agencies administering relevant programs, contracted organizations serving the extended foster care population, and young adults currently in extended foster care and those who have exited since September 2021 to conduct the systems assessment. A status update must be submitted to the governor and appropriate fiscal and policy committees of the legislature by November 30, 2022. A final report must be submitted to the governor and appropriate fiscal and policy committees by June 30, 2023.

(37) \$492,000 of the general fund-state appropriation for fiscal year 2023 and \$133,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(38) \$3,920,000 of the general fund-state appropriation for fiscal year 2022, \$15,679,000 of the general fund-state appropriation for fiscal year 2023, and \$4,302,000 of the general fund-federal appropriation are provided solely to, effective April 1, 2022, increase the hourly rate for contracted visitation providers, implement standards regarding Indian child welfare act quality enhancement and compliance in visitation contracts, and reimburse visitation providers for mileage travelled between zero and 60 miles. It is the intent of the legislature that contracted visitation providers use funding provided in this subsection to increase hourly wages for visitation workers.

(39) \$767,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the child welfare housing assistance pilot program authorized in RCW 74.13.802.

(40) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(41) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to establish and implement two play-and-learn groups for families in Grays Harbor county.

(42) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a clinic that treats prenatal substance exposure in children up to age 13 and that primarily serves families from Snohomish and King counties. It is the intent of the legislature that the department's contract with the clinic prioritize children for services who are at risk of being removed from their family home, who were recently reunified with their family following an out-of-home placement, who have experienced multiple out-of-home placements and are at risk of additional placements, and any other priority populations identified by the department.

(43) \$1,926,000 of the general fund-state appropriation for fiscal year 2022, \$7,704,000 of the general fund-state appropriation for fiscal year 2023, and \$3,745,000 of the general fund-federal appropriation are provided solely to increase the monthly rate paid to contracted behavioral rehabilitation services facilities to \$16,861.91 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that the funding provided in this subsection is to increase the hourly wage for direct care workers, with the intent of the legislature to achieve at least \$25.00.

(44) \$650,000 of the general fund-state appropriation for fiscal year 2022, \$2,598,000 of the general fund-state appropriation for fiscal year 2023, and \$1,263,000 of the general fund-federal appropriation are provided solely to increase the monthly rate paid for contracted behavioral rehabilitation services therapeutic foster care to \$10,126.92 per youth, effective April 1, 2022. It is the intent of the legislature that the department's vendor contracts specify that funding provided in this subsection is provided to increase pass-

through payments to therapeutic foster care homes.

(45) \$8,440,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to increase the reimbursement rates for combined in-home services providers as recommended in the October 2021 combined in-home services cost study.

(46) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$275,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for improving the financial capability of dependent youth.

(a) The department shall develop a report with recommendations of how to improve access to private, self-controlled bank accounts for dependent youth ages 14 and up as well as other strategies for improving financial capability of dependent youth. The department must consult with stakeholders on development of the recommendations and report. The report shall include but is not limited to an analysis of the following:

(i) The documentation and information necessary for youth to establish bank accounts;

(ii) Appropriate mechanisms to support youth in establishing the accounts;

(iii) Issues related to compliance with current state and federal laws that could impact the availability of accounts and release of funds; and

(iv) Data on the number of dependent youth, including youth in extended foster care, ages 14 and up with private, self-controlled bank accounts.

(b) The report must include recommendations on how to ensure statewide access to high quality, developmentally, and culturally appropriate financial education for dependent youth ages 12 and up.

(c) The report must include recommendations for statutory or policy changes, including the number of youth who have established a private self-controlled bank account, to implement the recommendations of the report.

(d) The analysis and recommendations are due to the appropriate committees of the legislature by December 1, 2022, in compliance with RCW 43.01.036.

Sec. 228. 2021 c 334 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM

General Fund-State Appropriation (FY 2022) (~~(\$127,325,000)~~)

\$123,463,000

General Fund-State Appropriation (FY 2023) (~~(\$129,690,000)~~)

\$131,424,000

General Fund-Federal Appropriation (~~(\$3,464,000)~~)

\$694,000

General Fund-Private/Local Appropriation (~~(\$1,787,000)~~)

\$166,000

Washington Auto Theft Prevention Authority Account—

State Appropriation \$196,000

TOTAL APPROPRIATION (~~(\$262,462,000)~~)

\$255,943,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) (~~\$331,000 of the general fund-state appropriation for fiscal year 2022 and \$331,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.~~~~

~~(2))~~ \$2,841,000 of the general fund-state appropriation for fiscal year 2022 and \$2,841,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the (~~juvenile justice~~) programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and

Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

~~((+3))~~ (2) \$1,537,000 of the general fund-state appropriation for fiscal year 2022 and \$1,537,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

~~((+4))~~ (3)(a) \$6,198,000 of the general fund-state appropriation for fiscal year 2022 and \$6,198,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative

(SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit

savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

~~((5) \$1,352,000))~~ (4) \$645,000 of the general fund-state appropriation for fiscal year 2022 and ~~((1,352,000))~~ \$645,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

~~((6) \$283,000 of the general fund-state appropriation for fiscal year 2022 and \$283,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.~~

~~(7))~~ (5) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of

those services on the youth and the community.

~~((9))~~ (6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

~~((9))~~ (7) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

~~((10))~~ (8) \$432,000 of the general fund-state appropriation for fiscal year 2022 and \$432,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

~~((11))~~ (9) \$100,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

~~((12))~~ (10)(a) \$773,000 of the general fund-state appropriation for fiscal year 2022 and \$986,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services). ~~((If the bill is not enacted by June 30, 2021, the~~

~~amounts provided in this subsection shall lapse.))~~

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$105,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for housing vouchers.

~~((13)) (11) \$128,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~((14)) (12) \$122,000 of the general fund-state appropriation for fiscal year 2022 and \$123,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~((15)) (13) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).~~

~~((16)) (14) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.~~

~~(15) \$711,000 of the general fund-state appropriation for fiscal year 2022 and \$848,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2050 (parent pay/child detention). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.~~

~~(16)(a) The block grant oversight committee, as defined in RCW 13.40.511, shall work in collaboration with the Washington state institute for public policy, the University of Washington's evidence-based practice institute, and the children and family and early learning divisions of the department of children, youth, and families to develop recommendations for the expansion of community juvenile accountability programs funded through juvenile court~~

block grant funding provided by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The committee's recommendations shall include consideration of the expansion of:

(i) Block grant funding to community juvenile programs that provide services to juveniles assessed as low risk;

(ii) Block grant funding to community juvenile programs that provide services that are not solely focused on reducing recidivism;

(iii) Available block grant funding needed to complete evaluations of programs such that more programs may be evaluated to be classified as evidence-based; and

(iv) Classifications used by the Washington state institute for public policy to demonstrate the effectiveness of programs provided by juvenile court.

(b) The block grant oversight committee must report its findings and recommendations to the appropriate committees of the legislature by November 1, 2022.

(17) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the juvenile rehabilitation administration to contract with a peer navigator program that currently mentors and assists with the needs of justice-involved youth and young adults who are from the city of Federal Way and who are currently residing at the Green Hill school. The mentorship program must provide peer coaching and support by aiding in the personal and professional development of incarcerated youth and young adults through life skills, job readiness, youth leadership, and results-based projects.

(18) \$40,000 of the general fund-state appropriation for fiscal year 2022 and \$156,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for two juvenile education-security staff positions for juvenile rehabilitation's GED education programs. One education-security position must be located at the Echo Glen children's center to assist with the open doors program and one education-security position must be located at the Green Hill school. The goal of the education-security positions is to provide dependable, daily education

opportunities for students participating in the GED programs located at the respective institutional facilities. The education-security positions are responsible for providing daily escort to and from the classroom for students attending school and for providing classroom management during the period while students are attending classes.

(19) \$2,100,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for maintaining staffing levels at juvenile rehabilitation facilities independent from fluctuating caseloads.

(20) The department of children, youth, and families-juvenile rehabilitation must cease new placements at the Naselle youth camp, with the goal of closing the camp by June 30, 2023. It is the intention of the legislature after the closure to transfer management of the Naselle youth camp land and facilities to the department of natural resources in the 2023-2025 fiscal biennium and develop the facilities into an outdoor school. The department must assist the department of natural resources and the office of the superintendent of public instruction with the proposal on the use of the Naselle youth camp for an outdoor school as needed pursuant to section 310 of this act.

(21) \$1,000 of the general fund-state appropriation for fiscal year 2023 is for implementation of Senate Bill No. 5657 (juvenile instit./comp sci).

Sec. 229. 2021 c 334 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES-EARLY LEARNING PROGRAM

General Fund-State Appropriation (FY 2022) (~~(\$289,936,000)~~)

\$327,631,000

General Fund-State Appropriation (FY 2023) (~~(\$348,787,000)~~)

\$402,195,000

General Fund-Federal Appropriation (~~(\$1,066,945,000)~~)

\$1,070,579,000

General Fund-Private/Local Appropriation (~~(\$86,000)~~)

\$100,000

Education Legacy Trust Account-State Appropriation (~~(\$28,127,000)~~)

\$28,172,000

Home Visiting Services Account-State Appropriation (~~(\$23,966,000)~~)

\$25,579,000

Home Visiting Services Account-Federal Appropriation \$29,776,000

Washington Opportunity Pathways Account-State

Appropriation \$80,000,000

Workforce Education Investment Account-State

Appropriation \$8,482,000

TOTAL APPROPRIATION (~~(\$1,876,105,000)~~)

\$1,972,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$80,273,000)~~) \$82,040,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$119,932,000)~~) \$132,776,000 of the general fund-state appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account-state appropriation, \$80,000,000 of the opportunity pathways account-state appropriation, and \$25,452,000 of the general fund-federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and (~~(15,912)~~) 16,278 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$14,930,000 of the general fund-state appropriation for fiscal year 2023 and \$14,889,000 of the general fund-federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) Of the amounts provided in this subsection, \$2,664,000 of the general

fund-state appropriation for fiscal year 2023 is provided to convert 777 part day slots to full day slots in fiscal year 2023.

(d) Of the amounts provided in this subsection, \$409,000 of the general fund-state appropriation for fiscal year 2022 and \$859,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a \$54 per slot quality support rate, which will increase by 1.5 percent annually beginning in fiscal year 2024.

(e) Of the amounts provided in this subsection, \$1,358,000 of the general fund-state appropriation for fiscal year 2022 and \$4,612,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to provide early childhood education and assistance program services during summer 2022 to 2,212 part day program slots, including 2,011 slots in an in-person learning program and 201 slots provided other additional services.

(f) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through

the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) (~~(\$20,110,000)~~) \$39,723,000 of the general fund-state appropriation in fiscal year 2022, (~~(\$45,757,000)~~) \$54,505,000 of the general fund-state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account-state appropriation, \$283,375,000 of the general fund-federal appropriation, \$59,893,000 of the general fund-federal appropriation (CARES), (~~(\$65,482,000)~~) \$98,723,000 of the general fund-federal appropriation (CRRSA), and (~~(\$111,252,000)~~) \$153,814,000 of the general fund-federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund-state appropriation, and temporary assistance for needy families for the purpose of estimating the annual

temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$42,562,000 of the general fund-federal appropriation (ARPA) and \$2,785,000 of the general fund-federal appropriation (CRRSA) are provided solely for the implementation of an agreement reached between the governor and the service employees international union local 925 for a cost of care rate enhancement for family child care providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 940 of this act.

(d) \$45,935,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a 16 percent subsidy base rate enhancement for child care centers for fiscal year 2023.

(e) It is the intent of the legislature to continue to rebase child care provider subsidy base rates to the 85th percentile of market in subsequent fiscal biennia.

(f) \$59,893,000 of the general fund-federal appropriation (CARES), \$65,925,000 of the general fund-federal appropriation (CRRSA), and \$99,918,000 of the general fund-federal appropriation (ARPA) are provided solely for enhancements to the working child care connections program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) \$28,759,000 of the general fund-federal appropriation (CARES), \$11,993,000 of the general fund-federal appropriation (CRRSA), and \$35,979,000 of the general fund-federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) \$31,134,000 of the general fund-federal appropriation (CARES), \$40,195,000 of the general fund-federal appropriation (CRRSA), and \$45,476,000 of the general fund-federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(iii) \$3,930,000 of the general fund-federal appropriation (CRRSA) and \$4,903,000 of the general fund-federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) \$6,726,000 of the general fund-federal appropriation (CRRSA) and \$10,633,000 of the general fund-federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund-federal appropriation (CRRSA) and \$982,000 of the general fund-federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

~~((d) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 22,000 households and the department shall give prioritized access into the program according to the following order:~~

~~(i) Families applying for or receiving temporary assistance for needy families (TANF);~~

~~(ii) TANF families curing sanction;~~

~~(iii) Foster children;~~

~~(iv) Families that include a child with special needs;~~

~~(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full time student in a high school that has a school sponsored on site child care center;~~

~~(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;~~

~~(vii) Families that received subsidies within the last thirty days and:~~

~~(A) Have reapplied for subsidies; and~~

~~(B) Have household income of 60 percent of the state median income or below; and~~

~~(viii) All other eligible families.~~

(e)) (g) \$21,215,000 of the general fund-federal appropriation (CRRSA) is provided solely for enrollment based payments from April 2022 through June 2022.

(h) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must

include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund-state appropriation for fiscal year 2022, \$935,000 of the general fund-state appropriation for fiscal year 2023, and \$6,701,000 of the general fund-federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund-state appropriation for fiscal year 2022 and \$871,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county

residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) \$5,899,000 of the general fund–state appropriation for fiscal year 2022 and \$8,382,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund–state appropriation for fiscal year 2022 and \$3,719,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (9)(b) shall lapse.))~~

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund–state appropriation for fiscal year 2022 and \$1,728,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for reducing barriers for

low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund–state appropriation for fiscal year 2022 and \$300,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account–state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund–state appropriation for fiscal year 2022 and \$100,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) \$7,355,000 of the general fund–state appropriation for fiscal year 2022, \$11,126,000 of the general fund–state appropriation for fiscal year 2023, \$11,032,000 of the general fund–federal appropriation (CRRSA), and \$9,632,000 of the general fund–federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~ The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund–state appropriation for fiscal year 2022, \$2,535,000 of the general fund–state appropriation for fiscal year 2023, and

\$4,604,000 of the general fund-federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund-federal appropriation (CRRSA) and \$1,836,000 of the general fund-federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund-state appropriation for fiscal year 2022 and \$3,200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund-state appropriation for fiscal year 2022, \$656,000 of the general fund-state appropriation for fiscal year 2023, and \$3,982,000 of the general fund-federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) \$773,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$773,000)~~) \$958,000 of the general fund-state appropriation for fiscal year 2023, \$1,500,000 of the general fund-federal appropriation (CRRSA), and \$900,000 of the general fund-federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund-federal appropriation (CRRSA) and \$495,000 of the general fund-federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund-state appropriation for fiscal year 2022, \$1,075,000 of the general fund-state appropriation for fiscal year 2023, \$3,597,000 of the general fund-federal appropriation (CRRSA), and \$2,419,000 of the general fund-federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund-state appropriation for fiscal year 2022 and \$2,196,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund-state appropriation for fiscal year 2022 and \$408,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund-state appropriation for fiscal year 2022 and \$265,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$414,000 of the general fund-federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and

suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20)(a) \$2,771,000 of the home visiting account–state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account–state appropriation for fiscal year 2023, and \$3,000,000 of the general fund–federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account–state appropriation for fiscal year 2023 and \$3,000,000 of the general fund–federal appropriation (ARPA) are provided for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(21) The appropriations in this section are sufficient funding to

implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22)(a) \$390,600,000 of the general fund–federal appropriation (ARPA) and \$9,400,000 of the general fund–federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) \$27,342,000 of the general fund–federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund–federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund–federal appropriation (ARPA) and \$9,400,000 of the general fund–federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1,

2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

(A) Rent or mortgage payments;

(B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;

(C) Child care for historically disadvantaged populations;

(D) Child care during the summer months;

(E) Child care during nonstandard hours;

(F) Child care for school-age children;

(G) Outreach to families who may have stopped attending due to cost;

(H) Mental health supports for children and employees;

(I) Broadband access for child care providers that care for school-age children; and

(J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund-federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery

in department programs, including but not limited to:

(a) Translation of department materials;

(b) Outreach to community organizations serving multilingual children and families regarding department programs;

(c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$30,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

(a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;

(b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;

(c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and

(d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

~~(25) ((\$27,000 of the general fund state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute House Bill No. 1127 (COVID 19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(26))~~ \$5,548,000 of the general fund-federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 1014, the American rescue plan act of 2021, P.L. 117-2.

~~((27))~~ (26)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health

services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((28))~~ (27) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

~~((29))~~ (28) \$900,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

(29) \$260,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to implement an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(30) \$640,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to help expand and support family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. Funding provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of

facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(31) \$1,267,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to pay the application and fingerprint processing fees on behalf of child care providers to reduce the time involved to complete background checks.

(32) \$900,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Washington communities for children for costs to complete its work pursuant to a federal preschool development grant that expires at the end of calendar year 2022. Allowable costs are only those incurred from January 2023 through June 2023.

Sec. 230. 2021 c 334 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT

General Fund-State Appropriation (FY 2022) (~~(\$171,339,000)~~)

\$192,655,000

General Fund-State Appropriation (FY 2023) (~~(\$171,554,000)~~)

\$207,977,000

General Fund-Federal Appropriation (~~(\$194,079,000)~~)

\$190,601,000

General Fund-Private/Local Appropriation (~~(\$394,000)~~)

\$459,000

Education Legacy Trust Account-State Appropriation \$180,000

Home Visiting Services Account-State Appropriation (~~(\$458,000)~~)

\$472,000

Home Visiting Services Account-Federal Appropriation \$380,000

TOTAL
(~~(\$538,384,000)~~)
\$592,724,000

APPROPRIATION

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2)(a) \$1,000 of the general fund-state appropriation for fiscal year 2022, \$1,000 of the general fund-state appropriation for fiscal year 2023, and \$2,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(b) \$6,000 of the general fund-state appropriation for fiscal year 2023 and \$2,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023 as provided in section 938 of this act.

(3) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$505,000 of the general fund-state appropriation for fiscal year 2022 and \$505,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative

efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund-state appropriation for fiscal year 2022, \$2,500,000 of the general fund-state appropriation for fiscal year 2023, and \$5,000,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$20,000 of the general fund-state appropriation for fiscal year 2022 and \$20,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$6,532,000 of the general fund-state appropriation for fiscal year 2022, \$7,385,000 of the general fund-state appropriation for fiscal year 2023, and \$6,083,000 of the general fund-federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund-federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning

providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund-federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund-federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund-state appropriation for fiscal year 2022, \$717,000 of the general fund-state appropriation for fiscal year 2023, and \$223,000 of the general fund-federal appropriation are provided solely for the implementation of Second Substitute

House Bill No. 1219 (youth counsel/dependency). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$85,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(15) \$848,000 of the general fund-state appropriation for fiscal year 2022, \$848,000 of the general fund-state appropriation for fiscal year 2023, and \$384,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$1,292,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to expand its housing pilot to two additional sites. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

(17) \$32,000 of the general fund-state appropriation for fiscal year 2022, \$64,000 of the general fund-state appropriation for fiscal year 2023, and \$24,000 of the general fund-federal appropriation are provided solely for the extraordinary litigation expenses of the attorney general's office related to the case of *D.S., et al. v. DCYF*, United States district court western district of Washington case no. 2:21-cv-00111-BJR.

(18) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with a nonprofit organization to provide culturally relevant support services to children and families when a child is removed from their parents due to potential abuse or neglect as defined in RCW 26.44.020(1). The nonprofit organization must have experience providing culturally relevant support services to children and families through daycare, the early childhood education and assistance program, and department of social and health services contracted services.

(19) \$65,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1747 (child relative placements). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$341,000 of the general fund-state appropriation for fiscal year 2023 and \$85,000 of the general fund-federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1905 (homelessness/youth discharge). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(21) \$26,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2068 (imagination library). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$30,000 of the general fund-state appropriation for fiscal year 2022 and \$70,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to partner with the department of commerce to codesign community-based family reconciliation services to assess and stabilize youth and families in crisis through primary prevention services. The codesign team shall include youth and families with lived experience, tribes, child welfare professionals, community-based providers, and representatives from state and local agencies, including the department of social and health services, the health care authority, the office of the superintendent of public instruction, the employment security department, and juvenile court administrators. The codesign team must develop a community-based family reconciliation services program model that addresses entry points to services, program eligibility, utilization of family assessments, provision of concrete economic supports, referrals to and utilization of in-home services, and the identification of trauma-informed and culturally responsive practices. Preliminary recommendations from the codesign team must be submitted to the governor and appropriate legislative committees no later than December 1, 2022, with the annual family reconciliation services data required under RCW 13.32A.045.

PART III

NATURAL RESOURCES

Sec. 301. 2021 c 334 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund-State Appropriation (FY 2022) \$752,000

General Fund-State Appropriation (FY 2023) (~~(\$820,000)~~)

\$845,000

General Fund-Federal Appropriation \$32,000

General Fund-Private/Local Appropriation (~~(\$1,354,000)~~)

\$1,374,000

TOTAL APPROPRIATION (~~(\$2,958,000)~~)

\$3,003,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$94,000 of the general fund-state appropriation for fiscal year 2022 and \$94,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund-state appropriation for fiscal year 2022, \$125,000 of the general fund-state appropriation for fiscal year 2023, and \$213,000 of the general fund-private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 302. 2021 c 334 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund-State Appropriation (FY 2022) (~~(\$47,364,000)~~)

\$44,944,000

General Fund—State Appropriation (FY
2023) (~~(\$39,868,000)~~)

\$55,191,000

General Fund—Federal Appropriation
(~~(\$98,760,000)~~)

\$101,200,000

General Fund—Private/Local
Appropriation (~~(\$26,999,000)~~)

\$27,545,000

Reclamation Account—State
Appropriation (~~(\$4,286,000)~~)

\$4,438,000

Flood Control Assistance Account—State
Appropriation (~~(\$4,066,000)~~)

\$4,185,000

Aquatic Lands Enhancement Account—
State

Appropriation \$150,000

State Emergency Water Projects
Revolving Account—

State Appropriation \$40,000

Waste Reduction, Recycling, and Litter
Control

Account—State Appropriation
(~~(\$26,666,000)~~)

\$31,117,000

State Drought Preparedness and
Response Account—State

Appropriation \$204,000

State and Local Improvements Revolving
Account—Water

Supply Facilities—State Appropriation
\$186,000

Water Rights Tracking System Account—
State

Appropriation \$48,000

Site Closure Account—State
Appropriation \$582,000

Wood Stove Education and Enforcement
Account—State

Appropriation (~~(\$567,000)~~)

\$580,000

Worker and Community Right to Know
Fund—State

Appropriation (~~(\$1,968,000)~~)

\$2,043,000

Water Rights Processing Account—State
Appropriation \$39,000

Water Quality Permit Account—State
Appropriation (~~(\$46,578,000)~~)

\$49,813,000

Underground Storage Tank Account—State
Appropriation (~~(\$3,876,000)~~)

\$4,204,000

Biosolids Permit Account—State
Appropriation (~~(\$2,594,000)~~)

\$2,718,000

Hazardous Waste Assistance Account—
State

Appropriation (~~(\$7,389,000)~~)

\$7,714,000

Radioactive Mixed Waste Account—State
Appropriation (~~(\$22,281,000)~~)

\$23,489,000

Air Pollution Control Account—State
Appropriation (~~(\$4,135,000)~~)

\$4,343,000

Oil Spill Prevention Account—State
Appropriation (~~(\$6,446,000)~~)

\$7,233,000

Air Operating Permit Account—State
Appropriation (~~(\$4,786,000)~~)

\$4,994,000

Wastewater Treatment Plant Operator
Certification

Account—State Appropriation
\$552,000

Oil Spill Response Account—State
Appropriation \$7,076,000

Model Toxics Control Operating
Account—State

Appropriation (~~(\$283,123,000)~~)

\$290,424,000

Model Toxics Control Operating
Account—Local

Appropriation \$499,000

Model Toxics Control Stormwater
Account—State

Appropriation \$8,500,000

Voluntary Cleanup Account—State
Appropriation \$344,000

Paint Product Stewardship Account—
State

Appropriation \$140,000

Dedicated Marijuana Account—State
Appropriation

(FY 2022) (~~(\$270,000)~~)

\$284,000

Dedicated Marijuana Account—State
Appropriation

(FY 2023) (~~(\$276,000)~~)

\$290,000

Water Pollution Control Revolving
Administration

Account—State Appropriation
(~~(\$4,566,000)~~)

\$5,462,000

Clean Fuels Program Account—State
Appropriation \$382,000

Climate Investment Account—State
Appropriation (~~(\$5,139,000)~~)

\$7,138,000

TOTAL APPROPRIATION
(~~(\$652,245,000)~~)

\$698,091,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$910,000 of the model toxics control operating account state appropriation is)~~) \$455,000 of the general fund-state appropriation for fiscal year 2022 and \$455,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(2) \$2,024,000 of the model toxics control operating account-state appropriation is provided solely for additional staff to process an increased workload of clean water act certification requests and to process all United States army corps of engineers permitted projects in Washington within the sixty-day processing requirement, should it be implemented.

(3) Within the amounts appropriated in this section, the department must adopt rules to implement the provisions of RCW 88.40.025.

(4) \$739,000 of the general fund-state appropriation for fiscal year 2022 and \$363,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1050 (fluorinated gases). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(5) \$2,277,000 of the general fund-state appropriation for fiscal year 2022, \$897,000 of the general fund-state appropriation for fiscal year 2023, and \$382,000 of the clean fuels program account-state appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(6) \$262,000 of the model toxics control operating account-state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). (~~If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(7) \$170,000 of the oil spill prevention account-state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(8) (~~(\$204,000 of the model toxics control operating account state appropriation is)~~) \$102,000 of the general fund-state appropriation for fiscal year 2022 and \$102,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$14,000,000 of the model toxics control operating account-state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(10) \$150,000 of the aquatic lands enhancement account-state appropriation is provided solely for implementation of the state marine management plan and

ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$588,000 of the general fund–state appropriation for fiscal year 2022 and \$662,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. Of the amounts provided in this subsection:

(a) \$463,000 of the general fund–state appropriation for fiscal year 2022 and \$537,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for preparation and filing of adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department will not file an adjudication in water resource inventory area 1 prior to June 1, 2023; and

(b) \$125,000 of the general fund–state appropriation for fiscal year 2022 and \$125,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for Whatcom county to support a collaborative process among local water users and water right holders that can complement water rights adjudication in the Nooksack (water resources inventory area 1) watershed. Funding is provided for facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland.

(12) (~~(\$242,000)~~) \$178,000 of the model toxics control operating account–state appropriation is provided solely for an equipment cache grant for the Jamestown S'klallam Tribe for a new response vehicle.

(13) \$398,000 of the model toxics control operating account–state appropriation is provided solely for consumer product testing data validation services to support increases to the agency's product testing program.

(14) \$2,305,000 of the model toxics control operating account–state appropriation is provided solely to increase the department's capacity to test for toxics in children's products

and other general consumer goods, to implement needed policy changes resulting from product testing, to communicate results to the public, and to conduct a feasibility study to add an inorganics component to the plan for new laboratory space at the department's headquarters building in Lacey, Washington.

(15) \$497,000 of the general fund–state appropriation for fiscal year 2022 and \$497,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to provide grants to conservation organizations and certain tribes for the purpose of coordination, monitoring, and research related to Puget Sound kelp conservation and recovery. Of the amounts provided in this subsection the department shall distribute grants as follows: \$175,000 each fiscal year to the Northwest Straits commission; \$72,000 each fiscal year to the Lower Elwha Klallam Tribe; \$100,000 each fiscal year to the Samish Indian Nation; and \$150,000 each fiscal year to the Puget Sound Restoration Fund.

(16) \$2,000,000 of the model toxics control operating account–state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(17) (~~(\$150,000)~~) \$30,000 of the general fund–state appropriation for fiscal year 2022 (~~(is)~~) and \$120,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and

nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(18) \$80,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to work with the Guemes island planning advisory committee to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(19) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(20) \$92,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to San Juan county for a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(21) \$146,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to work with landowners, state agencies, and others to analyze the water quality of Deep lake.

(22) \$195,000 of the model toxics control operating account-state appropriation is provided solely for the department to carry out an assessment of potential hazards of 6PPD (CAS 793-24-8) and other chemicals or chemical classes and breakdown products used as anti-oxidants and/or antiozonants in tires and submit a technical memo to the appropriate committees of the legislature by December 1, 2021.

(23) \$523,000 of the model toxics control operating account-state appropriation is provided solely for the department to work with the department of transportation, University of Washington-Tacoma, and Washington State University-Puyallup to identify priority areas affected by 6PPD or other related chemicals toxic to aquatic life from roads and transportation infrastructure and on best management practices for reducing toxicity. This includes developing a standard method for the laboratory measurement of 6PPD-quinone and related chemicals. The department will submit a report to the appropriate committees of the legislature by November 1, 2022.

(24) \$1,090,000 of the general fund-state appropriation for fiscal year 2022 and \$1,090,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to create a database, monitoring program, and laboratory assessment method regarding polychlorinated biphenyls (PCB). ~~((Within))~~ Of the amount provided in this subsection, \$440,000 is provided to enhance the environmental information management database; \$1,200,000 is provided to create a long-term statewide PCB monitoring program; and \$540,000 is provided for developing a PCB specific laboratory method for conducting analysis. The department must coordinate with the department of fish and wildlife on the implementation of this subsection and for recommending PCB clean-up projects for legislative funding in subsequent appropriations.

(25) \$847,000 of the model toxics control operating account-state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste, & litter). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(26) ~~((~~\$11,716,000~~))~~ \$11,068,000 of the general fund-state appropriation for fiscal year 2022, ~~((~~\$6,284,000~~))~~ \$7,788,000 of the general fund-state appropriation for fiscal year 2023, and ~~((~~\$5,139,000~~))~~ \$6,589,000 of the climate investment account-state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amounts~~

~~provided in this subsection shall lapse.))~~

(27) \$95,000 of the general fund-state appropriation for fiscal year 2022, \$105,000 of the general fund-state appropriation for fiscal year 2023, \$61,000 of the waste reduction, recycling, and litter control account-state appropriation, \$231,000 of the water quality permit account-state appropriation, \$31,000 of the hazardous waste assistance account-state appropriation, \$31,000 of the oil spill prevention account-state appropriation, and \$983,000 of the model toxics control operating account-state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(28) \$43,000 of the model toxics control operating account-state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(29) \$52,000 of the general fund-state appropriation for fiscal year 2022, \$52,000 of the general fund-state appropriation for fiscal year 2023, \$8,000 of the reclamation account-state appropriation, \$8,000 of the flood control assistant account-state appropriation, \$32,000 of the waste reduction, recycling, and litter control account-state appropriation, \$4,000 of the worker and community right-to-know account-state appropriation, \$120,000 of the water quality permit account-state appropriation, \$10,000 of the underground storage tank account-state appropriation, \$6,000 of the bio solids permit account-state appropriation, \$18,000 of the hazardous waste assistance account-state appropriation, \$52,000 of the radioactive mixed waste account-state appropriation, \$10,000 of the air pollution control account-state appropriation, \$20,000 of the oil spill prevention account-state appropriation, \$12,000 of the air operating permit account-state appropriation, \$514,000 of the model toxics control operating account-state appropriation, and \$80,000 of the water pollution control revolving

administration account-state appropriation are provided solely for the department to maintain and license the new eHub system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(30) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to enter into a contract with a qualified third party to develop standards that provide a framework for assessing the quality of volume, validity, and durability of potential future carbon dioxide removal projects. The resulting product should be adequate to allow in-state entities to analyze proposed carbon removal project for conformity with state carbon reduction laws, rules, and goals. The selected vendor should build upon previously completed analyses by the state of Washington and the federal government.

(31) \$40,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to:

(a) Develop recommendations and implement actions under existing authority to modify the process for the review of water banks to ensure that key information is made available to the public. The changes should consider requirements such as:

(i) A description of a proposed banking and operations plan, including the needs and customers the bank intends to serve, the geographic area to be served, the portfolio of available mitigating rights and their allowed uses, any anticipated change in use of available mitigating rights, any limitations the bank intends to impose in offering water rights for use, and anything else the department deems necessary to promote transparency and the public interest;

(ii) Reporting requirements that include any changes in the intended customers or needs being serviced by the bank, any change in the geographic area to be served, any anticipated change in the use of available mitigating rights, any change in limitation the banks intends to impose in offering water right for use, and any other change the department deems necessary to promote transparency and the public interest; and

(iii) Reporting requirements for publishing each change and providing notice to pertinent parties and soliciting public comment.

(b) The department must build off its work directed under chapter 357, Laws of 2020 to refine recommendations on improving the state's framework for water banking, water trust, and water right transfers. Recommendations should address issues of private investment in water banking and the merits of incentives and regulations pertaining to the out-of-basin transfer of water rights. In refining its recommendations, the department shall consult with tribes and consider input from stakeholders with expertise in water banking.

(c) By December 31, 2021, the department shall update the appropriate committees of the legislature on its progress on refining policy recommendations under this section, including any recommended statutory changes, and on the status of the pilot grant program established under subsection (32) of this section.

(d) By December 1, 2022, the department shall submit a report to the appropriate committees of the legislature on work conducted pursuant to this section and on the pilot grant program established under this section. The report should include but is not limited to a summary of water banking activity funded including success and challenges, a summary of outcomes of the pilot grant program, a summary of actions taken under current authority, and policy recommendations. The policy recommendations may also come in the form of agency request legislation.

~~(32) ((\$4,500,000 of the general fund-state appropriation for fiscal year 2022 and \$4,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to administer the pilot grant program for water banking strategies to meet water needs as described in this section. Within available appropriations, grants must be awarded to qualified applicants according to (c) of this subsection. Grant awards must be limited to not more than \$2,000,000 per applicant.~~

~~(a) Grant awards may only be used for:~~

~~(i) Development of water banks in rural counties as defined in RCW §2.14.370(5) that have the headwaters of a major watershed within their borders~~

~~and only for water banking strategies within the county of origin. A major watershed has the same meaning as shoreline of the state in RCW 90.58.030(2)(f)(v) (A) and (B);~~

~~(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and~~

~~(iii) Activities necessary to facilitate the creation of a water bank.~~

~~(b) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include but are not limited to agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.~~

~~(c) To be qualified for these funds, an applicant must also show:~~

~~(i) That the applicant has sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;~~

~~(ii) That the applicant has secured a valid interest to purchase a water right;~~

~~(iii) That the water rights appear to be adequate for the intended use;~~

~~(iv) That the applicant agrees to have one third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife; and~~

~~(v) That the applicant is a public entity or a participant in a public/private partnership with a public entity.~~

~~(33)) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to:~~

~~(a) Establish and administer a pilot grant program for implementing water banking strategies to meet local water needs;~~

~~(b) Review water banking grant applications submitted under this section, including evaluation of water right suitability; and~~

(c) Develop and finalize water banking agreements, trust water right agreements, and other necessary legal instruments with entities selected to receive grants under this section.

~~((34))~~ (33) \$30,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to designate a regional clean air agency to convene a stakeholder group to assess and develop recommendations for reducing and mitigating air quality impacts in the form of noxious odors resulting from asphalt plants in the Puget Sound region. The stakeholder group should include representatives from the asphalt industry, cities within a county in the region in which an asphalt plant is located, the Puget Sound clean air agency, local and state health departments, research institutions, and a community or environmental organization representative with expertise in air pollution, toxicology, or other relevant fields. The recommendations must address steps needed for asphalt production facilities to develop odor control plans and best management practices to reduce noxious odors that negatively impact neighboring residents, businesses and persons utilizing publicly owned recreational facilities. A report containing recommendations must be submitted to the appropriate committees of the legislature by December 1, 2021.

(34) \$233,000 of the model toxics control operating account-state appropriation and \$100,000 of the oil spill prevention account-state appropriation are provided solely for additional staff to develop and implement new area contingency plans related to spill response in Washington state.

(35) \$1,642,000 of the model toxics control operating account-state appropriation and \$115,000 of the underground storage tank account-state appropriation are provided solely for additional staff to meet environmental protection agency underground storage tank site inspection requirements and oversee the cleanup of known contaminated leaking underground storage tank sites in Washington.

(36) \$1,800,000 of the waste reduction, recycling, and litter control account-state appropriation is provided solely for implementation of the food waste reduction act of 2019, chapter 255 Laws of 2019, through a series of food

waste reduction campaigns, in addition to continuing to invest in litter prevention campaigns to address the state's ongoing litter problem.

(37) \$1,382,000 of the model toxics control operating account-state appropriation is provided solely to develop methods and analyze 6PPD compounds in water and sediment, establish baseline monitoring data, and fund projects to identify best management practices and treatment devices that remove 6PPD from stormwater.

(38) \$1,322,000 of the model toxics control operating account-state appropriation is provided solely for the department to complete a full safer alternatives assessment of the 6PPD compounds used in tires. The assessment shall incorporate and evaluate toxicity data of alternatives on Coho and other species. Of the amounts provided in this subsection, \$246,000 of the model toxics control operating account-state appropriation is provided to support materials science expertise and collection of industry data necessary to evaluate feasibility of alternatives. The department shall provide a completed assessment to the governor's office, office of financial management, and the appropriate committees of the legislature, and, if the department finds safer alternatives exist, include recommended regulatory, policy, or legislative actions to advance safer alternatives.

(39) \$4,000,000 of the model toxics control stormwater account-state appropriation is provided solely for grants to local stormwater municipalities for expanding capacity to address stormwater management needs and meeting new municipal stormwater permit requirements, including stormwater management action planning to ensure that capital stormwater retrofit projects and other local stormwater management actions are prioritized, planned, and scheduled for construction or implementation.

(40) \$1,378,000 of the general fund-state appropriation for fiscal year 2023 and \$549,000 of the climate investment account-state appropriation is provided solely for the department to increase air quality monitoring in overburdened communities as directed under RCW 70A.65.020(1).

(41) \$557,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for coordinating regulatory efforts to address temperature and other water quality issues associated with dams on the Columbia and Snake rivers, and for additional staff to assist with hydropower relicensing and license implementation.

(42) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to update the department's database of shoreline aerial photos to assist state agencies, local governments, and tribes in managing marine and freshwater shorelines throughout the state.

(43) \$164,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to develop standardized channel migration zone mapping methodology and to offer support for tribes, counties, and local jurisdictions to refine existing channel migration zone maps with local information.

(44) \$901,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to identify the technologies, methodologies, datasets, and resources needed to refine and maintain the accuracy of the national hydrography dataset for Washington in order to better monitor the health of riparian buffers.

(45) \$750,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for flood prevention in the Nooksack basin. Of this amount:

(a) \$500,000 is provided solely to grant to Whatcom county to:

(i) Integrate Nooksack basin (WRIA 1) floodplain projects with mutually beneficial water resource and riparian habitat management actions that address climate change and extreme weather events; and

(ii) Support Whatcom county's floodplain integrated planning (FLIP) team planning, technical review, local solutions, and projects development.

(b) \$250,000 is provided solely for the department to lead facilitation and technical support for the Nooksack river international task force, which is a long-standing cross-border task force focused on developing and evaluating

alternatives for managing flooding from the Nooksack river in Whatcom county and British Columbia.

(46) \$350,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to recommend one or more draft structures for nutrient credit trading that could be used to efficiently and quickly achieve nutrient discharge reductions for point source dischargers covered under the Puget Sound nutrient general permit. By June 30, 2023, the department must submit a report to the appropriate committees of the legislature consistent with RCW 43.01.036 that summarizes the draft structure or structures and describes a tribal consultation and a stakeholder engagement process to solicit feedback on the draft structure or structures and any necessary statutory changes and funding.

(47) \$287,000 of the oil spill prevention account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1691 (oil spills/financial resp.). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(48) \$355,000 of the model toxics control operating account-state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1694 (chemicals/consumer products). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(49) \$449,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1663 (landfill methane emissions). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(50) \$1,603,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$4,232,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to federally recognized tribes for consultation on spending decisions from accounts created in the climate commitment act, chapter 316, Laws of 2021

(E2SSB 5126), as described in Engrossed Substitute House Bill No. 1753 (climate funding/tribes).

(52) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a hydrologic analysis of the causes of flooding on and around Sprague Lake, including stream flows between Sprague Lake and Cow Creek during high water events. The department may contract with a third party to complete the analysis, and the department must collaborate with the department of fish and wildlife in overseeing the analysis. The department must report the results of the analysis to the appropriate committees of the legislature by June 30, 2023.

(53) \$90,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to grant to the Spirit Lake-Toutle/Cowlitz river collaborative for flood risk reduction, ecosystem recovery, scientific research, and other activities related to sediment management and flooding in the Spirit Lake-Toutle/Cowlitz river system.

(54) \$2,000,000 of the waste reduction, recycling, and litter control account-state appropriation is provided solely for the department to conduct litter control on state highways.

(55) \$146,000 of the general fund-state appropriation for fiscal year 2023 and \$15,000 of the model toxics control operating account-state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(56) \$266,000 of the model toxics control operating account-state appropriation is provided solely for the department, in consultation with the department of health and community and social justice organizations, to identify cosmetic products marketed to or used by people of color, including adults and children, and test those products for potentially harmful chemicals or chemical classes. The department must provide a technical report on the results of the tests to the appropriate committees of the legislature by December 31, 2022.

(57) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to

provide grants to the city of Tumwater and a nonprofit organization to study the Deschutes river floodplain.

(58) \$32,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the implementation of Substitute Senate Bill No. 5910 (hydrogen). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(59)(a) \$150,000 of the waste reduction, recycling, and litter control account-state appropriation is provided solely for the department to conduct or contract for a study to:

(i) Assess the amount and types of consumer packaging and paper products sold or supplied into the state and the recycling rates achieved for these materials through existing recycling programs and activities in the state. Recycling rate estimates must account for and exclude contamination, and must be presented by material category, including, at minimum, for paper, plastic, aluminum, steel, and glass, as well as for beverage containers, and by other factors as appropriate; and

(ii) In accordance with the recommendations for managing plastic packaging waste submitted to the Washington state legislature in 2020, consider and make recommendations on legislative action to address the items included in the list of problematic and unnecessary materials identified for elimination by the United States plastic pact.

(b) The study must be submitted to the appropriate committees of the legislature by December 1, 2022.

(60) \$40,000 of the model toxics control operating account-state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5818 (housing/SEPA & GMA). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 303. 2021 c 334 s 303 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

General Fund-Federal Appropriation
 ((~~\$638,000~~))
\$754,000

Pollution Liability Insurance Agency
Underground

\$142,302,000

Storage Tank Revolving Account—State

Parks Renewal and Stewardship Account—
Private/Local

Appropriation \$957,000

Appropriation \$420,000

Pollution Liability Insurance Program
Trust Account—

TOTAL APPROPRIATION
~~((\$200,708,000))~~

State Appropriation
~~((\$1,392,000))~~

\$224,031,000

\$1,427,000

TOTAL APPROPRIATION
~~((\$2,987,000))~~

\$3,138,000

Sec. 304. 2021 c 334 s 304
(uncodified) is amended to read as
follows:

The appropriations in this section are
subject to the following conditions and
limitations:

(1) \$129,000 of the general fund—state
appropriation for fiscal year 2022 and
\$129,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for a grant for the
operation of the Northwest weather and
avalanche center.

**FOR THE STATE PARKS AND RECREATION
COMMISSION**

General Fund—State Appropriation (FY
2022) ~~((\$29,059,000))~~

(2) \$100,000 of the general fund—state
appropriation for fiscal year 2022 and
\$100,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for the commission to pay
assessments charged by local improvement
districts.

\$29,496,000

General Fund—State Appropriation (FY
2023) ~~((\$29,036,000))~~

(3) \$406,000 of the general fund—state
appropriation for fiscal year 2022,
\$322,000 of the general fund—state
appropriation for fiscal year 2023, and
\$88,000 of the parks renewal and
stewardship account—state appropriation
are provided solely for operating budget
impacts from capital budget projects
funded in the 2019-2021 fiscal biennium.

\$33,312,000

General Fund—Federal Appropriation
~~((\$7,058,000))~~

(4) ~~((\$272,000))~~ \$80,000 of the
general fund—state appropriation for
fiscal year 2022 and ~~((\$272,000))~~
\$464,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for an update to the
Seashore conservation area survey and
plan.

\$7,154,000

Winter Recreation Program Account—
State

Appropriation ~~((\$3,303,000))~~

(5) \$130,000 of the general fund—state
appropriation for fiscal year 2022 and
\$130,000 of the general fund—state
appropriation for fiscal year 2023 are
provided solely for the commission to
hire a diversity, equity, and inclusion
coordinator to expand the diversity of
the agency's workforce.

\$4,906,000

Millersylvania Park Current Account—
State

Appropriation \$5,000

ORV and Nonhighway Vehicle Account—
State

Appropriation ~~((\$369,000))~~

\$387,000

Snowmobile Account—State
Appropriation ~~((\$5,645,000))~~

\$5,682,000

Aquatic Lands Enhancement Account—
State

Appropriation \$367,000

Parks Renewal and Stewardship Account—
State

Appropriation ~~((\$125,451,000))~~

(6) \$85,000 of the general fund—state
appropriation for fiscal year 2022 is
provided solely for the facilitation of
a work group that includes representation
from the state parks and recreation
commission, the commission on African
American affairs, and stakeholders with
expertise of the black experience in

outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than ~~((January))~~ April 1, 2022.

(7) \$7,900,000 of the general fund-state appropriation for fiscal year 2022 and \$7,900,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) \$90,000 of the general fund-state appropriation for fiscal year 2022 and \$6,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$76,000 of the general fund-state appropriation for fiscal year 2022 and \$757,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the commission to address needs identified in the "2017 vulnerability assessment" conducted by the climate impacts group.

(10) \$114,000 of the general fund-state appropriation for fiscal year 2022 and \$705,000 of the general fund-state appropriation for 2023 are provided solely for the commission to dedicate resources to government-to-government consultations with Indian tribes and

implement executive order 21-02, archaeological and cultural resources.

(11)(a) \$160,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(12) \$1,250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the commission. Allowable uses include, but are not limited to, general maintenance of facilities and grounds, equipment, and construction materials, and maintenance of trails and trailheads, restrooms, campgrounds, picnic sites, water access areas, signs, kiosks, and access roads. The commission is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(13) \$5,500,000 of the parks renewal and stewardship account-state appropriation is provided solely for the commission to replace major equipment that has been used for over 15 years. The commission must prioritize selecting electric motors over gasoline engines when the option is available and the machinery is compatible for the intended task.

Sec. 305. 2021 c 334 s 305 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2022) (~~(\$4,119,000)~~)

\$4,273,000

General Fund—State Appropriation (FY 2023) (~~(\$3,655,000)~~)

\$29,175,000

General Fund—Federal Appropriation (~~(\$3,716,000)~~)

\$4,329,000

General Fund—Private/Local Appropriation \$24,000

Aquatic Lands Enhancement Account—State

Appropriation (~~(\$320,000)~~)

\$385,000

Firearms Range Account—State Appropriation \$37,000

Recreation Resources Account—State Appropriation (~~(\$3,999,000)~~)

\$4,355,000

NOVA Program Account—State Appropriation (~~(\$1,444,000)~~)

\$1,486,000

Youth Athletic Facility Nonappropriated Account—

State Appropriation \$181,000

Salmon Recovery Account—State Appropriation \$75,000,000

TOTAL APPROPRIATION (~~(\$17,495,000)~~)

\$119,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the

office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this

section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund–state appropriation for fiscal year 2022 and \$76,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) \$200,000 of the general fund–federal appropriation, \$12,000 of the general fund–private/local appropriation, and ~~(((\$112,000))~~ \$116,000 of the aquatic lands enhancement account–state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$37,000 of the firearms range account–state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) ~~(((\$3,999,000))~~ \$4,355,000 of the recreation resources account–state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) ~~(((\$1,444,000))~~ \$1,486,000 of the NOVA program account–state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund–state appropriation for fiscal year 2022 and \$1,809,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund–state appropriation for fiscal year 2022 and

\$140,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account–state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund–state appropriation for fiscal year 2022 and \$209,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a tribal government or

local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund-state appropriation for fiscal year 2022 and \$345,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

(14) \$139,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources sub-cabinet on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2022.

(15) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to provide a grant to the Spokane Tribe of Indians for purposes of forming a Spokane river watershed lead entity pursuant to RCW 77.85.050(1) and developing a habitat restoration strategy to support reintroduction of salmon upstream of Chief Joseph and Grand Coulee dams.

(16) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for motorized and

nonmotorized boater education and outreach on Lake Union, with a specific goal of preventing boat and airplane conflicts on the lake during peak recreation season, given the provisions of United States coast guard navigation rules that seaplanes must in general keep well clear of other vessels. The office may grant funding to local or federal government agencies or nonprofit organizations. The office must publish a publicly available summary report by June 30, 2023, on funding recipients, uses of the funding, and the successes and failures of programs funded. Funding provided in this subsection may not be used to preclude or restrict public use of Lake Union, including recreational, commercial, or tribal use of the waters of the state.

(17) \$50,000,000 of the salmon recovery account-state appropriation is provided solely for the salmon recovery board to provide grants for projects valued at greater than \$5,000,000 each that will benefit salmon recovery.

(18) \$25,000,000 of the salmon recovery account-state appropriation is provided solely for the salmon recovery board to provide grants for watershed projects typically valued at less than \$5,000,000 each that will benefit salmon recovery.

(19) \$25,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to provide a grant for the Duckabush estuary restoration project.

Sec. 306. 2021 c 334 s 306 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund-State Appropriation (FY 2022) (~~(\$2,686,000)~~)

\$2,735,000

General Fund-State Appropriation (FY 2023) (~~(\$2,728,000)~~)

\$2,981,000

TOTAL APPROPRIATION
(~~(\$5,414,000)~~)

\$5,716,000

Sec. 307. 2021 c 334 s 307 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund–State Appropriation (FY 2022) (~~(\$10,859,000)~~)

\$11,189,000

General Fund–State Appropriation (FY 2023) (~~(\$10,797,000)~~)

\$19,405,000

General Fund–Federal Appropriation
\$2,482,000

General Fund–Private/Local
Appropriation \$100,000

Public Works Assistance Account–State
Appropriation (~~(\$8,450,000)~~)

\$8,464,000

Model Toxics Control Operating
Account–State

Appropriation \$1,110,000

Salmon Recovery Account–State
Appropriation \$15,000,000

TOTAL APPROPRIATION
(~~(\$33,798,000)~~)

\$57,750,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the general fund–state appropriation for fiscal year 2023 and \$100,000 of the general fund–private/local appropriation (~~is~~) are provided solely for the sustainable farms and fields program created in RCW 89.08.615 to provide technical assistance, education, and outreach to promote carbon storage and reduce greenhouse gas emissions. Grant funds may be used to promote cover crops, cost-share opportunities such as purchases of equipment, seeds, soil amendments, and development of conservation plans that increase carbon storage and reduce greenhouse gas emissions.

(2) \$1,500,000 of the general fund–state appropriation for fiscal year 2022 and \$1,500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes,

controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund–state appropriation for fiscal year 2022 and \$40,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) (~~(\$8,450,000)~~) \$8,464,000 of the public works assistance account–state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund–state appropriation for fiscal year 2022 and \$170,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund–state appropriation for fiscal year 2022 and \$1,000,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund–state appropriation for fiscal year 2022 and \$4,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(8) \$1,300,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the commission to develop a riparian plant propagation

program of native trees and shrubs to implement riparian restoration projects that meet riparian zone requirements established by the department of fish and wildlife. Plants will be made available for free or at a reduced cost to restoration projects.

(9) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 and \$5,000,000 of the salmon recovery account-state appropriation are provided solely for the purposes of the conservation reserve enhancement program, including additional project management and cost-share funding.

(10)(a) \$125,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to provide a grant to the King county conservation district for a pilot program to reduce the impacts of artificial lighting on or near the water (on-water lighting) on the behavior of salmon and other aquatic life in Lake Sammamish. The grant funding may be used for:

(i) Supporting local efforts to develop a model ordinance to reduce on-water lighting impacts on salmon for new and existing construction;

(ii) Education and outreach on the impacts of on-water lighting;

(iii) Development of methods to reduce the impacts of on-water lighting; and

(iv) A contract with the United States geologic survey to conduct a baseline survey of artificial light levels, including light location and intensity along the Lake Sammamish nearshore, artificial light hotspots, and a survey report.

(b) The department must report to the appropriate committees of the legislature by June 30, 2023, on the use of the funding in this subsection and the resulting reductions in on-water lighting.

(11) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 2051 (agricultural disaster assist). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the general fund-state appropriation for fiscal year 2023 is

provided solely for the commission to grant to the Washington resource conservation and development council to complete a community wildfire protection plan.

(13) \$2,700,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the commission to make available to local conservation districts for project engineering services to enable permit and design work for conservation projects.

(14) \$10,000,000 of the salmon recovery account-state appropriation is provided solely for the commission to provide grants for riparian restoration projects with landowners.

Sec. 308. 2021 c 334 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund-State Appropriation (FY 2022) (~~(\$89,387,000)~~)

\$99,986,000

General Fund-State Appropriation (FY 2023) (~~(\$87,617,000)~~)

\$153,153,000

General Fund-Federal Appropriation (~~(\$130,092,000)~~)

\$133,906,000

General Fund-Private/Local Appropriation (~~(\$62,539,000)~~)

\$64,980,000

ORV and Nonhighway Vehicle Account-State

Appropriation (~~(\$646,000)~~)

\$678,000

Aquatic Lands Enhancement Account-State

Appropriation (~~(\$12,240,000)~~)

\$12,663,000

Recreational Fisheries Enhancement Account-State

Appropriation (~~(\$3,300,000)~~)

\$3,363,000

Warm Water Game Fish Account-State Appropriation (~~(\$2,779,000)~~)

\$3,481,000

Eastern Washington Pheasant	TOTAL	APPROPRIATION
Enhancement Account-	((\$515,531,000))	
State Appropriation ((\$675,000))	<u>\$611,431,000</u>	
<u>\$865,000</u>		
Limited Fish and Wildlife Account-		The appropriations in this section are
State		subject to the following conditions and
Appropriation ((\$32,825,000))		limitations:
<u>\$39,217,000</u>		(1) \$45,000 of the general fund-state
Special Wildlife Account-State		appropriation for fiscal year 2022 is
Appropriation ((\$2,891,000))		provided solely for the implementation of
<u>\$2,911,000</u>		Engrossed Substitute House Bill No. 1054
Special Wildlife Account-Federal		(peace officer tactics, equip). ((If the
Appropriation ((\$518,000))		bill is not enacted by June 30, 2021, the
<u>\$520,000</u>		amount provided in this subsection shall
Special Wildlife Account-		lapse.)
Private/Local Wildlife Account-		(2) \$29,000 of the general fund-state
Appropriation ((\$3,634,000))		appropriation for fiscal year 2023 is
<u>\$3,688,000</u>		provided solely for the implementation of
Wildlife Rehabilitation Account-State		Engrossed Second Substitute House Bill
Appropriation \$661,000		No. 1310 (uses of force by officers).
Ballast Water and Biofouling		((If the bill is not enacted by June 30,
Management Account-		2021, the amount provided in this
State Appropriation \$10,000		subsection shall lapse.)
Regional Fisheries Enhancement		(3) \$534,000 of the general fund-state
Salmonid Recovery		appropriation for fiscal year 2022 and
Account-Federal Appropriation		\$472,000 of the general fund-state
\$5,001,000		appropriation for fiscal year 2023 are
Oil Spill Prevention Account-State		provided solely for the implementation of
Appropriation ((\$1,163,000))		Engrossed Second Substitute House Bill
<u>\$1,219,000</u>		No. 1382 (salmon recovery projects). ((If
Aquatic Invasive Species Management		the bill is not enacted by June 30, 2021,
Account-State		the amounts provided in this subsection
Appropriation \$1,037,000		shall lapse.)
Model Toxics Control Operating		(4) \$1,777,000 of the general fund-
Account-State		state appropriation for fiscal year 2022
Appropriation ((\$2,969,000))		and \$1,777,000 of the general fund-state
<u>\$2,979,000</u>		appropriation for fiscal year 2023 are
Fish, Wildlife, and Conservation		provided solely to grant to the northwest
Account-State		Indian fisheries commission for hatchery
Appropriation ((\$75,023,000))		operations that are prioritized to
<u>\$77,589,000</u>		increase prey abundance for southern
Oyster Reserve Land Account-State		resident orcas, including \$200,000 per
Appropriation \$524,000		fiscal year for tagging and marking
Salmon Recovery Account-State		costs, and the remainder to grant to
Appropriation \$3,000,000		tribes in the following amounts per
		fiscal year: \$150,000 for the Quinault
		Indian Nation, \$199,000 for the Tulalip
		Tribes, \$268,000 for the Quileute Tribe,
		\$186,000 for the Puyallup Tribe, \$122,000
		for the Port Gamble S'Klallam Tribe,
		\$25,000 for the Muckleshoot Indian Tribe,
		\$207,000 for the Squaxin Island Tribe,
		\$142,000 for the Skokomish Indian Tribe,
		and \$278,000 for the Lummi Nation. It is
		the intent of the legislature to continue
		this funding in future biennia.
		(5) \$330,000 of the general fund-state
		appropriation for fiscal year 2022 and
		\$330,000 of the general fund-state
		appropriation for fiscal year 2023 are

provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund–state appropriation for fiscal year 2022 and \$175,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund–state appropriation for fiscal year 2022 and \$500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) (~~(\$467,000)~~) \$3,139,000 of the general fund–state appropriation for fiscal year 2022 and \$467,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund–state appropriation for fiscal year 2022, \$503,000 of the general fund–state appropriation for fiscal year 2023, and \$440,000 of the general fund–federal appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund–state appropriation for fiscal year 2022 and \$400,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) (~~(\$378,000)~~) \$555,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$378,000)~~) \$558,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019–2021 and 2021–2023 fiscal (~~(biennium)~~) biennia.

(12) \$477,000 of the general fund–state appropriation for fiscal year 2022 and \$477,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf–livestock conflicts. The department must provide focus on minimizing wolf–livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund–state appropriation for fiscal year 2022 and \$251,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund–state appropriation for fiscal year 2022 and \$753,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund–state appropriation for fiscal year 2022 and \$1,262,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund–state appropriation for fiscal year 2022 and \$603,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during

construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund–state appropriation for fiscal year 2022 and \$470,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

~~((19))~~ (18) \$518,000 of the general fund–state appropriation for fiscal year 2022 and \$519,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

~~((20))~~ (19) \$271,000 of the general fund–state appropriation for fiscal year 2022 and \$271,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales–protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

~~((21))~~ (20) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

~~((22))~~ (21) \$200,000 of the general fund–state appropriation for fiscal year 2022 and \$200,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca,

outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

~~((23))~~ (22) \$315,000 of the general fund–state appropriation for fiscal year 2022 and \$315,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

~~((24))~~ (23) \$125,000 of the general fund–state appropriation for fiscal year 2022 and \$125,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

~~((25))~~ (24) \$1,175,000 of the general fund–state appropriation for fiscal year 2022 and \$1,175,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats. Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

~~((26))~~ (25) \$80,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is

known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

~~((27))~~ (26) \$198,000 of the general fund-state appropriation for fiscal year 2022 and \$70,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28))~~ (27) \$21,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(29))~~ (28) \$44,000 of the general fund-state appropriation for fiscal year 2022 and \$24,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(30))~~ (29) \$132,000 of the general fund-state appropriation for fiscal year 2022 and \$48,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~

~~(31))~~ (30) \$600,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction

techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

~~((32))~~ (31) \$155,000 of the general fund-state appropriation for fiscal year 2022 and \$310,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

~~((33) \$1,682,000))~~ (32) \$841,000 of the fish, wildlife and conservation account-state appropriation ((is)), \$430,000 of the general fund-state appropriation for fiscal year 2022, and \$411,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

~~((34))~~ (33) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

~~((35))~~ (34) \$90,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of

the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

~~((36))~~ (35) \$130,000 of the general fund-state appropriation for fiscal year 2022 and \$130,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

~~((37))~~ (36) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

(37) \$600,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to implement executive order 21-02, archaeological and cultural resources.

(38) \$313,000 of the general fund-state appropriation for fiscal year 2022 and \$408,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to perform forage fish spawning surveys in Puget Sound.

(39) \$294,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to complete rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(40) \$402,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide technical assistance and permitting guidance on solar facility proposals with the intent of limiting

impacts to threatened and endangered species and critical and sensitive habitat areas, including shrubsteppe.

(41) \$1,297,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to increase technical assistance to local jurisdictions to better integrate salmon recovery plans into growth management comprehensive plans and critical areas ordinances.

(42) \$121,000 of the general fund-state appropriation for fiscal year 2022 and \$515,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to improve salmon population data analysis, improve salmon abundance modeling, better manage salmon fisheries policy, and collaborate with tribal comanagers on fisheries allocations. The department must make all state-generated documents and notes that were part of the north of falcon process available for public review once the process is completed.

(43) \$3,802,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to monitor recreational salmon and steelhead harvest in freshwater streams and rivers in Puget Sound and along the Washington coast.

(44) \$2,116,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from the ocean and Puget Sound.

(45) \$994,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to monitor salmon harvest from commercial fisheries.

(46) \$226,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a marine fisheries compliance liaison to collaborate with other law enforcement partners on commercial and recreational fisheries issues.

(47) \$1,283,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance.

(48) \$372,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to develop and implement a mobile-based electronic catch record card system for statewide marine and freshwater fisheries.

(49) \$852,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

(50) \$4,283,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to develop a monitoring and evaluation program for salmon and steelhead hatcheries in western Washington with the goal to improve survival of hatchery fish to adult returns and adaptively manage hatchery programs to better achieve management goals, including rebuilding natural populations for conservation purposes and increasing fishing opportunities.

(51) \$2,392,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to conduct fish in/fish out monitoring for the purposes of measuring freshwater systems salmon productivity for purposes of salmon recovery.

(52) \$1,040,000 of the general fund-state appropriation for fiscal year 2023 and \$295,000 of the limited fish and wildlife account are provided solely to monitor recreational shellfish harvest in Puget Sound.

(53) \$710,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to monitor recreational Dungeness crab harvest along the Washington coast.

(54) \$360,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to complete a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(55) \$494,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to participate in hydropower licensing efforts for the purposes of mitigating impacts to salmon and other fish and wildlife species as a result of new or renewing federal and nonfederal hydropower facilities.

(56) \$90,000 of the general fund–state appropriation for fiscal year 2022 and \$166,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to complete the following activities:

(a) By December 1, 2022, and consistent with RCW, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, and the department of commerce.

(c) The report must include:

(i) Development of a definition, objectives, and goals for the standard of net ecological gain;

(ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable

considerations to the integration of needs to assess progress made toward achieving net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social cobenefits.

(57) \$70,000 of the general fund–state appropriation for fiscal year 2022 and \$997,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to assess the status of current riparian ecosystems, beginning with areas where sufficient information exists to conduct the assessment. The assessment must include identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(58) \$70,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for removal efforts for invasive bullfrogs and habitat preservation for species threatened by the bullfrogs, including the western pond turtle, Oregon spotted frog, and northern leopard frog.

(59) \$95,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for research on shell disease in western pond turtles.

(60) \$5,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(61) \$60,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute House Bill No. 1753 (climate funding/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(62) \$39,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(63) \$16,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(64) \$159,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1508 (shellfish sanitary control). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(65) \$14,400,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark-selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute,

regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation must be submitted to the appropriate committees of the legislature by December 1, 2022.

(66) \$250,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department, in consultation with the department of ecology, the department of natural resources, the Colville confederated tribes, the Okanogan PUD, and other interested entities to analyze the steps required, including coordination and ownership, associated with the possible removal of Enloe dam and analyze options for sediment removal in order to restore the Similkameen river, minimize impacts downriver, and allow access to over 300 miles of habitat for federally-threatened steelhead and other native salmonids. Any contract required to fulfill this analysis is exempt from the competitive procurement requirements in chapter 39.26 RCW. A report of the department's findings, analysis, and recommendations for funding or further considerations for the Enloe dam removal must be made to the appropriate committees of the legislature by December 1, 2022.

(67) \$2,472,000 of the general fund–state appropriation in fiscal year 2022 and \$6,096,000 of the general fund–state appropriation in fiscal year 2023 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature by December 1, 2022.

(68) \$500,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to increase the support of regional fish enhancement groups.

(69) \$75,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the department to install elk fencing in the Skagit river valley to help mitigate crop damage.

(70) \$3,000,000 of the salmon recovery account-state appropriation for fiscal year 2023 is provided solely for the department to provide grants and coordinate with the tribes of the upper Columbia river to reintroduce Chinook salmon.

(71) The legislature intends to fund the monitoring items contained in subsections (43) through (45) and (50) through (53) of this section through fiscal year 2025. A brief status report of the data collected and findings from each monitoring item funded in this section is due to the appropriate committees of the legislature by December 1st of each fiscal year through 2025.

(72) \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to prepare a report on estimates of the annual fishery harvest impact for the years 2010 through 2020. The report must include an analysis of catch and incidental fishery-related mortalities for each wild Puget Sound chinook population or management unit aggregate for which co-management fishery conservation objectives have been defined. The report must also include estimates of the annual number of spawning adults, natural and hatchery, for the same period. Consistent with ensuring that tribal treaty obligations are being achieved, the report must also include annual estimates of the state-tribal allocation of Puget Sound chinook and coho salmon harvests, natural and hatchery, made for each allocation unit as required by the Puget Sound salmon management plan for the same period. The report shall be submitted to the appropriate committees of the legislature by December 15, 2022.

(73) \$3,510,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants for the following activities:

(a) \$900,000 for the Lummi Nation to make infrastructure updates at the Skookum hatchery;

(b) \$250,000 for the Confederated Tribes of the Colville Reservation to upgrade heating, ventilation, and air conditioning systems at the Colville trout hatchery, and to acquire a hatchery fish transport truck with aquaculture adaptations;

(c) \$230,000 for the Yakama Nation to incorporate rearing vessels at the Cle

Elum facility and to build circular covers at the lower Yakima facility;

(d) \$1,180,000 to the Puyallup Tribe to build an augmentation well at Voights creek hatchery, upgrade the water supply system and alarms at the Clarks creek hatchery, and convert rearing ponds into eight raceways at Diru creek chum hatchery;

(e) \$600,000 to the Suquamish Tribe to install an abatement pond at Grovers creek hatchery and replace raceways at Gorst coho raceways; and

(f) \$350,000 to the Jamestown S'Klallam Tribe to upgrade water supply systems at Point Whitney and expand shellfish seed production capacity at the shellfish hatchery in Kona.

Sec. 309. 2021 c 334 s 309 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund-State Appropriation (FY 2022) (~~(\$5,592,000)~~)

\$5,613,000

General Fund-State Appropriation (FY 2023) (~~(\$5,464,000)~~)

\$8,227,000

General Fund-Federal Appropriation (~~(\$12,701,000)~~)

\$22,252,000

Aquatic Lands Enhancement Account-State

Appropriation (~~(\$1,437,000)~~)

\$1,448,000

Model Toxics Control Operating Account-State

Appropriation (~~(\$1,295,000)~~)

\$1,304,000

TOTAL APPROPRIATION (~~(\$26,489,000)~~)

\$38,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$209,000 of the general fund-state appropriation for fiscal year 2022 and \$209,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill

No. 1382 (salmon recovery projects). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(2) By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2023-2025 capital and operating budget requests related to Puget Sound recovery and restoration.

(3) \$304,000 of the general fund-state appropriation for fiscal year 2022 and \$272,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to develop and implement an action plan that advances diversity, equity, and inclusion and environmental justice in Puget Sound recovery efforts.

(4) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to perform coordination and monitoring related to Puget Sound kelp conservation and recovery.

(5) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to implement shipping noise-reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington Maritime Blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range in Washington state. Washington Maritime Blue will support a quiet sound advisory committee that should include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

(6) \$393,000 of the general fund-state appropriation for fiscal year 2022 and \$295,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task

force recommendations). (~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~)

(7) \$2,576,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to update local watershed salmon recovery chapters to reflect best available science on a regular basis, support scientific investigations to advance salmon recovery, increase collaboration and address barriers to Puget Sound salmon recovery, integrate data on salmon recovery into the Puget Sound online reporting platform, and track progress across the region.

Sec. 310. 2021 c 334 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund-State Appropriation (FY 2022) (~~(\$134,520,000)~~)

\$215,075,000

General Fund-State Appropriation (FY 2023) (~~(\$153,194,000)~~)

\$118,842,000

General Fund-Federal Appropriation (~~(\$42,668,000)~~)

\$52,453,000

General Fund-Private/Local Appropriation (~~(\$3,161,000)~~)

\$3,188,000

Forest Development Account-State Appropriation (~~(\$53,180,000)~~)

\$55,326,000

ORV and Nonhighway Vehicle Account-State

Appropriation (~~(\$7,063,000)~~)

\$7,366,000

Surveys and Maps Account-State Appropriation (~~(\$2,131,000)~~)

\$2,232,000

Aquatic Lands Enhancement Account-State

Appropriation (~~(\$8,641,000)~~)

\$9,132,000

Resource Management Cost Account-State Appropriation (~~(\$108,931,000)~~)

\$113,787,000
 Surface Mining Reclamation Account–
 State
 Appropriation ((~~\$4,141,000~~))
\$4,291,000
 Disaster Response Account–State
 Appropriation ((~~\$23,110,000~~))
\$23,181,000
 ((~~Contract Harvesting Revolving~~
~~Nonappropriated Account State~~
~~Appropriation \$186,000~~))
 Forest and Fish Support Account–State
 Appropriation ((~~\$11,182,000~~))
\$11,492,000
 Aquatic Land Dredged Material Disposal
 Site Account–
 State Appropriation ((~~\$404,000~~))
\$405,000
 Natural Resources Conservation Areas
 Stewardship
 Account–State Appropriation
 ((~~\$46,000~~))
\$286,000
 Forest Fire Protection Assessment
 Nonappropriated
 Account–State Appropriation
 \$191,000
 State Forest Nursery Revolving
 Nonappropriated
 Account–State Appropriation
 \$75,000
 Access Road Revolving Nonappropriated
 Account–State
 Appropriation \$233,000
 Forest Practices Application Account–
 State
 Appropriation ((~~\$1,978,000~~))
\$2,080,000
 Air Pollution Control Account–State
 Appropriation ((~~\$895,000~~))
\$907,000
 Forest Health Revolving
 Nonappropriated Account–
 State Appropriation \$240,000

Model Toxics Control Operating
 Account–State
 Appropriation ((~~\$21,407,000~~))
\$14,515,000
Wildfire Response, Forest Restoration,
 and Community
Resilience Account–State
Appropriation \$87,107,000
 NOVA Program Account–State
 Appropriation ((~~\$779,000~~))
\$807,000
 Derelict Vessel Removal Account–State
 Appropriation ((~~\$1,997,000~~))
\$6,317,000
 Community Forest Trust Account–State
 Appropriation \$52,000
 Agricultural College Trust Management
 Account–State
 Appropriation ((~~\$3,171,000~~))
\$4,039,000
 Natural Resources Federal Lands
 Revolving
 Nonappropriated Account–State
 Appropriation \$16,000
Salmon Recovery Account–State
Appropriation \$7,000,000
 TOTAL APPROPRIATION
 ((~~\$583,592,000~~))
\$740,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,857,000 of the general fund–state appropriation for fiscal year 2022 and \$1,857,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) ((~~\$55,791,000~~)) \$43,316,000 of the general fund–state appropriation for fiscal year 2022 and ((~~\$74,632,000~~)) \$87,107,000 of the ((~~general fund state~~

~~appropriation for fiscal year 2023)) wildfire response, forest restoration, and community resilience account-state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health). ((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(3) \$873,000 of the general fund-state appropriation for fiscal year 2022 and \$1,816,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(4) \$176,000 of the forest development account-state appropriation, \$164,000 of the aquatic lands enhancement account-state appropriation, \$377,000 of the resource management cost account-state appropriation, and \$22,000 of the agricultural college trust management account-state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(5) \$12,000 of the aquatic lands enhancement account-state appropriation and \$10,000 of the resource management cost account-state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(6) \$1,000,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund-state appropriation for fiscal year 2022 and \$1,515,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage

approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) ~~((~~\$20,668,000~~))~~ \$112,582,000 of the general fund-state appropriation for fiscal year 2022, \$20,668,000 of the general fund-state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account-state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed. ~~((The amounts provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.))~~

(9) \$2,823,000 of the general fund-state appropriation for fiscal year 2023 and \$66,000 of the disaster response account-state appropriation are provided solely for indirect and administrative expenses related to fire suppression. It is the intent of the legislature that the amount of state general fund and disaster response account appropriations to support administrative expenses for fire suppression will be phased in through fiscal year 2025.

(10) \$5,500,000 of the forest and fish support account-state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

~~((~~10~~))~~ (11) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)*

report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

~~((11))~~ (12) \$4,206,000 of the aquatic land enhancement account-state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

~~((12))~~ (13) \$448,000 of the general fund-state appropriation for fiscal year 2022 and \$448,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

~~((13))~~ (14) \$185,000 of the general fund-state appropriation for fiscal year 2022 and \$185,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

~~((14))~~ (15) The appropriations in this section include sufficient funding for the department to review its burn

permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

~~((15))~~ (16) \$569,000 of the model toxics control operating account-state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

~~((16))~~ (17) \$925,000 of the general fund-state appropriation for fiscal year 2022 and \$779,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

~~((17))~~ (18) \$77,000 of the general fund-state appropriation for fiscal year 2022, \$90,000 of the general fund-state appropriation for fiscal year 2023, \$82,000 of the forest development account-state appropriation, \$10,000 of the ORV and nonhighway vehicle account-state appropriation, \$19,000 of the aquatic lands enhancement account-state appropriation, \$189,000 of the resource management cost account-state appropriation, \$7,000 of the surface mining reclamation account-state appropriation, \$9,000 of the forest and fish support account-state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account-state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account-state appropriation, \$45,000 of the access road revolving nonappropriated account-state appropriation, \$26,000 of the forest health revolving nonappropriated

account-state appropriation, and \$9,000 of the model toxics control operating account-state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((18))~~ (19) \$466,000 of the general fund-state appropriation for fiscal year 2022, ~~((125,000))~~ \$189,000 of the general fund-state appropriation for fiscal year 2023, ~~((364,000))~~ \$404,000 of the forest development account-state appropriation, \$254,000 of the aquatic lands enhancement account-state appropriation, ~~((754,000))~~ \$836,000 of the resource management cost account-state appropriation, \$27,000 of the surface mining reclamation account-state appropriation, ~~((186,000 of the contract harvesting revolving nonappropriated account-state appropriation,))~~ \$148,000 of the forest fire protection assessment nonappropriated account-state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account-state appropriation, \$188,000 of the access road revolving nonappropriated account-state appropriation, \$214,000 of the forest health revolving nonappropriated account-state appropriation, and \$16,000 of the natural resources federal lands revolving nonappropriated account-state appropriation are provided solely for the department to replace the NaturE revenue and leasing administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((19))~~ (20)(a) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of

positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

~~((20))~~ (21) \$175,000 of the general fund-state appropriation for fiscal year 2022 and \$175,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

~~((21))~~ (22) \$112,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(22))~~ (23) \$407,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

~~((23))~~ (24) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

~~((24))~~ (25) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to

coordinate with a local port and local businesses that can accommodate vessel waste material.

~~((25))~~ (26) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

~~((26))~~ (27) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

~~((27))~~ (28) \$2,336,000 of the general fund-state appropriation for fiscal year 2022 and \$1,591,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(28) \$180,000)~~ (29) \$36,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$4,000))~~ \$36,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~

~~(29) \$34,000)~~ (30) \$180,000 of the general fund-state appropriation for fiscal year 2022 and ~~((\$8,000))~~ \$4,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). ~~((If the bill is not enacted by June 30, 2021, the~~

~~amounts provided in this subsection shall lapse.~~

~~(30))~~ (31) \$1,765,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

~~((31))~~ (32) \$225,000 of the general fund-state appropriation for fiscal year 2022 and \$225,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

~~((32))~~ (33) \$134,000 of the general fund-state appropriation for fiscal year 2022 and \$134,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

(34) \$488,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of chapter 316, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5126) (climate commitment act).

(35) \$3,481,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to collect and refresh statewide lidar data.

(36) Within amounts appropriated in this section, the department must improve performance of the forest practices adaptive management program by implementing recommendations made by the state auditor's office in its January 2021 performance audit of the program.

(37) \$450,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to conduct a targeted analysis of the current and projected impact from drought and opportunities for drought resilience on department owned and managed uplands and agricultural lands.

(38) \$225,000 of the general fund-state appropriation for fiscal year 2023

is provided solely for the department to hire a watershed steward to expedite salmon recovery actions and projects, including education, with a primary focus on agency owned and managed uplands and aquatic lands.

(39)(a) \$5,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a pilot project to improve salmon habitat across the department's aquatic, commercial, industrial, and agricultural lands. Of the amount provided in this subsection:

(i) \$2,000,000 is provided solely to improve nearshore habitat by accelerating restoration of state-owned aquatic lands; and

(ii) \$3,000,000 is provided solely to improve riparian function, including riparian planting and riparian set-asides on state-owned lands.

(b) The department must consult with federally recognized tribes and partner with relevant state agencies and local governments in implementing this pilot.

(c) The department must provide a report on the cost, monitoring, and effectiveness of investments in salmon habitat improvements to the office of financial management and the appropriate committees of the legislature by June 30, 2023.

(40) \$5,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

(41) \$4,284,000 of the derelict vessel removal account-state appropriation is provided solely for implementation of House Bill No. 1700 (derelict vessel removal). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(42) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$450,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the purpose of establishing demonstration areas for

wildfire ready neighbors, a wildland fire resiliency outreach, assessment, and education program, in portions of Pierce, Mason, and Thurston counties. Wildfire ready neighbor demonstration areas must be located where there is a demonstrated high risk of wildland fire, a mix of suburban and small private forestland ownership, and significant areas of wildland urban interface. Further, demonstration areas must be selected by employing principles of environmental justice and equity, with an effort to select areas for inclusion that have a significant proportion of vulnerable populations and "highly impacted communities" as defined by RCW 19.405.020.

(43) The department, in coordination with the office of the superintendent of public instruction, must provide recommendations on the development of an outdoor school at the site of the Naselle youth camp. The department must consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. The department must submit a proposal to the appropriate committees of the legislature by December 31, 2022.

(44) \$5,000,000 of the salmon recovery account-state appropriation is provided solely for the department to purchase easements under the forestry riparian easement program, pursuant to RCW 76.13.120.

(45) \$1,149,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the implementation of Second Substitute Senate Bill No. 5619 (kelp & eelgrass conservation). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(46) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to continue convening the work group pertaining to making improvements to the trust land transfer program. Of the amount provided in this subsection, up to \$75,000 may be used for completing a trust land transfer project in Jefferson county.

(47) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to provide a grant to a nonprofit organization that will offer environmental education and career development skills training in nature for youth and young adults from south King county.

(48)(a) \$10,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to purchase state forestland, as described in RCW 79.22.010, to begin a program to benefit counties who have lost revenue from existing state forestlands encumbered by wildlife species listed as endangered or threatened by the federal endangered species act. The department must transfer the appropriated amount into the natural resources real property replacement account in accordance with RCW 79.17.210 to purchase state forestlands.

(b) Of the amounts provided in this subsection:

(i) \$5,000,000 must be used to purchase state forestland for the benefit of Clallam county and Jefferson county; and

(ii) \$5,000,000 must be used to purchase state forestland for the benefit of Pacific county, Skamania county, and Wahkiakum county.

(c) The purchased forestlands shall be owned and managed by the department as state forest transfer lands and shall be placed in trust for the benefit of the counties. The purchase of these state forestlands is not limited to lands within the geographic bounds of the counties listed in this subsection.

(d) The purchase of state forestlands must be made in concurrence with the Washington state association of counties before a transaction is finalized.

(e) The department shall work with the Washington state association of counties to determine if any statutory changes are necessary to address issues regarding beneficiary revenue distribution or any other fiscal matters related to state forestlands. The department and the Washington state association of counties shall report to the legislature on any needed statutory changes by December 31, 2022.

(49) \$2,000,000 of the salmon recovery account-state appropriation is provided solely for an increase in the Puget Sound corp program to employ work crews statewide to carry out aquatic recreation, natural areas, resource protection, and urban forestry projects.

(50) \$167,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature, by June 30, 2023, on how the funding was used, what kinds of research and cooperation were accomplished, and make recommendations for further opportunities for collaboration.

Sec. 311. 2021 c 334 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund-State Appropriation (FY 2022) (~~(\$21,046,000)~~)

\$28,418,000

General Fund-State Appropriation (FY 2023) (~~(\$20,632,000)~~)

\$43,910,000

General Fund-Federal Appropriation (~~(\$35,878,000)~~)

\$40,631,000

General Fund-Private/Local Appropriation \$193,000

Aquatic Lands Enhancement Account-State

Appropriation (~~(\$2,692,000)~~)

\$2,743,000

Water Quality Permit Account-State Appropriation \$73,000

Model Toxics Control Operating Account-State

Appropriation (~~(\$9,410,000)~~)

\$9,545,000

Dedicated Marijuana Account-State Appropriation

(FY 2022) (~~(\$621,000)~~)

\$628,000

Dedicated Marijuana Account-State
Appropriation

(FY 2023) (~~(\$627,000)~~)

\$635,000

Northeast Washington Wolf-Livestock
Management

Nonappropriated Account-State
Appropriation (~~(\$952,000)~~)

\$1,042,000

Coronavirus State Fiscal Recovery
Fund-Federal

Appropriation (~~(\$90,000,000)~~)

\$148,045,000

TOTAL APPROPRIATION
(~~(\$182,124,000)~~)

\$275,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$45,000,000)~~) \$103,045,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5)(a) \$90,000 of the general fund-state appropriation for fiscal year 2022 and \$90,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the

conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) (~~(\$203,000)~~) \$4,936,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$203,000)~~) \$938,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) (~~(\$6,105,445)~~) \$6,605,445 of the general fund-state appropriation for fiscal year 2022, (~~(\$6,105,905)~~) \$23,230,905 of the general fund-state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund-federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) (~~(\$952,000)~~) \$1,042,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000 (~~(for fiscal year 2022 and fiscal year 2023)~~). Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for (~~(\$320,000 for fiscal year 2022 and fiscal year~~

~~2023)~~) \$410,000 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington. Of the amount provided in this subsection, \$90,000 may be contracted for range rider deterrence activities in Pend Oreille, Stevens, or Ferry counties.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the

department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) ~~(((\$119,000))~~ \$323,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$25,000))~~ \$477,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$78,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$24,000))~~ \$276,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$2,000,000 of the general fund-federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund-state appropriation for fiscal year 2022 and \$168,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture

as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund-state appropriation for fiscal year 2022 and \$1,832,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) ~~(((\$152,000))~~ \$156,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$213,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment). ~~((If the bill is not enacted~~

~~by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(18) \$366,000 of the general fund-state appropriation for fiscal year 2022 and \$366,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to support the department's emergency management planning responsibilities related to agricultural systems, radiological preparedness and response, foodborne outbreaks, food security, and other emergency management responsibilities.

(19) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for rulemaking for a voluntary cannabis certification program that is consistent with the department's existing organics program, as authorized by chapter 317, Laws of 2017 (ESSB 5131).

(20) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers.

(21) \$81,000 of the general fund-state appropriation for fiscal year 2022 and \$139,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a hemp in food task force and a hemp commission task force.

(a) Of the amounts provided in this subsection, \$75,000 in fiscal year 2022 and \$125,000 in fiscal year 2023 are for a hemp in food task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The department must provide staff support for the task force and contract for relevant scientific expertise. The department must report to the appropriate committees of the legislature with recommendations for the regulation of hemp in food by December 1, 2022.

(b) Of the amounts provided in this subsection, \$6,000 in fiscal year 2022 and \$14,000 in fiscal year 2023 are for a hemp commission task force. The department must appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations, including the hemp industry. The department must provide staff support for the task force. The department must report to the

appropriate committees of the legislature with recommendations for the creation of a commodity commission for hemp by December 1, 2022.

(22) \$790,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1859 (cannabis analysis labs). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) \$301,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1799 (organic materials management). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(24) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to support local and regional markets and for agricultural infrastructure development in southwest Washington.

(25) \$9,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5544 (blockchain work group). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(26) \$9,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5974 (transportation resources). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 312. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund-State Appropriation (FY 2023) \$776,000

Energy Facility Site Evaluation Council Account-

Private/Local	Appropriation
\$13,116,000	
TOTAL APPROPRIATION	\$13,892,000

The appropriations in this section are subject to the following conditions and limitations: \$208,000 of the general fund-state appropriation for fiscal year 2023 and \$8,333,000 of the energy facility site evaluation council

account-private/local appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1812 (energy facility site council). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

PART IV**TRANSPORTATION**

Sec. 401. 2021 c 334 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund-State Appropriation (FY 2022) (~~(\$2,901,000)~~)

\$3,005,000

General Fund-State Appropriation (FY 2023) (~~(\$2,585,000)~~)

\$3,367,000

Architects' License Account-State Appropriation (~~(\$1,263,000)~~)

\$1,372,000

Real Estate Commission Account-State Appropriation (~~(\$13,532,000)~~)

\$14,550,000

Uniform Commercial Code Account-State Appropriation (~~(\$3,121,000)~~)

\$3,256,000

Real Estate Education Program Account-State

Appropriation \$276,000

Real Estate Appraiser Commission Account-State

Appropriation (~~(\$1,876,000)~~)

\$2,006,000

Business and Professions Account-State Appropriation (~~(\$23,882,000)~~)

\$25,871,000

Real Estate Research Account-State Appropriation \$415,000

Firearms Range Account-State Appropriation \$74,000

Funeral and Cemetery Account-State Appropriation \$25,000

Landscape Architects' License Account-State

Appropriation (~~(\$80,000)~~)

\$87,000

Appraisal Management Company Account-State

Appropriation (~~(\$256,000)~~)

\$264,000

Concealed Pistol License Renewal Notification

Account-State Appropriation \$140,000

Geologists' Account-State Appropriation \$149,000

Derelict Vessel Removal Account-State Appropriation \$33,000

TOTAL APPROPRIATION (~~(\$50,583,000)~~)

\$54,890,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$140,000 of the concealed pistol license renewal notification account-state appropriation and \$74,000 of the firearms range account-state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$16,000 of the general fund-state appropriation for fiscal year 2022, \$9,000 of the general fund-state appropriation for fiscal year 2023, \$13,000 of the architects' license account-state appropriation, \$121,000 of the real estate commission account-state appropriation, \$22,000 of the uniform commercial code account-state appropriation, \$16,000 of the real estate appraiser commission account-state appropriation, and \$227,000 of the business and professions account-state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) The department shall inventory all business and professions fees and associated accounts including identification of all fees paid into each account, the amount and timing of the last fee increase, the estimated expenditures necessary to administer each fee based program, and the projected fee changes necessary to ensure positive account balances for each business and

professions program account. The projection should include the period beginning with the 2021-2023 fiscal biennium through the 2025-2027 biennium. A report to the governor and legislature is due December 1, 2021.

(4) \$157,000 of the uniform commercial code account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5355 (wage liens). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(5) \$267,000 of the real estate commission account—state appropriation is provided solely to implement Substitute Senate Bill No. 5378 (real estate broker renewal). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(6) \$808,000 of the general fund—state appropriation for fiscal year 2022 and \$551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued implementation of the legacy firearms system until the modernization project is completed.

(7) \$28,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1107 (nonresident vessel permit provisions). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(8) \$30,000 of the architects' license account—state appropriation, \$297,000 of the real estate commission account—state appropriation, \$50,000 of the real estate appraiser commission account—state appropriation, and \$514,000 of the business and professions account—state appropriation are provided solely for implementation of House Bill No. 1399 (professional licensure/convictions). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$537,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 402. 2021 c 334 s 402 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation (FY 2022) ~~((\$59,974,000))~~

\$66,750,000

General Fund—State Appropriation (FY 2023) ~~((\$60,590,000))~~

\$68,712,000

General Fund—Federal Appropriation ~~((\$16,707,000))~~

\$16,766,000

General Fund—Private/Local Appropriation \$3,091,000

Death Investigations Account—State Appropriation ~~((\$7,906,000))~~

\$8,794,000

County Criminal Justice Assistance Account—State

Appropriation ~~((\$4,533,000))~~

\$4,622,000

Municipal Criminal Justice Assistance Account—State

Appropriation ~~((\$1,637,000))~~

\$1,681,000

Fire Service Trust Account—State Appropriation \$131,000

Vehicle License Fraud Account—State Appropriation \$119,000

Disaster Response Account—State Appropriation ~~((\$8,500,000))~~

\$12,500,000

Fire Service Training Account—State Appropriation ~~((\$12,297,000))~~

\$12,797,000

Model Toxics Control Operating Account—State

Appropriation ~~((\$567,000))~~

\$591,000

Fingerprint Identification Account—State

Appropriation ~~((\$12,617,000))~~

\$12,956,000

Dedicated Marijuana Account—State Appropriation

(FY 2022) \$2,423,000
 Dedicated Marijuana Account-State
 Appropriation
 (FY 2023) \$2,423,000
 Washington Internet Crimes Against
 Children Account-
 State Appropriation \$1,000,000
 TOTAL APPROPRIATION
 ((~~\$194,515,000~~))
\$215,356,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$8,500,000~~)) \$12,500,000 of the disaster response account-state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,423,000 of the dedicated marijuana account-state appropriation for fiscal year 2022 and \$2,423,000 of the dedicated marijuana account-state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of ((~~marijuana~~)) cannabis from the legalized market and the illicit production and distribution of ((~~marijuana~~)) cannabis and ((~~marijuana~~)) cannabis-related products in Washington state.

(3) \$643,000 of the general fund-state appropriation for fiscal year 2022 and \$643,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund-state appropriation for fiscal year 2022, \$356,000 of the general fund-state appropriation for fiscal year 2023, and \$298,000 of the death investigations

account-state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account-state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) ((~~\$700,000~~)) \$1,000,000 of the fire service training account-state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) \$316,000 of the general fund-state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account-state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters. ((~~If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.~~))

(9) \$213,000 of the general fund-state appropriation for fiscal year 2022 and \$163,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(10) \$1,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(11) \$2,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(12) \$1,334,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$2,373,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

(a) A detailed list of expenditures so far;

(b) A detailed list of expenditure yet to be made before the completion of the project;

(c) An updated project timeline with expected end date; and

(d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. ~~((Prior to the purchase of the DNA technology and forensic services for the pilot program, the Washington state patrol must submit a plan to the legislature no later than December 31, 2021, that addresses the following operational issues of the program.))~~ To ensure readiness to proceed with implementation, the Washington state patrol must identify needed resources, complete pre-hiring, and develop a competitive procurement process by July 1, 2022. The Washington state patrol must complete a preliminary report by December 2, 2022, describing major milestones and achievements of the program to date and submit a final report to the appropriate committees of the legislature by June 30, 2023. The preliminary report must include, but is not limited to, the following:

(a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;

(b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and

(c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

(15) \$94,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2057 (state patrol workforce). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(16) \$191,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1725 (missing indigenous persons). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(17) \$330,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of

Substitute House Bill No. 1735 (peace officers/use of force). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(18) \$638,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5880 (fire sprinkler contractors). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(19) \$1,655,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5983 (cannabinoid products). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$441,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to process the backlog of court orders and dispositions. By June 30, 2023, the department must provide a report to the appropriate legislative committees that describes any continued staffing needs for this purpose.

(21) \$1,000 of the general fund-state appropriation for fiscal year 2023 is for implementation of Engrossed Fourth Substitute House Bill No. 1412 (legal financial obligations).

PART V

EDUCATION

Sec. 501. 2021 c 334 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund-State Appropriation (FY 2022) (~~(\$31,237,000)~~)

\$31,995,000

General Fund-State Appropriation (FY 2023) (~~(\$30,769,000)~~)

\$41,420,000

General Fund-Federal Appropriation (~~(\$105,917,000)~~)

\$106,299,000

General Fund-Private/Local Appropriation (~~(\$8,060,000)~~)

\$8,064,000

Washington Opportunity Pathways Account-State

Appropriation (~~(\$265,000)~~)

\$8,609,000

Dedicated Marijuana Account-State Appropriation

(FY 2022) \$520,000

Dedicated Marijuana Account-State Appropriation

(FY 2023) (~~(\$533,000)~~)

\$550,000

Performance Audits of Government Account-State

Appropriation \$213,000

Workforce Education Investment Account-State

Appropriation (~~(\$3,812,000)~~)

\$7,420,000

Elementary and Secondary School Emergency Relief III

Account-Federal Appropriation (~~(\$4,631,000)~~)

\$7,116,000

TOTAL APPROPRIATION (~~(\$185,957,000)~~)

\$212,206,000

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) (~~(\$14,470,000)~~) \$15,228,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$14,486,000)~~) \$17,635,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund-state appropriation for fiscal year 2022 and \$310,000 of the general fund-state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington integrated student supports protocol.

(x) Within amounts provided in this subsection (1)(a), \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a climate science curriculum staff position within the office of the superintendent of public instruction and to integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(xi) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1833 (school meals/electronic info).

(xii) Within the amounts provided in this subsection (1)(a), sufficient funding is provided for the office to implement House Bill No. 1834 (student absences/mental health).

(xiii) Within the amounts provided in this subsection (1)(a), \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to provide an annual report to the appropriate committees of the legislature and the office of the governor beginning January 1, 2023, and on January 1st of each year thereafter, on special education students receiving services outside of the state of

Washington. At a minimum, the report must contain the following data:

(A) The number of Washington K-12 education students enrolled in special education services that have been moved to out-of-state facilities/schools to receive their Washington state funded education;

(B) The district that had previously served each student prior to relocation;

(C) The current location/facility where the student is now enrolled and receiving services; and

(D) The annual cost, and the per pupil cost of each student receiving services outside of the state.

(b) \$1,217,000 of the general fund–state appropriation for fiscal year 2022 and \$1,217,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund–state appropriation for fiscal year 2022 and \$494,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund–state appropriation for fiscal year 2022 and \$61,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$61,000)~~) \$96,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) (~~(\$265,000)~~) \$268,000 of the Washington opportunity pathways account–state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and

the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund–state appropriation for fiscal year 2022 and \$123,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund–state appropriation for fiscal year 2022 and \$250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund–state appropriation for fiscal year 2022 and \$14,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund–state appropriation for fiscal year 2022, \$131,000 of the general fund–state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account–state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund–state appropriation for fiscal year 2022 and \$117,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of

chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund–state appropriation for fiscal year 2022 and \$250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund–state appropriation for fiscal year 2022 and \$385,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund–state appropriation for fiscal year 2022 and ~~((\$205,000))~~ \$1,205,000 of the general fund–state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership. The amounts provided in this subsection are sufficient for implementation of Second Substitute Senate Bill No. 5720 (student financial literacy). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(p) \$75,000 of the general fund–state appropriation for fiscal year 2022 and \$75,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote

efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund–state appropriation for fiscal year 2022 and \$481,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account–federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(t) \$70,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

(u) \$2,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If this bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund–state appropriation for fiscal year 2022 and \$1,802,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund–state appropriation for fiscal year 2022 and \$281,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund–state appropriation for fiscal year 2022 and \$450,000 of the general fund–state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund–state appropriation for fiscal year 2022 and \$335,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund–state appropriation for fiscal year 2022 and \$200,000 of the general fund–state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health

education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund–state appropriation for fiscal year 2022 and \$118,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund–state appropriation for fiscal year 2022 and \$200,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund–state appropriation for fiscal year 2022 and \$130,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund–state appropriation for fiscal year 2022 and \$107,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund–state appropriation for fiscal year 2022 and \$249,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and

resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(h)(i) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the superintendent of public instruction to convene a work group to identify trauma informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. Stipends may be provided for work group members who are representing families and individuals as experts with lived experiences to compensate for time and travel to meetings. The work group at a minimum must include the following:

(A) One representative from the department of children, youth, and families with expertise on inclusion, equitable access, trauma informed practices, and relational safety in education settings;

(B) One representative from an organization representing youth with intellectual and developmental disabilities;

(C) Individuals representing youth with communication disorders, students or young adults who have lived experience with restraint and isolation, and students or adults who are survivors of the school-to-prison pipeline;

(D) One representative from an organization working to eliminate racial inequities in education;

(E) One representative from an organization working to eliminate disparities for families and students with a native language other than English;

(F) One representative from an organization working to improve inclusive practices in Washington that works with families and communities;

(G) One member of an organization representing youth in foster care;

(H) One member of an organization representing youth experiencing homelessness; and

(I) An administrator, teacher, and paraeducator professional with experience working in or around a self-contained behavior program.

(ii) The work group shall submit a report to the education committees of the legislature, the governor's office, and the education ombuds by December 1, 2022. The report must include a list of approved crisis response protocols and deescalation techniques for schools that are trauma informed and prioritize relational safety, recommended elements needed to improve access to mental health supports for all students, building-based strategies to enhance fidelity to multi-tiered systems of support and student behavior plans for students with challenging behaviors and strategies to track and reduce/eliminate restraint and isolation use, and best practices for implementation of identified strategies, with recommendations for district compliance and tracking mechanisms.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund-state appropriation for fiscal year 2022 and \$2,590,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund-state appropriation for fiscal year 2022 and \$703,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of

chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund–state appropriation for fiscal year 2022 and \$950,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund–state appropriation for fiscal year 2022 and \$10,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund–state appropriation for fiscal year 2022 and \$50,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund–state appropriation for fiscal year 2022 and \$15,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund–state appropriation for fiscal year 2022 and \$570,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund–state appropriation for fiscal year 2022 and \$196,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund–state appropriation for fiscal year 2022 and \$100,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund–state appropriation for fiscal year 2022 and \$96,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund–state appropriation for fiscal year 2022 and \$162,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund–state appropriation for fiscal year 2022 and \$76,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund–state appropriation for fiscal year 2022, \$280,000 of the general fund–state appropriation for fiscal year 2023, and (~~(\$1,053,000)~~) \$1,070,000 of the dedicated marijuana account–state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG)

program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and ~~((\$533,000))~~ \$550,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022,

\$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer competitive grant awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures,

including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund-state appropriation for fiscal year 2022 and \$49,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(t) \$35,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(u) \$140,000 of the general fund-state appropriation for fiscal year 2022 and \$135,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(v) \$505,000 of the general fund-state appropriation for fiscal year 2022 and \$486,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(w) \$60,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund-state appropriation is provided solely for

annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund-state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund-state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(y) \$16,000 of the general fund-state appropriation for fiscal year 2022 and \$16,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(z) \$553,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

(aa)(i) \$76,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:

(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;

(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;

(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;

(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2022-23 school year;

(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and June 1, 2023; and

(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.

(ii) When collecting and analyzing information required under (i) of this subsection (4)(aa), the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

(iii) The office and the department must submit the report to the appropriate committees of the legislature by June 30, 2023.

(bb) \$3,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to contract for regional multitiered systems of support (MTSS) implementation specialists during the 2022-23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students exacerbated by the pandemic. Funding may

also be used for the specialists to provide MTSS training and technical assistance to help school districts and educational service districts connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

(cc) \$367,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(dd) \$8,341,000 of the Washington state opportunity pathways account-state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$18,000 per pupil in general fund expenditures in the 2021-22 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of (dd)(i) or (ii) of this subsection multiplied by the school district or school's budgeted enrollment in the 2021-22 school year.

(i) The state local effort assistance threshold in RCW 28A.500.015 in the 2022 calendar year.

(ii) \$18,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2021-22 school year.

(ee)(i) \$80,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to assist sexual assault survivors in Washington public schools. Funding provided in this subsection must be used by the office to:

(A) Research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools;

(B) Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;

(C) Update model protocols for responding to sexual assault and supporting survivors in schools;

(D) Develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of title IX of the education amendments of 1972; and

(E) Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

(ii) The office must consult with the department of children, youth, and families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors.

(iii) The office must submit to the governor and the appropriate committees of the legislature a preliminary report by December 1, 2022. It is the intent of the legislature to provide funding for the office to submit a final report, including a summary of its findings and recommendations, by October 1, 2023.

(ff) \$25,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to create and distribute promotional and educational materials to school districts for Americans of Chinese descent history month.

(gg) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the superintendent to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

(hh) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

(ii) \$294,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute Senate Bill No. 5252 (school consultation/tribes). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account-state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account-state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account-state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account-state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,600,000 of the workforce education investment account-state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

Sec. 502. 2021 c 334 s 502 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

General Fund-State Appropriation (FY 2022) \$3,001,000

General Fund-State Appropriation (FY 2023) (~~(\$5,003,000)~~)

\$5,398,000

Washington Opportunity Pathways Account-State

Appropriation (~~(\$322,000)~~)

\$326,000

TOTAL APPROPRIATION (~~(\$8,326,000)~~)

\$8,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the general fund-state appropriation for fiscal year 2022 and \$138,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to the state board of education for the following: Continuation of the mastery-based learning work group (chapter 252, Laws of 2019), expansion of ongoing pathways research, and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2022.

(2) \$1,500,000 of the general fund-state appropriation for fiscal year 2022 and \$3,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites for the purpose of addressing learning recovery and other educational issues related to COVID-19. The funds must be used for grants to school districts, professional development of school district staff, and implementation support provided by the state board of education. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. Grants for mastery-based learning may be made in partnership with private matching funds.

(3) \$263,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the state board of education for a community engagement coordinator position within the state board of education. Funding provided in this subsection may also be used for contracts for partner organizations, including community-based and nonprofit

organizations, to support the engagement coordinator.

(4) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the state board of education to identify, develop, or purchase a school climate survey tool or other assessment options, and work with the office of the superintendent of public instruction and school districts to develop a statewide implementation plan, and report back on progress to the governor and education committees of the legislature by June 30, 2023.

Sec. 503. 2021 c 334 s 503 (uncodified) is amended to read as follows:

FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD

General Fund-State Appropriation (FY 2022) \$16,868,000

General Fund-State Appropriation (FY 2023) (~~(\$19,203,000)~~)

\$21,438,000

TOTAL APPROPRIATION
(~~(\$36,071,000)~~)

\$38,306,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,693,000 of the general fund-state appropriation for fiscal year 2022 and \$1,725,000 of the general fund-state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) \$600,000 of the general fund-state appropriation for fiscal year 2022 and \$600,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund-state appropriation for fiscal year 2022 and up to \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop

models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$622,000 of the general fund-state appropriation for fiscal year 2022 and \$622,000 of the general fund-state appropriation for fiscal year 2023 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$13,499,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$16,076,000)~~) \$17,535,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection:

(a) \$250,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to develop an online course to train educators on effective community, family, and student engagement.

(b) \$12,587,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$15,414,000)~~) \$16,873,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2020-21 and 2021-22 school years. Funding provided in this subsection is sufficient for new

paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$54,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute House Bill No. 1028 (residency teacher cert.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(7) \$63,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to develop standards for two specialty endorsements in computer science, one in elementary computer science and one in secondary computer science. The professional educator standards board shall consult with the superintendent of public instruction to confirm that the specialty endorsements reflect the appropriate content necessary to teach computer science in the classroom, as defined by the office of the superintendent of public instruction with industry input. The computer science specialty endorsements must be available to all certificated teachers who hold a valid license and who demonstrate sufficient content knowledge in computer science.

(8) \$187,000 of the general fund-state appropriation for fiscal year 2022 and \$30,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5044 (schools/equity training). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$700,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the board to administer grants to reimburse school districts for professional development activities of up to \$2,000 per employee or contracted staff service provider in the role of educational interpreter who are training to meet standards in RCW 28A.410.271. Funding provided in this subsection may be used for:

(a) Professional development, training, or mentoring services;

(b) Paid time to attend training or mentoring opportunities;

(c) Compensation for substitutes to enable educational interpreters to access professional development,

training, or mentoring services during the instructional day without interrupting service to students;

(d) Courses offered at institutions of higher education located in Washington and designed to improve professional skills to meet the educational needs of students who are deaf or hard of hearing;

(e) Assessment fees for initial submission or assessment retakes to meet or exceed standards in RCW 28A.410.271(3)(a) and (b); and

(f) Other activities as defined by the Washington professional educator standards board in consultation with the Washington center for deaf and hard of hearing youth and associations representing school administrators and educational interpreters.

(10) \$13,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 504. 2021 c 334 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund-State Appropriation (FY 2022) ~~((\$9,852,652,000))~~

\$9,481,252,000

General Fund-State Appropriation (FY 2023) ~~((\$9,550,695,000))~~

\$8,975,955,000

General Fund-Federal Appropriation
\$204,000

Education Legacy Trust Account-State Appropriation ~~((\$1,398,115,000))~~

\$1,608,115,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$280,875,000

TOTAL APPROPRIATION
~~((\$20,801,462,000))~~

\$20,346,401,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this

information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW	202	202
e	28A.150.260	1-22	2-23
		School Year	School Year
Grade K		17.00	17.00

Grad e 1	17. 00	17. 00
Grad e 2	17. 00	17. 00
Grad e 3	17. 00	17. 00
Grad e 4	27. 00	27. 00
Grad es 5-6	27. 00	27. 00
Grad es 7-8	28. 53	28. 53
Grad es 9-12	28. 74	28. 74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by Second Substitute House Bill No. 1664 (schools/support funding), and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as

determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementar y	Middl e
Guidanc e counselor s	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Eleme ntary	Midd le	High
Guid ance counse lors	((0.5 00)) 0.333	((0.5 500)) 0.33 3	((0.5 500)) 0.33 3

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians,

school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021- 22 School Year	2022-23 School Year
Career and Technical Education	3.07	((3.07) <u>3.35</u>)
Skill Center	3.41	((3.41) <u>3.69</u>)

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical
School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students	1.025
Skill Center students	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and

district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by ((~~12.52~~) 12.58 percent in the 2021-22 school year and ((~~11.96~~) 12.11 percent in the 2022-

23 school year for career and technical education students, and ~~((17.86))~~ 17.92 percent in the 2021-22 school year and ~~((17.26))~~ 17.42 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and ~~((22.71))~~ 22.98 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and ~~((22.75))~~ 22.80 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in ~~((section 942 of this act))~~ section 934 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	((168.10)) <u>\$173.59</u>
Utilities and Insurance	\$382.70	((388.82)) <u>\$403.75</u>
Curriculum and Textbooks	\$151.22	((153.64)) <u>\$159.54</u>
Other Supplies	\$299.50	((303.29)) <u>\$316.73</u>
Library Materials	\$21.54	((21.89)) <u>\$21.97</u>
Instructional Professional Development for Certificated and Classified Staff	\$23.39	((23.76)) <u>\$24.67</u>
Facilities Maintenance	\$189.59	((192.62)) <u>\$200.02</u>
Security and Central Office	\$131.35	((133.45)) <u>\$138.57</u>
TOTAL MSOC/STUDENT FTE	\$1,340.13	((1,386.13))

~~57)~~
\$1,438.84

Library Materials \$5.99 (~~(\$6.09)~~)) \$6.32

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

Instructional Professional Development for Certified and Classified Staff \$7.36 (~~(\$7.48)~~)) \$7.77

TOTAL \$184. (~~(\$187.04)~~)
 GRADE 9-12 09)
 BASIC \$194.21
 EDUCATION
 MSOC/STUDENT
 FTE

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(9) SUBSTITUTE TEACHER ALLOCATIONS

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and (~~(\$1,610.92)~~) \$1,672.76 for the 2022-23 school year.

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and (~~(\$1,610.92)~~) \$1,672.76 for the 2022-23 school year.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	(\$41.15) <u>\$42.72</u>
Curriculum and Textbooks	\$44.18	(\$44.89) <u>\$46.61</u>
Other Supplies	\$86.06	(\$87.43) <u>\$90.79</u>

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement

programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

(a) Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(b) To generate an allocation under this section, enrollments under uniform entry qualifications for kindergarten admission require an individualized decision by the district that is based upon the ability, or the need, or both, of an individual student as required in RCW 28A.225.160. Due to significant growth in exceptions provided under optional school district transitional kindergarten programs, and to ensure compliance with RCW 28A.225.160, the superintendent of public instruction must adopt rules for allocations under this section regarding exceptions to uniform entry qualifications for kindergarten admission for the 2022-23 school year. Rules established under the subsection must:

(i) Limit allocations for exceptions to uniform entry qualifications for kindergarten under this section only to students enrolled as individualized exceptions based upon the ability, or the need, or both, of an individual student;

(ii) Define full-time equivalent enrollments under exceptions to uniform entry qualifications for kindergarten that exceed a district's 2021-22 enrollments under exceptions as nonindividualized programmatic exceptions, which do not generate allocations under this section;

(iii) Allow school districts to fund nonindividualized programmatic exceptions from local revenues as enrichments of the state's statutory program of basic education; and

(iv) Include a review no later than June 30, 2023, based on the Washington state institute for public policy report required in section 607(4)(n) of this act and any applicable statutory changes made subsequent to this act.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been

judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty

annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund-state appropriation for fiscal year 2022 and \$650,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center,

shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system. The office of the superintendent of public instruction must adopt rules to fund the participating student's enrollment in running start courses during the summer term.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general

apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments

for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) (~~(\$27,806,000)~~) \$14,859,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(24) \$566,000 of the general fund-state appropriation for fiscal year 2022, \$250,000 of the general fund-state appropriation for fiscal year 2023, and \$204,000 of the general fund-federal appropriation (CRRSA/ESSER) are provided solely for an enrollment stabilization allocation for the Washington youth academy national guard youth challenge program. Federal funding is provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(25) \$280,875,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(26) \$145,489,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1664 (schools/support funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 505. 2021 c 334 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23

school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Allocation	Minimum	Salary
Staff Type	2021-22	2022-23 School Year
Certificated Instructional	37	\$68,9 (\$70,040) <u>\$72,728</u>
Certificated Administrative	327	\$102, (\$103,964) <u>\$107,95</u> <u>5</u>
Classified	53	\$49,4 (\$50,244) <u>\$52,173</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~((February 1, 2021, at 5:17))~~ February 18, 2022, at 6:09 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and ~~((22.07))~~ 22.34 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and ~~((19.25))~~ 19.30 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation

purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

Sec. 506. 2021 c 334 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2022) ~~((\$102,094,000))~~

\$97,080,000

General Fund—State Appropriation (FY 2023) ~~((\$310,929,000))~~

\$580,811,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation \$1,720,000

TOTAL APPROPRIATION ~~((\$413,023,000))~~

\$679,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and ~~((1.6))~~ 5.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity,

equity, or inclusion, as required in (~~Engrossed Substitute Senate Bill No. 5044 (schools/equity training)~~) chapter 197, Laws of 2021.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and (~~22.07~~) 22.34 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and (~~19.25~~) 19.30 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in (~~section 942 of this act~~) section 934 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, (~~\$1,032~~) \$1,026 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic

partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

Sec. 507. 2021 c 334 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2022) (~~(\$615,759,000)~~)

\$605,160,000

General Fund—State Appropriation (FY 2023) (~~(\$649,872,000)~~)

\$672,475,000

TOTAL APPROPRIATION (~~(\$1,265,631,000)~~)

\$1,277,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund–state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund–state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund–state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund–state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) (~~(\$33,858,000)~~) \$29,745,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

(12)(a) \$13,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the superintendent to provide transportation safety net funding to school districts with a demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2)(a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding no later than May 1st. The application must contain the school district's anticipated excess costs through the end of the current school year.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

Sec. 508. 2021 c 334 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES

General Fund—State Appropriation (FY 2022) \$11,667,000

General Fund—State Appropriation (FY 2023) (~~(\$11,667,000)~~)

\$33,334,000

General Fund—Federal Appropriation (~~(\$551,378,000)~~)

\$573,246,000

TOTAL APPROPRIATION (~~(\$574,712,000)~~)

\$618,247,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department

of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4)(a) \$21,500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$119,000)~~) \$286,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

(6) \$18,223,000 of the general fund—federal appropriation is provided solely for reimbursement of local education agencies expenditures for the acquisition of unprocessed or minimally processed domestic food products from the United States department of agriculture supply chain assistance funds authorized by the commodity credit corporation charter act of 2021.

(7) \$3,645,000 of the general fund—federal appropriation is provided solely for food assistance purchases of domestic local foods for distribution to schools from the United States department of agriculture local food for schools cooperative agreement program authorized by the commodity credit corporation charter act of 2021.

Sec. 509. 2021 c 334 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2022) (~~(\$1,455,154,000)~~)

\$1,464,854,000

General Fund—State Appropriation (FY 2023) (~~(\$1,537,068,000)~~)

\$1,459,576,000

General Fund—Federal Appropriation \$571,229,000

Education Legacy Trust Account—State Appropriation \$54,694,000

Elementary and Secondary School Emergency Relief III

Account—Federal Appropriation \$7,000,000

TOTAL APPROPRIATION (~~(\$3,625,145,000)~~)

\$3,557,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot

provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund-state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) (~~(\$63,338,000)~~) \$76,334,000 of the general fund-state appropriation for fiscal year 2022, (~~(\$82,671,000)~~) \$91,192,000 of the general fund-state appropriation for fiscal year 2023, and \$29,574,000 of the general fund-federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness

and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of (~~(\$931,000)~~) \$1,250,000 may be expended from the general fund-state appropriations to fund (~~(5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center)~~) teachers and aides at Seattle children's hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$88,000 of the general fund-state appropriation for fiscal year 2022, \$87,000 of the general fund-state appropriation for fiscal year 2023, and \$214,000 of the general fund-federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$5,000,000 of the general fund-state appropriation for fiscal year 2022, \$12,000,000 of the general fund-state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account-federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these

services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$52,704,000 of the general fund-federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund-federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund-state appropriation for fiscal year 2022 and \$5,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

(15)(a) Within amounts provided in section 501(1)(a) of this act, the office of the superintendent of public instruction shall submit a report on districts receiving funding for services to students of preschool age with disabilities, as defined in RCW 28A.155.070, for the 2022-23 school year. The report must include data on revenues and expenditures for the special education programs offered in-district or with a provider, or for special

education services offered in-home or outside of traditional preschool settings, including but not limited to:

(i) Revenues received by each district;

(ii) Expenditures by district by object, activity, and national center of education statistics codes;

(iii) Expenditures by district and by object, activity, and national center of education statistics codes for children in preschool programs offered by the district;

(iv) Expenditures by district and by object, activity, and national center of education statistics codes for children in preschool programs offered by other providers;

(v) Expenditures by district and by object, activity, and national center of education statistics codes for children receiving special education services in-home or outside of traditional preschool settings; and

(vi) Expenditures by category of disability for children in preschool settings offered by the district or other providers, or for children receiving special education services in-home or outside of traditional preschool settings.

(b) The superintendent shall submit a preliminary report by June 30, 2023. It is the intent of the legislature that the superintendent submit a final report by December 1, 2023, and that funding for this purpose be provided in the 2023-2025 fiscal biennium operating budget.

Sec. 510. 2021 c 334 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR EDUCATIONAL SERVICE DISTRICTS

General Fund-State Appropriation (FY 2022) \$28,636,000

General Fund-State Appropriation (FY 2023) (~~(\$28,636,000)~~)

\$30,886,000

TOTAL APPROPRIATION (~~(\$57,272,000)~~)

\$59,522,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training

for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,150,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$2,150,000)~~) \$2,169,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). (~~If the bill is not enacted by June 30,~~

~~2021, the amounts provided in this subsection shall lapse.))~~

\$27,968,000

(11) \$1,009,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5539 (ed. service district funding). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund-state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund-state appropriation for fiscal year 2022 and \$701,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) ~~(\$3,157,000)~~ \$1,944,000 of the general fund-state appropriation for fiscal year 2022 and ~~(\$3,613,000)~~ \$2,090,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to

Sec. 511. 2021 c 334 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR LOCAL EFFORT ASSISTANCE

General Fund-State Appropriation (FY 2022) ~~((\$271,870,000)~~)

\$272,986,000

General Fund-State Appropriation (FY 2023) ~~((\$247,305,000)~~)

\$250,542,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$63,909,000

TOTAL APPROPRIATION ~~((\$519,175,000)~~)

\$587,437,000

The appropriations in this section are subject to the following conditions and limitations: \$63,909,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for enrollment stabilization local effort assistance funding as required in Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

Sec. 512. 2021 c 334 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund-State Appropriation (FY 2022) ~~((\$17,779,000)~~)

\$14,074,000

General Fund-State Appropriation (FY 2023) ~~((\$19,481,000)~~)

\$13,894,000

TOTAL APPROPRIATION ~~((\$37,260,000)~~)

differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund-state appropriation in fiscal year 2022 and \$300,000 of the general fund-state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund-state appropriation for fiscal year 2022 and \$897,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

(a) Advocacy for institutional education students to eliminate barriers to educational access and success;

(b) Consultation with juvenile rehabilitation staff to develop

educational plans for and with participating youth;

(c) Monitoring educational progress of participating students;

(d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and

(e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund-state appropriation for fiscal year 2022 and \$75,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

Sec. 513. 2021 c 334 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund-State Appropriation (FY 2022) (~~(\$33,262,000)~~)

\$31,926,000

General Fund-State Appropriation (FY 2023) (~~(\$33,711,000)~~)

\$32,176,000

TOTAL APPROPRIATION (~~(\$66,973,000)~~)

\$64,102,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

Sec. 514. 2021 c 334 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation	
((\$6,802,000))	
<u>\$9,802,000</u>	
TOTAL	APPROPRIATION
((\$6,802,000))	
<u>\$9,802,000</u>	

Sec. 515. 2021 c 334 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2022)	((\$137,813,000))
<u>\$134,083,000</u>	
General Fund—State Appropriation (FY 2023)	((\$141,081,000))
<u>\$138,519,000</u>	

General Fund—Federal Appropriation	((\$96,598,000))
<u>\$96,683,000</u>	
General Fund—Private/Local Appropriation	\$1,450,000
Education Legacy Trust Account—State Appropriation	((\$1,638,000))
<u>\$1,642,000</u>	
TOTAL	APPROPRIATION
((\$378,580,000))	
<u>\$372,377,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) ((~~\$75,374,000~~)) \$71,644,000 of the general fund—state appropriation for fiscal year 2022 and ((~~\$78,547,000~~)) \$75,805,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of ((~~\$5,796~~)) \$6,019 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible

for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund-state appropriation for fiscal year 2022 and \$3,418,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund-state appropriation for fiscal year 2022 and \$477,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund-state appropriation for fiscal year 2022 and \$810,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund-state appropriation for fiscal year 2022 and \$10,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

Sec. 516. 2021 c 334 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2022) (~~(\$228,658,000)~~)

\$217,022,000

General Fund—State Appropriation (FY 2023) (~~(\$233,390,000)~~)

\$218,054,000

General Fund—Federal Appropriation
\$102,242,000

TOTAL APPROPRIATION
(~~(\$564,290,000)~~)

\$537,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction

program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: (~~(1.77)~~) 1.89 percent for school year 2021-22 and (~~(1.76)~~) 1.88 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 517. 2021 c 334 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

that would be generated based on the district's percentage of October headcount in grades K-12 eligible for free or reduced-price lunch in the 2019-20 school year if greater than the percentage allowed under RCW 28A.150.260(10)(a)(i).

Sec. 518. 2021 c 334 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2021-22 School Year	2022-23 School Year
General Apportionment	((\$9,415)) <u>\$9,405</u>	((\$9,671)) <u>\$10,098</u>
Pupil Transportation	((\$587)) <u>\$623</u>	((\$595)) <u>\$644</u>
Special Education Programs	((\$9,874)) <u>\$9,976</u>	((\$10,290)) <u>\$10,812</u>
Institutional Education Programs	((\$22,730)) <u>\$26,347</u>	((\$23,220)) <u>\$27,779</u>
Programs for Highly Capable Students	\$611	((\$623)) <u>\$645</u>
Transitional Bilingual Programs	((\$1,430)) <u>\$1,442</u>	((\$1,442)) <u>\$1,509</u>
Learning Assistance Program	((\$961)) <u>\$964</u>	((\$967)) <u>\$1,011</u>

Sec. 519. 2021 c 334 s 519 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2022, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2022 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable programs; and learning assistance programs.

(5) The director of financial management shall notify the appropriate

legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in (~~section 942 of this act~~) section 934 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in (~~section 942 of this act~~) section 934 of this act.

~~((5))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 520. 2021 c 334 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account-State

Appropriation ~~(((\$140,838,000))~~
\$145,786,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$1,667,000

TOTAL APPROPRIATION
~~(((\$140,838,000))~~

\$147,453,000

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account-state appropriation is provided solely for

enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account-state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

(4) \$1,667,000 of the coronavirus state fiscal recovery fund-federal appropriation is provided solely for enrollment stabilization allocations pursuant to Substitute House Bill No. 1590 (enrollment stabilization). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 521. 2021 c 334 s 521 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account-State

Appropriation \$23,000

Charter Schools Oversight Account-State

Appropriation ~~(((\$3,605,000))~~
\$3,882,000

TOTAL APPROPRIATION
~~(((\$3,628,000))~~

\$3,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire Washington opportunity pathways account-state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account-state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under Engrossed Substitute Senate Bill No. 5044 (schools/equity training). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(3) \$238,000 of the charter schools oversight account—state appropriation is provided solely for office of the attorney general legal services related to litigation challenging the commission's authority to oversee and regulate charter schools.

Sec. 522. 2021 c 334 s 522 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2022) (~~(\$80,319,000)~~)

\$80,493,000

General Fund—State Appropriation (FY 2023) (~~(\$52,691,000)~~)

\$78,255,000

General Fund—Federal Appropriation \$989,995,000

Elementary and Secondary School Emergency Relief

III—Federal Appropriation (~~(\$1,850,386,000)~~)

\$1,850,527,000

TOTAL APPROPRIATION (~~(\$2,973,391,000)~~)

\$2,999,270,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022

and \$2,127,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund–state appropriation for fiscal year 2022 and \$900,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund–state appropriation for fiscal year 2022 and \$350,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund–state appropriation for fiscal year 2022 and \$350,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund–state appropriation for fiscal year 2022 and \$527,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts

with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) \$75,000 of the general fund–state appropriation for fiscal year 2022 and \$75,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund–state appropriation for fiscal year 2022 and \$15,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund–state appropriation for fiscal year 2022 and \$373,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund–state appropriation for fiscal year 2022 and \$10,000 of the general fund–state appropriation for

fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) \$55,000 of the general fund–state appropriation for fiscal year 2022 and \$55,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$3,000,000)~~) \$5,000,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund–state appropriation for fiscal year 2022 and \$250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction

shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund–state appropriation for fiscal year 2022 and \$5,895,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund–state appropriation for fiscal year 2022 and \$446,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013–2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund–state appropriation for fiscal year 2022 and \$1,015,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015–2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund–state appropriation for fiscal year 2022 and \$684,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017–2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund–state appropriation for fiscal year 2022 and \$1,250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund–state appropriation for fiscal year 2022 and \$55,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for maintaining and

implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund-state appropriation for fiscal year 2022 and \$1,200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund-state appropriation for fiscal year 2022 and \$36,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund-state appropriation for fiscal year 2022 and \$375,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund-state appropriation for fiscal year 2022 and \$1,425,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund-state appropriation for fiscal year 2022 and \$4,940,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund-state appropriation for fiscal year 2022 and \$1,454,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund-state appropriation for fiscal year 2022 and \$362,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund-state appropriation for fiscal year 2022 and \$3,000,000 of the general fund-state appropriation for fiscal year 2023 are

provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$50,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority

students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund-state appropriation for fiscal year 2022 and \$62,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund–state appropriation for fiscal year 2022 and \$100,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund–state appropriation for fiscal year 2022 and \$85,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) (~~(\$750,000)~~) (a) \$788,000 of the general fund–state appropriation for fiscal year 2022 and \$750,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(b) Of the amounts provided in this subsection, \$38,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the office to contract with a Washington-based nonprofit organization that provides one-to-one mentoring through a volunteer-supported network for disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth mentors, and for staff who provide

services to youth and their families and are experiencing secondary trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

(14) \$250,000 of the general fund–state appropriation for fiscal year 2022 and \$250,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund–state appropriation for fiscal year 2022 and \$850,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting

requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund-state appropriation for fiscal year 2022 and \$250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund-state appropriation for fiscal year 2022 and \$1,399,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund-state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 ~~((and the general fund-state appropriations in this section for fiscal year 2023 have been reduced by \$5,000))~~ to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund-state appropriation for fiscal year 2022 and \$9,850,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(25) \$199,000 of the general fund-state appropriation for fiscal year 2022 and \$247,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for

two regional conferences. ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$70,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) ~~(((\$250,000))~~ \$236,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$14,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) ~~(((\$150,000))~~ \$300,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$150,000))~~ \$450,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for at least two cohorts of students each year in south King county during the summer months of 2021, 2022, and 2023. Students from the Highline school district and neighboring school districts in south King county are eligible for the program.

(29) \$255,000 of the general fund-state appropriation for fiscal year 2022 and \$255,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund–state appropriation for fiscal year 2022 and \$85,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund–state appropriation for fiscal year 2022 and \$85,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund–state appropriation for fiscal year 2022 and \$85,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout

prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund–state appropriation for fiscal year 2022 and \$500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund–state appropriation for fiscal year 2022 and ~~(\$800,000)~~ \$5,300,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) \$10,000,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. The office must award grants to eligible school districts and outdoor education program providers starting in the 2022-23 school year. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection:

(a) \$195,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the office to implement Second Substitute House Bill No. 2078 (outdoor learning grant prg.). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(b) \$3,903,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the outdoor learning grant program, which consists of two types of grants:

(i) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(ii) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(c) \$5,902,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(34) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(35) \$150,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.

(36) \$148,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to provide before and after-school programming to low-income elementary school students in the Tukwila school district. Funding in this subsection may be distributed to the Tukwila school district or to local before or after-school program providers that provide child care for low-income elementary school students in the school district.

(37) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Tacoma school district to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused career and technical education program in the south Puget Sound area. Funding must be used by the district to engage with the maritime industry in and around the port of Tacoma to conduct a workforce training gap analysis. The district must also coordinate with the office, the state board of education, and the workforce

training board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

(38) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to contract with an organization to expand the senior support initiative that helps high school seniors in the Tacoma school district navigate their postsecondary pathway options. The organization may provide support to Tacoma school district seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma school district.

(39) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way school districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

(40)(a) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to administer a pilot program to subsidize eligible dual or concurrent enrollment course costs for students who qualify for free or reduced-price meals and are participating in dual enrollment courses offered by one of three community colleges designated by the office and the state board of community and technical colleges. Eligible dual enrollment course programs include the running start and college in the high school programs. One of the community colleges must be located in a county with a population greater than 125,000 but less than 150,000.

(b) The office must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per full-time equivalent student during the 2022-23 academic year. For eligible students who qualify for free or reduced-price meals and are enrolled in running start courses, the pilot program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(c) Any funds remaining after the office subsidizes the costs included in (b) of this subsection may be used to subsidize waived fees or transportation costs for eligible students who qualify for free or reduced-price meals and are enrolled in running start courses.

(d) The office must submit a preliminary report to the legislature by June 30, 2023, on the results of the pilot program. It is the intent of the legislature to provide funding for a final report due to the legislature by August 31, 2023.

(41) \$468,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to contract with a nonprofit organization to establish a workforce pilot program with the Vancouver school district that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, the office will collaborate with the nonprofit organization and the Vancouver school district to submit a report to the legislature with results of the workforce pilot program and recommendations for expanding the program.

(42) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to contract with the association of Washington school principals to provide

support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(43) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in Senate Bill No. 5657 (computer science instruction). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the grant program created in Second Substitute Senate Bill No. 5720 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$1,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(46) \$3,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the office to distribute after-exit running start grants to school districts that identify running start students that have exceeded maximum enrollment under running start formulas and high school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the

summer academic term following their high school graduation.

(47) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$12,885,000 of the elementary and secondary school emergency relief III account-federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund-federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (~~((+33+))~~) (47)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund-federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (~~((+33+))~~) (47)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) \$43,708,000 of the general fund-federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account-federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account-federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (~~((+33+))~~) (47)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (~~((+33+))~~) (47)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account-federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account-federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account-federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account-federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (~~(+33)~~) (47)(1) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must

be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) (~~(\$12,000,000)~~) \$12,141,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022, \$79,485,000 of the general fund—federal appropriation (CRRSA/ESSER), and \$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based

curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

PART VI

HIGHER EDUCATION

Sec. 601. 2021 c 334 s 603 (uncodified) is amended to read as follows:

PUBLIC BACCALAUREATE INSTITUTIONS

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections ~~((606 through 611 of this act))~~ 603 through 608 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in ~~((sections 606 through 611 of this act))~~ 603 through 608 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

(4) For institutions of higher education receiving funding for cybersecurity and nursing academic programs for students in sections 603 through 608 of this act, each institution must coordinate with the student achievement council as provided in section 609(17) of this act and submit a

progress report on new or expanded cybersecurity and nursing academic programs, including the number of students enrolled.

Sec. 602. 2021 c 334 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund–State Appropriation (FY 2022) ~~(((\$742,558,000))~~

\$744,893,000

General Fund–State Appropriation (FY 2023) ~~(((\$768,651,000))~~

\$832,406,000

Community/Technical College Capital Projects

Account–State Appropriation
\$22,436,000

Education Legacy Trust Account–State Appropriation ~~(((\$159,208,000))~~

\$159,900,000

Workforce Education Investment Account–State

Appropriation ~~(((\$219,259,000))~~

\$237,295,000

TOTAL APPROPRIATION
~~(((\$1,912,112,000))~~

\$1,996,930,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund–state appropriation for fiscal year 2022 and \$33,261,000 of the general fund–state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund–state appropriation for fiscal year 2022, \$5,000,000 of the general fund–state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account–state appropriation are provided solely for administration and customized training contracts through the job skills

program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund-state appropriation for fiscal year 2022 and \$425,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund-state appropriation for fiscal year 2022 and \$5,250,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

(i) Annual change in student achievement initiative funds by institution;

(ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;

(iii) Impact of guided pathways implementation on student achievement initiative awards; and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund-state appropriation for fiscal year 2022, and \$1,610,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund-state appropriation for fiscal year 2022 and \$1,500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent

worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) (~~(\$20,759,000)~~) \$21,428,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$21,154,000)~~) \$21,920,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund-state appropriation for fiscal year 2022 and \$157,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals

seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund–state appropriation for fiscal year 2022 and \$750,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund–state appropriation for fiscal year 2022 and \$216,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund–state appropriation for fiscal year 2022 and \$500,000 of the general fund–state appropriation for fiscal year 2023 are

provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) \$350,000 of the general fund–state appropriation for fiscal year 2022 and \$350,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(18) \$338,000 of the general fund–state appropriation for fiscal year 2022 and \$338,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account–state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account–state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund–state appropriation for fiscal year 2022, \$1,500,000 of the general fund–state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account–state appropriation are provided solely for statewide implementation of guided pathways at each

of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$100,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account-state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account-state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account-state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) \$6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have

sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account-state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in (~~section 612(6) of this act~~) section 609(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving

complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund-state appropriation for fiscal year 2022 and \$91,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(31) \$516,000 of the general fund-state appropriation for fiscal year 2022 and \$516,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(32) \$350,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(33) \$2,048,000 of the general fund-state appropriation for fiscal year 2022 and \$1,119,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(34) \$15,848,000 of the workforce education investment account-state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(35)(a) \$2,500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus

driving industry by expanding the number of registered apprenticeships, pre-apprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;

(iii) Curriculum development and instructor training for driving, repair and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, pre-apprenticeships, pre-employment training, commercial vehicle driver training, vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to 5 percent of funds for administration of grants.

(36) \$8,000,000 of the workforce education investment account-state appropriation is provided solely for grants for nursing programs to purchase

or upgrade simulation laboratory equipment.

(37)(a) \$7,018,000 of the workforce education investment account-state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(38) \$205,000 of the workforce education investment account-state appropriation is provided solely to establish a center for excellence in cybersecurity.

(39) \$2,000,000 of the general fund-state appropriation for fiscal year 2022 and \$3,497,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(40) \$7,000,000 of the general fund-state appropriation for fiscal year 2023 and \$1,000,000 of the workforce education investment account-state appropriation are provided solely to expand the opportunity grant program to provide health care workforce grants for students.

(41) \$2,720,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(42) In addition to the homeless student assistance pilot program sites funded in subsection (31) of this section, \$2,932,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the expansion of the program in RCW 28B.50.916 to all community colleges.

(43) \$1,728,000 of the workforce education investment account-state appropriation is provided solely for the

expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, and are eligible for federal refugee resettlement services, including those from Afghanistan and Ukraine.

(44) \$4,146,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(45)(a) \$3,760,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for nursing education, to increase the number of nursing slots for academic year 2022-23 by at least 50 and build capacity for at least 200 new slots in the 2023-2025 biennium, and to purchase two simulation vans.

(b) Of the amount provided in this subsection, \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for community and technical colleges who enroll new cohorts of at least 25 nursing students in the 2023 spring academic quarter.

(c) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 609(17) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(46)(a) \$75,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the state board in collaboration with the dental industry to report on strategies to support and transform the education and training of the dental hygiene and dental assistant professions.

(b) The report shall include, but is not limited to, recommendations on the following topics:

(i) Examining options to enhance workforce diversity;

(ii) Reducing barriers to entry; and

(iii) Proposing changes for education program sustainability.

(c) The state board must solicit input and collaborate on the report with a representative from a dental association, a representative from a

hygienist association, an expert in dental hygiene education, a representative from the dental assistant profession, and a representative from the dental benefits industry.

(d) The report must be submitted to the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(47) \$30,000 of the general fund–state appropriation for fiscal year 2022 and \$243,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for Renton Technical College to establish a pilot program to increase outreach and participation in running start and adult education programs. A report on participation rates and student engagement must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by December 1, 2022.

(48) \$1,500,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the development of a climate solutions and climate justice curriculum.

(49)(a) \$80,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in

health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the state board, in collaboration with the student achievement council and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(50) \$331,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(51) \$170,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(52) \$36,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

(53) \$1,500,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). If the bill is not enacted by June 30, 2022, the amount in this subsection shall lapse.

Sec. 603. 2021 c 334 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund–State Appropriation (FY 2022) (~~(\$394,246,000)~~)

\$391,802,000

General Fund-State Appropriation (FY
2023) (~~(\$403,164,000)~~)

\$423,726,000

Aquatic Lands Enhancement Account-
State

Appropriation (~~(\$1,619,000)~~)

\$1,630,000

University of Washington Building
Account-State

Appropriation \$1,546,000

Education Legacy Trust Account-State
Appropriation (~~(\$36,708,000)~~)

\$37,020,000

Economic Development Strategic Reserve
Account-State

Appropriation (~~(\$3,094,000)~~)

\$3,101,000

Biotoxin Account-State Appropriation
(~~(\$605,000)~~)

\$609,000

Dedicated Marijuana Account-State
Appropriation

(FY 2022) \$263,000

Dedicated Marijuana Account-State
Appropriation

(FY 2023) (~~(\$263,000)~~)

\$325,000

Accident Account-State Appropriation
(~~(\$7,874,000)~~)

\$7,988,000

Medical Aid Account-State
Appropriation (~~(\$7,468,000)~~)

\$7,564,000

Workforce Education Investment
Account-State

Appropriation (~~(\$49,853,000)~~)

\$52,333,000

Geoduck Aquaculture Research Account-
State

Appropriation (~~(\$15,000)~~)

\$22,000

TOTAL APPROPRIATION
(~~(\$906,718,000)~~)

\$927,929,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$43,087,000)~~) \$44,474,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$43,905,000)~~) \$45,497,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account-state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account-state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account-state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund-state appropriation for fiscal year 2022 and \$7,345,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund-state appropriation for fiscal year 2022 and \$2,625,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund-state appropriation for fiscal year 2022 and \$1,800,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund-state appropriation for fiscal year 2022 and \$172,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an

assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13)(a) \$20,000,000 of the general fund-state appropriation for fiscal year 2022 and \$20,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) \$1,000,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) \$426,000 of the general fund-state appropriation for fiscal year 2022 and \$640,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) \$1,000,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) \$226,000 of the general fund-state appropriation for fiscal year 2022 and \$226,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and

Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) \$102,000 of the general fund-state appropriation for fiscal year 2022 and \$102,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) \$625,000 of the general fund-state appropriation for fiscal year 2022 and \$625,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) \$463,000 of the general fund-state appropriation for fiscal year 2022 and \$400,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) \$225,000 of the general fund-state appropriation for fiscal year 2022 and \$75,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) \$300,000 of the general fund-state appropriation for fiscal year 2022 and \$300,000 of the general fund-state

appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) \$300,000 of the general fund–state appropriation for fiscal year 2022 and \$300,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) \$21,461,000 of the workforce education investment account–state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) \$8,000,000 of the workforce education investment account–state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) \$8,000,000 of the workforce education investment account–state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) \$1,000,000 of the workforce education investment account–state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account–state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account–state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local

employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund–state appropriation for fiscal year 2022 and \$75,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) (~~(\$4,000,000)~~) \$6,000,000 of the workforce education investment account–state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36)(a) \$200,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

(i) Provide healing support for individual hate crime victims and their communities;

(ii) Provide accountability processes for individuals who commit hate crimes;

(iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;

(iv) Repair interpersonal and communal relationships;

(v) Reduce hate crime offender recidivism; and

(vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund-state appropriation for fiscal year 2022 and ~~(\$100,000)~~ \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across

Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program.

(42)(a) \$100,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to (~~marijuana~~) cannabis use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund-state appropriation for fiscal year 2022 and (~~\$205,000~~) \$410,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund-state appropriation for fiscal year 2022 and \$143,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall

work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund-state appropriation for fiscal year 2022 and \$64,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund-state appropriation for fiscal year 2022 and \$443,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund-state appropriation for fiscal year 2022 and \$80,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund-state appropriation for fiscal year 2022 and \$10,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a

telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51)(a) \$108,000 of the general fund-state appropriation for fiscal year 2022 and \$52,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(53) \$159,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(54) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(55) \$24,000 of the general fund-state appropriation for fiscal year 2022 and \$25,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(56) \$69,000 of the general fund-state appropriation for fiscal year 2022 and \$69,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5194 (equity and access in higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(57) \$60,000 of the general fund-state appropriation for fiscal year 2022 and \$60,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(58) \$146,000 of the general fund-state appropriation for fiscal year 2022 and \$158,000 of the general fund-state appropriation for fiscal year 2023 are

provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(59) \$422,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund-state appropriation for fiscal year 2022 and \$1,782,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(62) \$125,000 of the general fund-state appropriation for fiscal year 2022 and ~~(((\$125,000))~~ \$225,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over ~~(((\$35,000))~~ \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(63) \$1,250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(64) \$2,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(65) \$621,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for maintenance and operation costs for the Milgard hall at University of Washington-Tacoma.

(66) \$505,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(67) \$3,777,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(68) \$225,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the center for health workforce studies to develop a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall develop the program in consultation with dental stakeholders, including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. The program shall:

(a) Provide ongoing assessment of the supply and distribution of, and demand for, the state's oral health workforce;

(b) Conduct studies to describe the demographic, education, and practice characteristics of occupations engaged in providing oral health care and to improve understanding of workplace factors that influence workforce recruitment and retention; and

(c) Display and disseminate findings through a public facing website dashboard, in a deidentified and aggregate format, and through findings briefs accessible from the website, among other methods of dissemination.

(69) \$300,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the institution to contract with a nonprofit organization to

provide a report on the community inventory to help align the Washington park arboretum planning with the diverse needs and priorities of the community.

(70) \$1,242,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Tacoma school of nursing and healthcare leadership.

(71) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(72) \$500,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a \$2,500 monthly stipend to students during the 20-week training period of the business certificate program at the Bothell campus established in partnership with the MLK Gandhi empowerment initiative. The business certificate program must consist of two cohorts of 20 students.

(73) \$455,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the startup program within the school of computer science and engineering.

(74)(a) \$400,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the colab for community and behavioral health policy to work in collaboration with the Latino center for health and allies in healthier systems for health & abundance in youth to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and adolescents in Washington. Community and lived experience stakeholders, representing communities of color, must make up over half of the team. The coalition's recommendations shall address:

(i) Expansion of clinical training for a lived experience workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The coalition must report its findings and recommendations to the appropriate committees of the legislature by December 15, 2022.

(75)(a) \$89,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to establish a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(b) The operation of the repository shall be the responsibility of the director of the repository who shall be employed by the University of Washington with doctoral level expertise in demography, statistical analysis, and electoral systems. The director shall be appointed by the governor. The director shall appoint necessary staff to implement and maintain the repository.

(c) The repository shall maintain in electronic format at least the following data and records, where available, for at least the previous 12-year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office;

(ii) Election results at the precinct level for every statewide election and every election in every political subdivision;

(iii) Regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub

locations for every election in every political subdivision;

(iv) Contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;

(v) Ballot rejection lists, curing lists, and reasoning for ballot rejection for every election in every political subdivision;

(vi) Apportionment plans for every election in every political subdivision; and

(vii) Any other data that the director deems advisable.

(d) The director shall update the data in the repository no later than 30 business days after certification of each election as required by RCW 29A.60.190 or 29A.60.250.

(e) Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the repository shall be posted online and made available to the public at no cost.

(f) The repository shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

(g) On or before January 1, 2023, the repository shall publish on its website and transmit to the state for dissemination to county auditors secretary of a list of political subdivisions required pursuant to section 203 of the federal voting rights act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor shall transmit the list described herein to all political subdivisions within their jurisdiction.

(h) Upon the certification of election results and the completion of the voter history file after each election, the secretary of state shall transmit copies of:

(i) Election results at the election district level;

(ii) Contemporaneous voter registration lists;

(iii) Voter history files;

(iv) Maps, descriptions, and shapefiles for election districts; and

(v) Lists of voting centers and student engagement hubs.

(i) Staff at the repository may provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the repository.

(76) \$122,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for sexual assault nurse examiner training.

(77) Within the amounts appropriated in this section, the University of Washington must explore pathways for providing direct admissions to the nursing programs at the Seattle campus. By December 1, 2022, the university must report pursuant to RCW 43.01.036 to the appropriate committees of the legislature recommendations for direct admissions, including a timeline for implementation and estimated costs.

(78) \$232,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the center for environmental forensic science for the procurement of an AccuTOF DART mass spectrometry system to perform rapid forensic wood identification to combat illegal logging and associated trade.

(79) \$167,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to the center for an informed public for research to identify new technologies and strategies to resist strategic misinformation in collaboration with Finnish higher education institutions and organizations. By June 30, 2023, the center must submit a report pursuant to RCW 43.01.036 to the appropriate committees of the legislature on the use of funds, key metrics and deliverables, and recommendations for further opportunities for collaboration.

(80) \$18,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(81) \$277,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for Substitute Senate

Bill No. 5644 (behavior health co-response). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(82) \$15,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for Engrossed Substitute Senate Bill No. 5874 (military student residency). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(83) \$102,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the university to collaborate with the department of health and the health care authority to develop a licensure and regulatory program for behavioral health support specialists consistent with the provisions in Engrossed Second Substitute Senate Bill No. 5884 (behavioral health support).

(84) \$121,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(85) \$16,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (veterans & military suicide). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(86)(a) \$200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to the institution to conduct a study, in consultation with the department of health and with approval from the Washington state institutional review board, of the ability of Washington residents to make use of the rights established in chapter 70.245 RCW to achieve full access to the Washington death with dignity act. The institution and department shall enter into a signed data sharing agreement for the purpose of the study. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the data sharing agreement must specify that data shared or obtained in the course of this study are not subject to public disclosure. The study shall review the extent to which there are barriers to achieving full access to the Washington death with dignity act.

(b) The department shall provide to the institution the data requested on

deaths of all Washington residents and legal next of kin by August 1, 2022.

(c) By December 1, 2022, the institution shall report its findings to the governor and appropriate committees of the legislature under RCW 43.01.036. Pursuant to RCW 42.56.070, 42.56.360, and 70.245.150, the report must protect the confidentiality of the subjects of any data that it receives while conducting its research, including the names of any patients and health care providers.

Sec. 604. 2021 c 334 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund-State Appropriation (FY 2022) (~~(\$245,660,000)~~)

\$246,492,000

General Fund-State Appropriation (FY 2023) (~~(\$251,842,000)~~)

\$264,669,000

General Fund-Federal Appropriation \$500,000

Washington State University Building Account-State

Appropriation \$792,000

Education Legacy Trust Account-State Appropriation \$33,995,000

Model Toxics Control Operating Account-State

Appropriation \$2,076,000

Dedicated Marijuana Account-State Appropriation

(FY 2022) \$138,000

Dedicated Marijuana Account-State Appropriation

(FY 2023) (~~(\$138,000)~~)

\$175,000

Workforce Education Investment Account-State

Appropriation (~~(\$29,680,000)~~)

\$31,736,000

Waste Reduction, Recycling, and Litter Control

Account-State Appropriation \$331,000

TOTAL APPROPRIATION (~~(\$565,152,000)~~)

\$580,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund–state appropriation for fiscal year 2022 and \$90,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund–state appropriation for fiscal year 2022 and \$500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund–state appropriation for fiscal year 2022, \$7,000,000 of the general fund–state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account–state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund–state appropriation for fiscal year 2022 and \$135,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) (~~(\$30,628,000)~~) \$31,614,000 of the general fund–state appropriation for fiscal year 2022 and (~~(\$31,210,000)~~) \$32,341,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the implementation of

the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund–state appropriation for fiscal year 2022 and \$580,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund–state appropriation for fiscal year 2022 and \$630,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund–state appropriation for fiscal year 2022 and \$1,370,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund–state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund–state appropriation for fiscal year 2022 and \$1,154,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund–state appropriation for fiscal year 2022 and \$376,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of

2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund–state appropriation for fiscal year 2022 and \$585,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund–state appropriation for fiscal year 2022 and \$500,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account–state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account–state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund–state appropriation for fiscal year 2022 and \$20,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the office of clean

technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund–state appropriation for fiscal year 2022 and \$42,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) \$175,000 of the general fund–state appropriation for fiscal year 2022 (~~is~~) and \$215,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in (~~section 1002 of this act~~) section 944 of this act.

(22)(a) \$85,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and

increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

(ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;

(iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and

(iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23)(a) \$331,000 of the waste reduction, recycling, and litter control account-state appropriation is provided solely for the university to conduct an organic waste study to:

(i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and

(ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) \$500,000 of the general fund-federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766,

division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) \$200,000 of the general fund-state appropriation for fiscal year 2022 and \$200,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(26) \$86,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(27) \$101,000 of the general fund-state appropriation for fiscal year 2022 and \$101,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(28) \$281,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) \$224,000 of the general fund-state appropriation for fiscal year 2022 and \$221,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(31) \$1,718,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.))~~

(32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration). (~~if the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.~~)

(33) \$33,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(34) \$341,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for pharmacy behavioral health. Washington State University college of pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(35) \$1,337,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(36) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state commission on pesticide registration to fund research to develop alternatives for growers currently using organophosphate pesticides.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for residential energy code education and support, including training, hotline support to the building industry, and informational material and web resources. The energy program shall engage stakeholders in a discussion of overall enforcement support and work to identify workforce development needs and opportunities.

(38) \$750,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

(39)(a) \$175,000 of the general fund—state appropriation for fiscal year 2023

is provided solely for the Washington state academy of sciences for a review of department of fish and wildlife fishery-related mortality estimates for wild salmonid stocks from conventional and alternative commercial fishing gears authorized for use within lower Columbia river nontribal salmon fisheries, specifically gill net, tangle net, beach seine, purse seine, and pound net, and the ability of each fishing gear to selectively harvest hatchery-reared salmon.

(b) The review must:

(i) Determine the extent to which wild salmonid stocks are harvested in a gear-specific fishery, including a review of current stock composition estimates;

(ii) Identify and synthesize stock-specific data and peer-reviewed scientific literature that exists for immediate and long-term post-release mortality rates and annual wild salmonid stock encounters for each gear within specific fishing seasons in the lower Columbia river; and

(iii) Determine the origins and scientific bases of stock-specific bycatch mortality rate estimates currently used by the department of fish and wildlife for management of endangered species act listed fish stocks impacted by each nontribal commercial fishing gear and evaluate the precision and accuracy of these estimates relative to the data and peer-reviewed scientific literature that exists.

(c) By June 30, 2023, the Washington academy of sciences must submit a report to the appropriate committees of the legislature pursuant to RCW 43.01.036 of its findings and recommendations related to gear-specific data gaps and the need to potentially reassess approved bycatch mortality and encounter rates used by the department of fish and wildlife for fishery management. It is intended that the report will inform development of an investment plan and management strategy to continue the transition of lower Columbia river nontribal commercial fisheries toward science-based selective fishing regimes that create the least harm to wild salmonids and are most beneficial to Columbia river basin salmon recovery efforts.

(40) \$188,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for stormwater research to study the long-term efficacy

of green stormwater infrastructure that incorporates compost to remove pollutants.

(41) \$2,056,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

(42) \$80,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(43) \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 1814 (community solar projects). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(44) \$121,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(45) \$122,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 1622 (sex. assault nurse education). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(46) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University to partner with a nonprofit entity based in Olympia that focuses on sustainable infrastructure solutions to develop recommendations for increasing the economic value and sustainability of Washington's agricultural sector through the use of industrial symbiosis principles, to connect agriculture producers and processors with partners to achieve synergies through systems-based resource sharing resulting in economic benefits and value creation for all participants, through sustainable resource recovery and optimization of energy, water, and organic waste streams. By June 30, 2023, the Washington State University must report recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

Sec. 605. 2021 c 334 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022) (~~(\$58,079,000)~~)

\$58,296,000

General Fund—State Appropriation (FY 2023) (~~(\$59,057,000)~~)

\$61,496,000

Education Legacy Trust Account—State Appropriation \$16,838,000

Workforce Education Investment Account—State

Appropriation (~~(\$5,210,000)~~)

\$15,244,000

TOTAL APPROPRIATION (~~(\$139,184,000)~~)

\$151,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) (~~(\$11,002,000)~~) \$11,356,000 of the general fund—state appropriation for fiscal year 2022 and (~~(\$11,211,000)~~) \$11,617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of

the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$56,000 of the general fund-state appropriation for fiscal year ~~((2022))~~ 2023 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account-state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account-state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund-state appropriation for fiscal year 2022 and \$45,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$300,000 of the workforce education investment account-state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund-state appropriation for fiscal year 2022 and \$500,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund-state appropriation for fiscal year 2022 and \$110,000 of the general fund-state appropriation for fiscal year 2023 are

provided solely for a new summer bridge program.

(13) \$27,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$125,000 of the general fund-state appropriation for fiscal year 2022 and \$125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$121,000 of the general fund-state appropriation for fiscal year 2022 and \$121,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(16) \$548,000 of the workforce education investment account-state appropriation is provided solely for a professional masters of science cyber operations degree option.

(17) \$2,262,000 of the workforce education investment account-state appropriation is provided solely to establish a bachelor of science in cybersecurity degree option through the computer science program.

(18) \$1,054,000 of the workforce education investment account-state appropriation is provided solely for the implementation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$262,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(20) \$6,170,000 of the workforce education investment account-state appropriation is provided solely to establish a bachelor of science in nursing program.

(21) \$68,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$43,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 606. 2021 c 334 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2022) (~~(\$59,896,000)~~)

\$60,220,000

General Fund-State Appropriation (FY 2023) (~~(\$61,151,000)~~)

\$64,057,000

Central Washington University Capital Projects

Account-State	Appropriation
\$76,000	

Education Legacy Trust Account-State Appropriation \$19,076,000

Workforce Education Investment Account-State	Appropriation
	((\$4,022,000))

\$5,071,000

TOTAL	APPROPRIATION
((\$144,221,000))	

\$148,500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not

limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$12,401,000)~~) \$12,800,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$12,636,000)~~) \$13,094,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account-state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account-state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account-state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund-state appropriation for fiscal year 2022 and \$240,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for two psychologists to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund-state appropriation for fiscal year 2022 and \$52,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and

training specifically related to working with active members of the military or military veterans.

(10) \$155,000 of the general fund-state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund-state appropriation for fiscal year 2022 and \$750,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$131,000 of the general fund-state appropriation for fiscal year 2022 and \$131,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$16,000 of the general fund-state appropriation for fiscal year 2022 and \$16,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(15) \$613,000 of the workforce education investment account-state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(16) \$293,000 of the workforce education investment account-state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(17) \$325,000 of the general fund-state appropriation for fiscal year 2023

is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(18) \$143,000 of the workforce education investment account-state appropriation is provided solely for the creation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(19) \$20,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(20) \$55,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for community collaborations to document and preserve the Roslyn cemetery.

Sec. 607. 2021 c 334 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund-State Appropriation (FY 2022) ~~((\$32,450,000))~~

\$32,123,000

General Fund-State Appropriation (FY 2023) ~~((\$32,068,000))~~

\$35,611,000

The Evergreen State College Capital Projects

Account-State	Appropriation
\$80,000	

Education Legacy Trust Account-State Appropriation \$5,450,000

Workforce Education Investment Account-State	
Appropriation	\$3,906,000

TOTAL APPROPRIATION ~~((\$73,954,000))~~

\$77,170,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$3,772,000))~~ \$3,893,000 of the general fund-state appropriation for

fiscal year 2022 and (~~(\$3,843,000)~~) \$3,983,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) (~~(\$3,207,000)~~) \$2,760,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$2,677,000)~~) \$3,560,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and \$937,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group (~~(established in section 959 of this act)~~).

(d) \$25,000 of the amounts in fiscal year 2022 and \$40,000 of the amounts in fiscal year 2023 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in (~~section 1002 of this act~~) section 944 of this act.

(e)(i) (~~(\$90,000)~~) \$14,000 of the amounts in fiscal year 2022 and \$76,000

of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, (~~2022~~) 2023, the institute must submit results from the study to the appropriate committees of the legislature.

(f) (~~(\$70,000)~~) \$124,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$130,000)~~) \$76,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) (~~(\$75,000)~~) \$7,000 of the general fund-state appropriation for fiscal year 2022 (~~(is)~~) and \$68,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than (~~(June 30, 2022)~~) December 1, 2022.

(h)(i) (~~(\$175,000)~~) \$102,000 of the amounts in fiscal year 2022 and \$73,000 of the amounts in fiscal year 2023 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based

practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h)(i)(A) and (B) of this subsection by (~~December 31, 2021~~) June 30, 2022, and a report on (h)(i)(C) of this subsection by (~~June 30, 2022~~) December 1, 2022.

(i) (~~(\$272,000)~~) \$15,000 of the amounts in fiscal year 2022 and (~~(\$98,000)~~) \$286,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(i) shall lapse.)~~)

(j) (~~(\$71,000)~~) \$48,000 of the amounts in fiscal year 2022 and (~~(\$66,000)~~) \$89,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). (~~(If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(j) shall lapse.)~~)

(k)(i) (~~(\$150,000)~~) \$75,000 of the general fund-state appropriation for fiscal year 2022 (~~(is)~~) and \$75,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public

policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, ~~((2021))~~ 2022.

(l) \$47,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amount provided in this subsection (4)(l) shall lapse.))~~

(m) \$71,000 of the amounts in fiscal year 2022 and \$91,000 of the amounts in fiscal year 2023 are provided solely for implementation of chapter 314, Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141) (env. justice task force recs).

(n) \$125,000 of the amounts in fiscal year 2023 is provided solely for an evaluation of student participation in transitional kindergarten programs across the state. By December 31, 2023, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of

public instruction; and the department of children, youth, and families. It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The number of children participating in transitional kindergarten with an individualized education plan;

(vi) An analysis of how school districts select and prioritize children for enrollment in transitional kindergarten;

(vii) The differences in teacher preparation, certification, and classroom instruction for transitional kindergarten compared to the early childhood education and assistance program;

(viii) The identification of why school districts offer transitional kindergarten, the early childhood education and assistance program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and

(ix) The use of transitional kindergarten in other states in comparison to Washington state, and any outcome data available.

(o)(i) \$62,000 of the amounts for fiscal year 2023 is provided solely for a comprehensive study to assess specific

needs of farmworkers in the state in order to help policymakers determine whether those needs are being met by state administered programs, policies, and statutes. The institute must consult with farmworker advocacy organizations, state agencies administering programs and policies impacting farmworkers, and nonprofit organizations that work directly with farmworkers.

(ii) As part of its information gathering, the institute must hear from farmworkers, either directly or through the nonprofit organizations, regarding farmworkers' experiences and working conditions. These personal, real-life experiences from farmworkers must be based on informal interviews or surveys conducted by Latino nonprofit organizations that have well-established connections and relationships with farmworkers.

(iii) The study must focus on needs related to health and safety in the workplace, payment of wages, and preventing harassment and discrimination of, and retaliation against, farmworkers for asserting their rights regarding health and safety standards, wage and hour laws, and access to services.

(iv) The study must include:

(A) An examination of how the relevant state agencies coordinate with each other and federal agencies in administrating and enforcing the various laws, policies, and programs, and of the agencies' education and outreach to farmworkers regarding farmworkers' rights and protections;

(B) A review of available data from, and research of, programs that are intended to increase health and safety outcomes for farmworkers and that are intended to provide farmworkers access to services and benefits; and

(C) Options on ways to improve agency coordination and the effectiveness of reviewed programs.

(v) It is the intent of the legislature to provide funding in the 2023-2025 fiscal biennium budget for the institute to complete the report by June 30, 2025, with a preliminary report submitted by December 1, 2023.

(p) \$116,000 of the amounts in fiscal year 2023 is provided solely for the Washington state institute for public policy to undertake a study on the nature

and scope of the underground economy and to recommend what policy changes, if any, are needed to address the underground economy in the construction industry, including whether greater cohesion and transparency among state agencies is needed. The report must address the extent of and projected costs to the state and workers of the underground economy. The institute must submit a report to the appropriate committees of the legislature by December 1, 2022.

(q) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are

provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund-state appropriation for fiscal year 2022 and \$39,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(13) \$236,000 of the general fund-state appropriation for fiscal year 2022 and \$220,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$158,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(15) \$142,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for student mental health and wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(16) \$196,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for additional laboratory, art, and media lab sections.

(17) \$600,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff

on working with incarcerated populations.

(18) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of chapter 329, Laws of 2021 (Substitute House Bill No. 1223) (custodial interrogations).

(19) \$27,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 608. 2021 c 334 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2022) ~~((\$83,910,000))~~

\$84,528,000

General Fund-State Appropriation (FY 2023) ~~((\$85,554,000))~~

\$91,203,000

Western Washington University Capital Projects

Account-State Appropriation \$1,424,000

Education Legacy Trust Account-State Appropriation \$13,831,000

Workforce Education Investment Account-State

Appropriation ~~((\$6,698,000))~~

\$8,727,000

TOTAL APPROPRIATION ~~((\$191,417,000))~~

\$199,713,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices

implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$17,116,000)~~) \$17,667,000 of the general fund-state appropriation for fiscal year 2022 and (~~(\$17,441,000)~~) \$18,073,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund-state appropriation for fiscal year 2022 and \$548,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund-state appropriation for fiscal year 2022 and \$700,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) \$1,306,000 of the general fund-state appropriation for fiscal year 2022 and \$1,306,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(8) \$886,000 of the general fund-state appropriation for fiscal year 2022 and \$886,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree

programs offered in partnership with Olympic college-Bremerton, Olympic college-Poulsbo, and Peninsula college-Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund-state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account-state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account-state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account-state appropriation is provided solely to

establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund–state appropriation for fiscal year 2022 and \$48,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund–state appropriation for fiscal year 2022 and \$530,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(17) \$353,000 of the general fund–state appropriation for fiscal year 2022 and \$153,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(18) \$5,000 of the general fund–state appropriation for fiscal year 2022 and \$2,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(19) \$769,000 of the workforce education investment account–state appropriation is provided solely for upgrading Cyber Range equipment and software.

(20) \$1,260,000 of the workforce education investment account–state

appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(21) \$461,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for establishing a new master of science program in nursing.

(22) \$433,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the registered nurse to bachelors in nursing program.

(23) \$767,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for institution compensation costs in recognition that these costs exceed estimated increases in undergraduate operating fee revenue.

(24) \$30,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for a review of how existing homeowners' associations, condominium associations, associations of apartment owners, and common interest communities in Washington can incorporate accessory dwelling units. The review shall include an examination of the governing documents of these associations and communities to determine how accessory dwelling units are explicitly or implicitly restricted and what the overall impact is on the state's housing supply from such restrictions. By June 30, 2023, in compliance with RCW 43.01.036, the institution must submit a report detailing its findings to the appropriate committees of the legislature.

(25) \$66,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1751 (hazing prevention). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 609. 2021 c 334 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL–
POLICY COORDINATION AND ADMINISTRATION**

General Fund–State Appropriation (FY 2022) (~~(\$7,667,000)~~)

\$7,777,000

General Fund–State Appropriation (FY 2023) (~~(\$7,552,000)~~)

\$12,583,000

General Fund–Federal Appropriation (~~(\$4,928,000)~~)

\$4,941,000

Workforce Education Investment Account–State

Appropriation (~~(\$615,000)~~)

\$6,427,000

TOTAL APPROPRIATION (~~(\$20,762,000)~~)

\$31,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund–state appropriation for fiscal year 2022 and \$126,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account–state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account–state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund–state appropriation for fiscal year 2022 and \$575,000 of the general fund–state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters

28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund–state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in (~~section 605(29) of this act~~) section 602(29) of this act.

(7) \$29,000 of the general fund–state appropriation for fiscal year 2022 and \$29,000 of the general fund–state appropriation for fiscal year 2023 are

provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(8) \$16,000 of the general fund-state appropriation for fiscal year 2022 and \$16,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(9) \$1,000,000 of the workforce education investment account-state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(10) \$3,600,000 of the workforce education investment account-state appropriation is provided solely for a grant pool dedicated to nursing programs to purchase or upgrade simulation laboratory equipment.

(11) \$250,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the student achievement council to convene and coordinate the development of education and training programs for employees, focusing on correctional officers and medical staff, of the department of corrections to be provided through a contract with The Evergreen State College. Education and training programs must be designed collaboratively to best meet the needs of the department of corrections.

(12) \$850,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(13) \$246,000 of the general fund-state appropriation for fiscal year 2023 is provided solely to expand the homeless student assistance pilot program by two additional public four-year institutions of higher education. The institutions participating in the pilot program are subject to the same requirements as in RCW 28B.50.916. Of the amounts in this subsection, \$30,000 of the general fund-

state appropriation for fiscal year 2023 is provided solely for administration.

(14) \$100,000 of the general fund-state appropriation for fiscal year 2022 and \$150,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a Pierce county school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.

(15)(a) \$80,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college and university staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The legislature expects the council, in collaboration with the council of presidents and the health benefit exchange, to report to the appropriate committees of the legislature information about barriers students, including those enrolled in state registered apprenticeship

programs, encountered to accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.

(16) \$25,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the Washington student achievement council to convene stakeholders from institutions of higher education, students, and community-based organizations to develop recommendations regarding residency statutes with the goal of ensuring consistent application of residency statutes and clarifying pathways to being a Washington resident student with a focus on ensuring equity to accessing student residency. By December 1, 2022, the council must submit a report with recommendations to the appropriate committees of the legislature pursuant to RCW 43.01.036.

(17) \$10,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 602 through 608 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 601(4), 602(37), and 602(45) of this act. The progress report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2023, and a final report is expected by December 1, 2024.

(18) \$2,800,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to a nonprofit organization located in King county to expand college services to support underserved students impacted by the pandemic and improve college retention and completion rates.

(19) \$275,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for Engrossed Second Substitute Senate Bill No. 5764 (apprenticeships and higher ed). If the bill is not enacted by June 30, 2022, the amounts provided in this subsection shall lapse.

(20) \$137,000 of the general fund–state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5847

(public employee PLSF info). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(21) \$1,200,000 of the workforce education investment account–state appropriation is provided solely for implementation of Second Substitute House Bill No. 1835 (postsecondary enrollment). No more than \$200,000 of the amounts provided in this subsection may be used for administration. If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(22) \$150,000,000 of the Washington student loan account–state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(23) If Second Substitute Senate Bill No. 5789 (innovation challenge program) is enacted by June 30, 2022, community-based organizations that receive state funding under subsection (18) of this section and section 602(41) of this act are not eligible for Washington career and college pathways innovation challenge program grant funding for the same purpose.

Sec. 610. 2021 c 334 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL–
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund–State Appropriation (FY 2022) (~~(\$274,215,000)~~)

\$274,216,000

General Fund–State Appropriation (FY 2023) (~~(\$270,597,000)~~)

\$224,541,000

General Fund–Federal Appropriation (~~(\$14,061,000)~~)

\$14,096,000

General Fund–Private/Local Appropriation \$300,000

Education Legacy Trust Account–State Appropriation \$85,488,000

Washington Opportunity Pathways Account–State

Appropriation (~~(\$164,598,000)~~)

\$223,786,000
 Aerospace Training Student Loan
 Account-State
 Appropriation ((~~\$216,000~~))
\$217,000
 Workforce Education Investment
 Account-State
 Appropriation ((~~\$299,870,000~~))
\$248,456,000
 Health Professionals Loan Repayment
 and Scholarship
 Program Account-State Appropriation
 \$1,720,000
 TOTAL APPROPRIATION
 ((~~\$1,111,065,000~~))
\$1,072,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund-state appropriation for fiscal year 2022 and \$7,835,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund-state appropriation for fiscal year 2022, ((~~\$236,416,000~~)) \$176,416,000 of the general fund-state appropriation for fiscal year 2023, ((~~\$297,865,000~~)) \$218,824,000 of the workforce education investment account-state appropriation, \$69,639,000 of the education legacy trust fund-state appropriation, and ((~~\$147,654,000~~)) \$207,654,000 of the Washington opportunity pathways account-state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund-state appropriation for fiscal year 2022, \$1,165,000 of the general fund-state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account-state appropriation, and ((~~\$16,944,000~~)) \$16,132,000 of the Washington opportunity pathways account-state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund-state appropriation for fiscal year 2022 and \$6,999,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund-state appropriation for fiscal year 2022 ((~~\$~~)) and \$8,551,000 of the general fund-state appropriation for fiscal year 2023 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund-state appropriation for fiscal year 2022 and \$3,800,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the

department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund-state appropriation for fiscal year 2022 and \$1,000,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund-state appropriation for fiscal year 2022 and ~~(\$4,125,000)~~ \$6,125,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account-state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund-federal appropriation (ARPA) is provided

solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund-state appropriation for fiscal year 2022 and ~~(\$1,138,000)~~ \$1,313,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence. \$175,000 of the general fund-state appropriation for fiscal year 2023 shall be used for administration.

(13) \$258,000 of the general fund-state appropriation for fiscal year 2022 and \$258,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). ~~((If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.))~~

(14) \$500,000 of the general fund-state appropriation for fiscal year 2022 ~~((is))~~ and \$206,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for a state match associated with the rural jobs program. ~~((The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.))~~

(15) \$27,627,000 of the workforce education investment account-state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(16) \$3,000,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of House Bill No. 2007 (nurse educator loans). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 611. 2021 c 334 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund-State Appropriation (FY 2022) ~~(\$2,715,000)~~

\$2,798,000
 General Fund–State Appropriation (FY
 2023) (~~(\$2,436,000)~~)
\$5,139,000
 General Fund–Federal Appropriation
 (~~(\$55,483,000)~~)
\$55,611,000
 General Fund–Private/Local
 Appropriation \$212,000
 Workforce Education Investment
 Account–State
 Appropriation \$150,000
 Coronavirus State Fiscal Recovery
 Fund–Federal
 Appropriation \$250,000
 TOTAL APPROPRIATION
 (~~(\$61,246,000)~~)
\$64,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$240,000 of the general fund–state appropriation for fiscal year 2022 and \$240,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$150,000 of the workforce education investment account–state appropriation is provided solely for staffing costs to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(3) \$150,000 of the general fund–state appropriation for fiscal year 2022 and \$150,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the board to continue work under a new behavioral health workforce advisory committee, which shall monitor and report on the progress of recommendations from the board's previous behavioral health workforce assessments, and continue to develop policy and practice recommendations on

emerging issues in the behavioral health workforce. The board must convene and staff the committee. The committee must provide a report and relevant recommendations to the appropriate committees of the legislature and the office of the governor under RCW 43.01.036 by December 1, 2021, and December 1, 2022.

(4) \$250,000 of the coronavirus state fiscal recovery fund–federal appropriation is provided solely for an accredited osteopathic medical school to implement an interprofessional curriculum to educate health care providers and workforce on opioid misuse and addiction.

(5) \$225,000 of the general fund–state appropriation for fiscal year 2022 and \$225,000 of the general fund–state appropriation for fiscal year 2023 are provided solely for the board to collaborate and assist in the report required by the new behavioral health advisory committee established in subsection (3) of this section. The report shall contain an analysis of behavioral health workforce shortages and challenges, data to inform systems change, and relevant policy recommendations and actions informed by the employer demand projection and talent development pipeline analyses to the appropriate committees of the legislature and the office of the governor by December 1, 2021, and December 1, 2022. The board shall contract with a statewide nonprofit organization with expertise in promoting and supporting science, technology, engineering, and math education from early learning through postsecondary education to provide a regional analysis of supply pipelines to current behavioral health care opportunities, at the secondary and postsecondary levels, and will identify gaps and barriers to programs that lead to high-demand behavioral health occupations. In coordination with the board's employer demand projection analysis, the contractor will provide an analysis of the talent development pipeline to help inform the committee's work.

(6) \$772,000 of the general fund–state appropriation for fiscal year 2023 is provided solely to conduct health workforce surveys, in collaboration with the nursing care quality assurance commission, to collect and analyze data on the long-term care workforce; and

manage a stakeholder process to address retention and career pathways in long-term care facilities.

(7) \$1,200,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for apprenticeship grants, in collaboration with the nursing care quality assurance commission and the department of labor and industries, to address the long-term care workforce.

(8) \$209,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for administrative expenditures for the Washington award for vocational excellence.

(9) \$216,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the board to collaborate with other state workforce agencies to identify a governance structure that provides strategic direction on cross-organizational information technology projects. By December 1, 2022, the board will submit a report the governor's office and appropriate legislative committees with recommendations on a coalition model that will result in better service coordination and public stewardship that enables the efficient delivery of workforce development services.

(10) \$18,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for Second Substitute Senate Bill No. 5789 (innovation challenge program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

(11) \$187,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Substitute House Bill No. 2019 (careers in retail). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 612. 2021 c 334 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund-State Appropriation (FY 2022) (~~(\$9,224,000)~~)

\$9,278,000

General Fund-State Appropriation (FY 2023) (~~(\$9,357,000)~~)

\$9,939,000

General Fund-Private/Local
Appropriation \$34,000

TOTAL	APPROPRIATION
((\$18,615,000))	
<u>\$19,251,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$24,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 613. 2021 c 334 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund-State Appropriation (FY 2022) (~~(\$14,767,000)~~)

\$15,108,000

General Fund-State Appropriation (FY 2023) (~~(\$14,974,000)~~)

\$16,104,000

TOTAL	APPROPRIATION
((\$29,741,000))	
<u>\$31,212,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$225,000 of the general fund-state appropriation in fiscal year 2022 and \$225,000 of the general fund-state

appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(3) \$5,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1153 (language access in schools). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Sec. 614. 2021 c 334 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund-State Appropriation (FY 2022) (~~(\$2,614,000)~~)

\$2,760,000

General Fund-State Appropriation (FY 2023) (~~(\$2,648,000)~~)

\$4,788,000

General Fund-Federal Appropriation (~~(\$3,156,000)~~)

\$3,169,000

General Fund-Private/Local Appropriation (~~(\$50,000)~~)

\$143,000

Coronavirus State Fiscal Recovery Fund-Federal

Appropriation \$2,000,000

TOTAL APPROPRIATION (~~(\$10,468,000)~~)

\$12,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$80,000 of the general fund-state appropriation for fiscal year 2022 and \$79,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund-federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) \$1,000,000 of the coronavirus state fiscal recovery fund-federal appropriation for fiscal year 2022 and \$1,000,000 of the coronavirus state fiscal recovery fund-federal appropriation for fiscal year 2023 are provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

(4) \$71,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for a grant to a business network in the Goldendale area to continue an arts-based revitalization and transformation project in downtown Goldendale.

Sec. 615. 2021 c 334 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund-State Appropriation (FY 2022) (~~(\$4,024,000)~~)

\$4,270,000

General Fund-State Appropriation (FY 2023) (~~(\$4,035,000)~~)

\$4,878,000

TOTAL APPROPRIATION (~~(\$8,059,000)~~)

\$9,148,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the Washington state

historical society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to establish a new archive that captures the narratives and primary source materials of Jewish Washingtonians. This new archive must create the capacity to capture a 15-year backlog of hundreds of narratives and materials of Jewish Washingtonians, as well as unlimited new submissions, with the future goal of making these materials available to the public and linking to existing Jewish archival collections at the University of Washington.

(2) \$100,000 of the general fund-state appropriation for fiscal year 2023 is provided solely for the department to contract with an organization that works with and connects museums in Washington state to create an inventory of heritage organizations across the state as the first phase of a Washington museums connect initiative.

Sec. 616. 2021 c 334 s 619 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund-State Appropriation (FY 2022) (~~(\$3,305,000)~~)

\$3,481,000

General Fund-State Appropriation (FY 2023) (~~(\$3,388,000)~~)

\$4,095,000

TOTAL APPROPRIATION
(~~(\$6,693,000)~~)

\$7,576,000

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2021 c 334 s 701 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund-State Appropriation (FY 2022) (~~(\$9,029,000)~~)

\$14,143,000

General Fund-State Appropriation (FY 2023) (~~(\$4,514,000)~~)

\$14,244,000

General Fund-Federal Appropriation	
((\$2,481,000))	
	<u>\$5,736,000</u>
General Fund-Private/Local Appropriation ((\$92,000))	
	<u>\$113,000</u>
Other Appropriated Funds	
((\$15,707,000))	
	<u>\$19,647,000</u>
TOTAL APPROPRIATION	
((\$31,823,000))	
	<u>\$53,883,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2021, dated April 22, 2021, and IT-2022, dated March 8, 2022, which (~~is~~) are hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2021, dated April 22, 2021, and IT-2022, dated March 8, 2022, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to (~~the office of financial management and~~) the office of the chief information officer (~~to receive funding from the information technology investment revolving account~~) for certification and release of funding for each gate of the project. (~~The~~) When the office of the chief information officer certifies the key deliverables of the gate have been met and a current technology budget is approved, it must notify the office of financial management (~~must notify~~) and the fiscal committees of the legislature

~~((of the receipt of each application and)). The office of financial management may not approve ((a funding request for)) funding for the certified project gate any earlier than ten business days from the date of notification to the fiscal committees of the legislature.~~

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the

fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) ~~((Discrete))~~ Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document, and when it was completed;
- (iii) Financial status of information technology projects under oversight;
- (iv) Coordination with agencies;
- (v) Monthly quality assurance reports, if applicable;
- (vi) Monthly office of the chief information officer status reports;
- (vii) Historical project budget and expenditures through fiscal year 2021;
- (viii) Budget and expenditures each fiscal month;
- (ix) Estimated annual maintenance and operations costs by fiscal year; and
- (x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology

outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The following information technology projects are subject to the conditions, limitations, and review in this section:

(a) The unclaimed property system project of the department of revenue;

(b) The one Washington procurement project of the department of enterprise services;

(c) The security systems on campus project of the department of enterprise services;

(d) The network core equipment project of the consolidated technology services agency; and

(e) The data center switching equipment project of the consolidated technology services agency.

Sec. 702. 2021 c 334 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2022) (~~(\$1,273,008,000)~~)

\$1,265,240,000

General Fund—State Appropriation (FY 2023) (~~(\$1,374,570,000)~~)

\$1,342,278,000

State Building Construction Account—State

Appropriation (~~(\$12,323,000)~~)

\$19,323,000

Columbia River Basin Water Supply Development

Account—State Appropriation \$13,000

Watershed Restoration and Enhancement Bond Account—

State Appropriation \$181,000

State Taxable Building Construction Account—State

Appropriation \$467,000

Debt-Limit Reimbursable Bond Retirement Account—

State Appropriation \$511,000

TOTAL APPROPRIATION (~~(\$2,661,073,000)~~)

\$2,628,013,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 703. 2021 c 334 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2022) \$1,400,000

General Fund—State Appropriation (FY 2023) \$1,400,000

State Building Construction Account—State

Appropriation ((~~\$2,466,000~~))

\$4,249,000

Columbia River Basin Water Supply
Development

Account-State Appropriation \$3,000

Watershed Restoration and Enhancement
Bond Account--

State Appropriation \$39,000

State Taxable Building Construction
Account-State

Appropriation \$94,000

TOTAL APPROPRIATION

((~~\$5,402,000~~))

\$7,185,000

Sec. 704. 2021 c 334 s 705
(uncodified) is amended to read as
follows:

**FOR THE OFFICE OF FINANCIAL
MANAGEMENT--EMERGENCY FUND**

General Fund-State Appropriation (FY
2022) ((~~\$850,000~~))

\$1,100,000

General Fund-State Appropriation (FY
2023) ((~~\$950,000~~))

\$1,000,000

TOTAL APPROPRIATION

((~~\$1,700,000~~))

\$2,100,000

The appropriations in this section are
subject to the following conditions and
limitations: The appropriations in this
section are for the governor's emergency
fund for the critically necessary work of
any agency.

Sec. 705. 2021 c 334 s 706
(uncodified) is amended to read as
follows:

**FOR THE OFFICE OF FINANCIAL
MANAGEMENT--EMERGENCY ASSISTANCE FUND**

General Fund-State Appropriation (FY
2022) ((~~\$2,500,000~~))

\$5,000,000

General Fund-State Appropriation (FY
2023) ((~~\$2,500,000~~))

\$5,000,000

TOTAL APPROPRIATION

((~~\$5,000,000~~))

\$10,000,000

The appropriations in this section are
subject to the following conditions and
limitations: The appropriations in this
section are for the governor's emergency
fund for individual assistance
consistent with RCW 38.52.030(9) during
an emergency proclaimed by the governor,
as defined in RCW 38.52.010(9). The
office of financial management must
notify the fiscal committees of the
legislature of the receipt of each
application or request for individual
assistance from the governor's emergency
fund by the governor or the adjutant
general. The office of financial
management may not approve, nor release,
funding for 10 business days from the
date of notification to the fiscal
committees of the legislature.

Sec. 706. 2021 c 334 s 718
(uncodified) is amended to read as
follows:

**FOR THE OFFICE OF FINANCIAL
MANAGEMENT--ANDY HILL CANCER RESEARCH
ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund-State Appropriation (FY
2022) \$951,000

General Fund-State Appropriation (FY
2023) \$30,683,000

TOTAL APPROPRIATION ((~~\$951,000~~))

\$31,634,000

The appropriation in this section is
subject to the following conditions and
limitations: The appropriation in this
section is provided solely for
expenditure into the Andy Hill cancer
research endowment fund match transfer
account per RCW 43.348.080 to fund the
Andy Hill cancer research endowment
program. Matching funds using the amounts
appropriated in this section may not be
used to fund new grants that exceed two
years in duration.

Sec. 707. 2021 c 334 s 723
(uncodified) is amended to read as
follows:

**FOR THE OFFICE OF FINANCIAL
MANAGEMENT--NORTHEAST WASHINGTON WOLF-
LIVESTOCK MANAGEMENT ACCOUNT**

General Fund-State Appropriation (FY
2022) \$496,000

General Fund-State Appropriation (FY
2023) ((~~\$456,000~~))

\$546,000

TOTAL APPROPRIATION ((~~\$952,000~~))

\$1,042,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

Sec. 708. 2021 c 334 s 724 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT

General Fund—State Appropriation (FY 2022) (~~(\$19,618,000)~~)

\$46,148,000

TOTAL APPROPRIATION (~~(\$19,618,000)~~)

\$46,148,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to chapter 98, Laws of 2020 and chapter 363, Laws of 2019. This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, (~~2022~~) 2024.

Sec. 709. 2021 c 334 s 744 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—PUBLIC HEALTH WORKFORCE

General Fund—Federal Appropriation (~~(\$100,000,000)~~)

\$85,000,000

TOTAL APPROPRIATION (~~(\$100,000,000)~~)

\$85,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to hire case investigators, contact tracers, public health nurses, disease intervention specialists,

epidemiologists, and other positions as may be required to prevent, prepare for, and respond to COVID-19, and to provide personal protection equipment. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 710. 2021 c 334 s 745 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES

General Fund—Federal Appropriation (~~(\$100,000,000)~~)

\$76,000,000

TOTAL APPROPRIATION (~~(\$100,000,000)~~)

\$76,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for vaccine distribution and administration, including the establishment and expansion of community vaccination centers and mobile vaccination units, particularly in underserved areas; reporting enhancements; communication efforts; and transportation of individuals, particularly in underserved populations, to vaccination sites. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 711. 2021 c 334 s 746 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—TESTING AND TRACING

General Fund—Federal Appropriation (~~(\$900,000,000)~~)

\$780,000,000

TOTAL APPROPRIATION (~~(\$900,000,000)~~)

\$780,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund-federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic, including diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

Sec. 712. 2021 c 334 s 748 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-STATE HEALTH CARE AFFORDABILITY ACCOUNT

General Fund-State Appropriation (FY 2023) (~~(\$50,000,000)~~)
\$55,000,000
 TOTAL APPROPRIATION
 (~~(\$50,000,000)~~)
\$55,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriations are provided solely for expenditure into the state health care affordability account created in (~~Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans)~~) RCW 43.71.130. (~~If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.~~)

(2) It is the intent of the legislature to continue the policy of expending \$5,000,000 into the account each fiscal year in future biennia for the purpose of funding premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in section 214(11)(a) of this act. Future expenditures into the account are contingent upon approval of the applicable waiver described in section 214(12)(b) of this act.

Sec. 713. 2021 c 334 s 753 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-CORONAVIRUS RELIEF FUNDS

General Fund-Federal Appropriation
 (~~(\$280,000,000)~~)
\$5,711,000
 TOTAL APPROPRIATION
 (~~(\$280,000,000)~~)
\$5,711,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund-federal appropriation (CRF) is provided solely to the office of financial management for (~~allotment~~) allocation to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an (~~allotment~~) allocation under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

NEW SECTION. Sec. 714. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2022, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants

acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) William J. Damson, claim number 9991006839 \$14,880

(2) David Ziller, claim number 9991006721 \$13,257

(3) Caleb B. Cline, claim number 9991006671 \$23,367

(4) Julaine D. Pettis, claim number 9991005948 \$20,000

(5) Jaydra Erchul Johnson, claim number 9991005804 \$8,270

(6) Christopher Lundvall, claim number 9991007205 \$45,022

(7) Carlos Cervantes, claim number 9991007388 \$6,298

(8) Jarel Jones-White, claim number 9991007721 \$3,665

NEW SECTION. Sec. 715. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—APPLE HEALTH AND HOMES ACCOUNT**

General Fund—State Appropriation (FY 2023) \$37,192,000

TOTAL APPROPRIATION \$37,192,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the apple health and homes account created in Engrossed Substitute House Bill No. 1866 (supportive housing). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 716. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON AUTO THEFT PREVENTION AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2023) \$3,500,000

TOTAL APPROPRIATION \$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington auto theft prevention authority account created in RCW 46.66.080.

NEW SECTION. Sec. 717. A new section is added to 2021 c 334 (uncodified) to

read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—CAPITAL COMMUNITY ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$650,000,000

TOTAL APPROPRIATION \$650,000,000

The appropriation in this section is subject to the following conditions and limitations: The amount in this section is provided solely for expenditure into the capital community assistance account created in section 946 of this act.

NEW SECTION. Sec. 718. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—OPERATING SUBACCOUNT OF THE COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,000,000

TOTAL APPROPRIATION \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the operating subaccount of the community preservation and development authority account created in RCW 43.167.040.

NEW SECTION. Sec. 719. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMUNITY REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2023) \$200,000,000

TOTAL APPROPRIATION \$200,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the community reinvestment account created in section 947 of this act.

NEW SECTION. Sec. 720. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT: JUVENILE CODE REVISIONS**

General Fund—State Appropriation (FY 2022) \$331,000

General Fund—State Appropriation (FY 2023) \$331,000

TOTAL APPROPRIATION \$662,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

NEW SECTION. Sec. 721. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—DRIVER RESOURCE CENTER FUND**

General Fund—State Appropriation (FY 2023) \$6,000,000

TOTAL APPROPRIATION \$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the driver resource center fund created in Substitute House Bill No. 2076 (transp. network companies). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 722. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—ENTERPRISE SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) \$500,000

TOTAL APPROPRIATION \$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the enterprise services account created in RCW 43.19.025 in support of the real estate services program.

NEW SECTION. Sec. 723. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$350,000,000

TOTAL APPROPRIATION \$350,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the family and medical leave insurance account created in RCW 50A.05.070 on June 30, 2023. The office of financial management may only expend the amount necessary to keep the family and medical leave insurance account from being in a deficit at the close of the fiscal biennium, after certification from the employment security department.

NEW SECTION. Sec. 724. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON CAREER AND COLLEGE PATHWAYS INNOVATION CHALLENGE PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2023) \$6,000,000

TOTAL APPROPRIATION \$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington career and college pathways innovation challenge program account created in RCW 28B.120.040 to implement Second Substitute Senate Bill No. 5789 (innovation challenge program). If the bill is not enacted by June 30, 2022, the amount provided in this subsection shall lapse. General fund appropriations into the account are intended for the current and next ensuing fiscal biennium only. The student achievement council must report on the uses of the general fund moneys deposited in the account by December 1, 2022, to allow the legislature to assess the program and general fund support.

NEW SECTION. Sec. 725. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON INTERNET CRIMES AGAINST CHILDREN ACCOUNT**

General Fund—State Appropriation (FY 2022) \$1,135,000

General Fund—State Appropriation (FY 2023) \$1,135,000

TOTAL APPROPRIATION \$2,270,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington internet crimes against

children account created in RCW 43.101.435.

NEW SECTION. Sec. 726. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT**

General Fund—State Appropriation (FY 2022) \$11,306,000

General Fund—State Appropriation (FY 2023) \$6,224,000

TOTAL APPROPRIATION \$17,530,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial information systems account created in RCW 2.68.020.

NEW SECTION. Sec. 727. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,000,000

General Fund—State Appropriation (FY 2023) \$112,750,000

TOTAL APPROPRIATION \$114,750,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization account created in RCW 43.79.505.

NEW SECTION. Sec. 728. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STATE LEADERSHIP BOARD ACCOUNT**

General Fund—State Appropriation (FY 2023) \$637,000

TOTAL APPROPRIATION \$637,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington state leadership board account created in Senate Bill No. 5750 (WA leadership board). If the bill is not enacted by June 30, 2022, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 729. A new section is added to 2021 c 334 (uncodified) to

read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—LIABILITY ACCOUNT**

General Fund—State Appropriation (FY 2023) \$217,000,000

TOTAL APPROPRIATION \$217,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the liability account created in RCW 4.92.130 to ensure the account is not in deficit.

NEW SECTION. Sec. 730. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—MULTIMODAL TRANSPORTATION ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,000,000,000

TOTAL APPROPRIATION \$2,000,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the multimodal transportation account created in RCW 47.66.070.

NEW SECTION. Sec. 731. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—SALMON RECOVERY ACCOUNT**

General Fund—State Appropriation (FY 2023) \$100,000,000

TOTAL APPROPRIATION \$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the salmon recovery account created in RCW 77.85.170.

NEW SECTION. Sec. 732. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE VEHICLE PARKING ACCOUNT**

General Fund—State Appropriation (FY 2022) \$2,178,000

TOTAL APPROPRIATION \$2,178,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state vehicle parking account created in RCW 43.01.225 in support of the parking

program within the department of enterprise services.

NEW SECTION. Sec. 733. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—TRIBAL GOVERNMENT ASSISTANCE**

General Fund—State Appropriation (FY 2022) \$401,000

TOTAL APPROPRIATION \$401,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to tribes with police officers certified through the criminal justice training commission pursuant to RCW 43.101.157 to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021. Distributions shall be made according to LEAP document tribal allocations 1 dated February 20, 2022.

NEW SECTION. Sec. 734. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$13,964,000

TOTAL APPROPRIATION \$13,964,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the disaster response account created in RCW 38.52.105.

NEW SECTION. Sec. 735. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—ELECTRIC VEHICLE INCENTIVE ACCOUNT**

General Fund—State Appropriation (FY 2023) \$120,000,000

TOTAL APPROPRIATION \$120,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the electric vehicle incentive account created in section 948 of this act.

NEW SECTION. Sec. 736. A new section is added to 2021 c 334 (uncodified) to

read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—RECRUITMENT AND RETENTION ADJUSTMENTS**

General Fund—State Appropriation (FY 2023) \$50,000,000

General Fund—Federal Appropriation \$10,978,000

General Fund—Private/Local Appropriation \$808,000

Salary and Insurance Contributions Increase

Revolving Account—State Appropriation \$22,554,000

TOTAL APPROPRIATION \$84,340,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided solely for implementation of classification-based salary adjustments for state employees whose jobs are difficult for the state to recruit and retain a competitive workforce. The office of financial management is directed to develop a plan to make appropriate adjustments based upon the results of the 2020 state salary survey conducted according to RCW 41.06.160, and make adjustments to the results of the study as the director determines to be well-documented by agency experience due to the SARS-CoV2 (COVID-19) pandemic, including resulting changes in the labor market. Before determining any adjustments, the director must seek input from the exclusive bargaining representatives for any potentially impacted bargaining units. The classification adjustments must uniformly take effect July 1, 2022.

(2) Adjustments are to be made across the state workforce, including both represented and non-represented employees with a goal of addressing those jobs that fall the farthest below market rates, or where the documented agency experience recruiting or retaining employees is the most severe. Adjustments will not be made to job classifications that are exclusive to higher education institutions. In making the adjustments, the director may also include increases to address issues of compression and inversion.

(3) Upon completion of the plan, the director must transmit the plan to the legislative fiscal committees and the joint committee on employment relations.

This transmission must identify the job classes, by agency and number of employees, that are impacted by the plan. The transmission also must indicate the proposed increase for each impacted job class.

(4) Where the adjustments affect represented employees, expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

(5) The office of financial management shall allocate the moneys appropriated in this section to individual agencies in the amounts necessary to fulfill the plan but may not exceed amounts provided in this section.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 737. A new section is added to 2021 c 334 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT-WASHINGTON STUDENT LOAN ACCOUNT**

General Fund-State Appropriation (FY 2023) \$111,000,000

Workforce	Education	Investment
Account-State		

Appropriation	\$39,000,000
TOTAL APPROPRIATION	\$150,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington student loan account created in Engrossed Second Substitute House Bill No. 1736 (state student loan program). If the bill is not enacted by June 30, 2022, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 738. The following acts or parts of acts are each repealed:

- (1)2021 c 334 s 730 (uncodified);
- (2)2021 c 334 s 731 (uncodified);

- (3)2021 c 334 s 732 (uncodified);
- (4)2021 c 334 s 733 (uncodified);
- (5)2021 c 334 s 734 (uncodified);
- (6)2021 c 334 s 735 (uncodified);
- (7)2021 c 334 s 736 (uncodified);
- (8)2021 c 334 s 737 (uncodified);
- (9)2021 c 334 s 749 (uncodified); and
- (10)2021 c 334 s 752 (uncodified).

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2021 c 334 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium	distributions
((\$9,757,000))	
<u>\$12,107,000</u>	

General Fund Appropriation for prosecuting attorney

distributions	((\$9,284,000))
<u>\$7,975,000</u>	

General Fund Appropriation for boating safety and

education	distributions
((\$4,000,000))	
<u>\$6,395,000</u>	

General Fund Appropriation for public utility

district excise tax	distributions
((\$66,759,000))	
<u>\$67,206,000</u>	

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies	\$3,303,000
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Aquatic Lands Enhancement Account Appropriation for

harbor improvement	revenue
distributions	\$140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties
 ((~~\$73,911,000~~))
\$77,324,000

County Criminal Justice Assistance
 Appropriation ((~~\$114,428,000~~))
\$115,238,000

Municipal Criminal Justice Assistance
 Appropriation ((~~\$45,073,000~~))
\$45,587,000

City-County Assistance Appropriation
 ((~~\$39,939,000~~))
\$56,205,000

Liquor Excise Tax Account
 Appropriation for liquor
 excise tax distribution
 ((~~\$76,474,000~~))
\$87,317,000

Columbia River Water Delivery Account
 Appropriation
 for the Confederated Tribes of the
 Colville
 Reservation ((~~\$8,612,000~~))
\$8,690,000

Columbia River Water Delivery Account
 Appropriation
 for the Spokane Tribe of Indians
 ((~~\$5,975,000~~))
\$6,036,000

Liquor Revolving Account Appropriation
 for liquor
 profits distribution \$98,876,000
 General Fund Appropriation for other
 tax
 distributions ((~~\$80,000~~))
\$102,000

General Fund Appropriation for
 ((~~Marijuana~~))
 Cannabis Excise Tax distributions
 ((~~\$40,000,000~~))
\$20,000,000

Dedicated Marijuana Account
Appropriation for Cannabis
Excise Tax distributions pursuant to
Engrossed

Second Substitute Senate Bill No. 5796
(cannabis)

revenue) \$25,243,000

General Fund Appropriation for Habitat
 Conservation

Program distributions \$5,754,000

General Fund Appropriation for payment
 in lieu of

taxes to counties under Department of
 Fish and

Wildlife Program \$4,040,000

Puget Sound Taxpayer Accountability
 Account

Appropriation for distribution to
 counties in

amounts not to exceed actual deposits
 into the

account and attributable to those
 counties'

share pursuant to RCW 43.79.520.
 ((~~\$33,460,000~~))

\$51,983,000

Manufacturing and Warehousing Job
 Centers Account

Appropriation for distribution to
 local taxing

jurisdictions to mitigate the
 unintended

revenue redistributions effect of
 sourcing law

changes pursuant to Engrossed
 Substitute House

Bill No. 1521 (warehousing &
 manufacturing

jobs). ((~~If Engrossed Substitute House~~

~~Bill No. 1521 (warehousing &~~

~~manufacturing jobs) is not enacted by~~

~~June 30, 2021, this distribution is~~

~~null and void.)) \$12,150,000~~

TOTAL APPROPRIATION
 ((~~\$652,015,000~~))

\$711,671,000

The total expenditures from the state
 treasury under the appropriations in this
 section shall not exceed the funds
 available under statutory distributions
 for the stated purposes.

Sec. 802. 2021 c 334 s 802
 (uncodified) is amended to read as
 follows:

**FOR THE STATE TREASURER—FOR THE COUNTY
CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation
 ((~~\$2,551,000~~))
\$2,015,000
 TOTAL APPROPRIATION
 ((~~\$2,551,000~~))
\$2,015,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2021 c 334 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL
CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation
 ((~~\$1,700,000~~))
\$1,343,000
 TOTAL APPROPRIATION
 ((~~\$1,700,000~~))
\$1,343,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall

be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2021 c 334 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the

basic health plan trust account, the lesser of

the amount determined pursuant to RCW 69.50.540

or this amount for fiscal year 2022,

((~~\$255,000,000~~)) \$265,000,000 and this amount

for fiscal year 2023, ((~~\$265,000,000~~))

\$268,000,000 ((~~\$520,000,000~~))

\$533,000,000

Dedicated Marijuana Account: For transfer to the

state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this

amount for fiscal year 2022, ((~~\$195,000,000~~))

\$202,000,000 and this amount for fiscal

year 2023, \$200,000,000 ((~~\$395,000,000~~))

\$402,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2022 \$90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the annual base payment to

the tobacco settlement account for fiscal year

2023 \$90,000,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed

the actual amount of the tobacco arbitration

payment to the tobacco settlement account,

~~((\$11,000,000 for fiscal year 2022 and \$8,000,000))~~ for fiscal year 2023
~~((\$19,000,000))~~

\$8,000,000

State Treasurer's Service Account: For transfer to

the state general fund, \$5,000,000 for fiscal

year 2022 and \$5,000,000 for fiscal year 2023 \$10,000,000

General Fund: For transfer to the fair fund under

RCW 15.76.115, \$2,750,000 for fiscal year 2022

and \$2,750,000 for fiscal year 2023 \$5,500,000

Financial Services Regulation Account: For transfer

to the state general fund, \$3,500,000 for

fiscal year 2022 and \$3,500,000 for fiscal year

2023 \$7,000,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, up to \$40,000 for fiscal year 2022 \$40,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, \$6,000,000 for

fiscal year 2022 \$6,000,000

General Fund: For transfer to the home security

fund, \$4,500,000 for fiscal year 2022 and

\$4,500,000 for fiscal year 2023 \$9,000,000

~~((Long Term Services and Supports Trust~~

~~Account: For transfer to the general fund as repayment for start up costs~~

~~for the long term services program, the~~

~~lesser of the amount determined by the treasurer for full repayment of the~~

~~\$17,040,000 transferred from the~~

~~general fund in the 2019-2021 biennium and \$19,618,000 transferred from the~~

~~general fund in fiscal year 2022, which~~

~~totals \$36,658,000 transferred from~~

~~the general fund in the 2019-2021~~

~~biennium and fiscal year 2022 for~~

~~start up costs with any related~~

~~interest, or this amount for fiscal~~

~~year 2022, \$37,092,000 \$37,092,000))~~

Gambling Revolving Account: For transfer to the

state general fund as repayment of the loan

pursuant to chapter 127, Laws of 2020 (sports

wagering/compacts), \$3,000,000 for

fiscal year

2022 and the lesser of the remaining amount

determined by the treasurer for full repayment

of the \$6,000,000 transferred from the general

fund in the 2019-2021 fiscal biennium with any

related interest, or this amount for fiscal

year 2023 (~~(\$6,500,000)~~) \$3,500,000
\$6,500,000

School Employees' Insurance Account:
For transfer to

the general fund as repayment of the remainder

of the loans for start costs for the school

employees benefit program,
(~~(\$16,587,000)~~)

\$15,615,000 for fiscal year 2022
(~~(\$16,587,000)~~)

\$15,615,000

General Fund: For transfer to the manufacturing and

warehousing jobs centers account
\$6,750,000 for

fiscal year 2022 and \$5,400,000 for fiscal

year 2023 pursuant to Engrossed Substitute

House Bill No. 1521 (warehousing & manufacturing jobs). (~~If Engrossed Substitute House Bill No. 1521~~

~~(warehousing & manufacturing jobs) is not enacted by June 30, 2021, this transfer is null and void.))~~
\$12,150,000

General Fund: For transfer to the Washington housing

trust fund, \$10,000,000 for fiscal year 2022 \$10,000,000

General Fund: For transfer to the forest resiliency

account trust fund, \$6,000,000 for fiscal year

2022 \$6,000,000

Streamlined Sales and Use Tax Mitigation Account:

For transfer to the general fund,
\$3,186,000 or

as much thereof that represents the balance in

the account for fiscal year 2022
\$3,186,000

General Fund: For transfer to the municipal criminal

justice assistance account for fiscal year

2022 \$761,000

General Fund: For transfer to the wildfire response,

forest restoration, and community resilience

of
account, solely for the implementation

chapter 298, Laws of 2021 (2SHB 1168)

(long-term forest health), \$12,475,000 for

fiscal year 2022 and \$74,632,000 for fiscal

year 2023 \$87,107,000

General Fund: For transfer to the state drought

preparedness and response account,
\$4,500,000

for fiscal year 2022 and \$4,500,000 for fiscal

year 2023 \$9,000,000

General Fund: For transfer to the Washington rescue plan

transition account, \$1,100,000,000 for fiscal year

2023 \$1,100,000,000

PART IX

MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENTS**

Subsections (2) in sections 902 through 927 and 934 through 937 of this act represent the results of the collective bargaining process from reopening the 2021-2023 contracts for the limited purpose of bargaining over compensation, and are described in general terms. Only major economic terms are included in the descriptions. These

descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature during the 2021 legislative session, and that came into effect prior to approval by the legislature during the 2022 legislative session.

Sec. 902. 2021 c 334 s 909 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WFSE

(1) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 903. 2021 c 334 s 910 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WAFWP

(1) An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington

association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were hired before July 1, 2022.

Sec. 904. 2021 c 334 s 911 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 905. 2021 c 334 s 912 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW

(1) An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a

retention bonus payable in two equal installments.

Sec. 906. 2021 c 334 s 913 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
COALITION OF UNIONS**

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

(2) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 907. 2021 c 334 s 914 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
ASSOCIATION OF WASHINGTON ASSISTANT
ATTORNEYS GENERAL/WFSE**

(1) An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a longevity lump sum payment.

Sec. 908. 2021 c 334 s 915 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WFSE
ADMINISTRATIVE LAW JUDGES**

(1) An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 909. 2021 c 334 s 916 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—DFW
SERGEANTS ASSOCIATION/TEAMSTERS 760**

(1) An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

(2) An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for implementing a redesigned classification and

compensation structure for the fish and wildlife enforcement classes and payment of educational incentives for employees who have obtained an associate degree (2 percent base pay) or bachelor's degree (4 percent base pay).

Sec. 910. 2021 c 334 s 917 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD

(1) An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by \$100 per year per employee.

(2) An agreement has been reached between the governor and the fish and wildlife enforcement officers guild under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for implementing a redesigned classification and compensation structure of the fish and wildlife enforcement classes.

Sec. 911. 2021 c 334 s 918 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION

(1) An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023

fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

(2) An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 912. 2021 c 334 s 919 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION

(1) An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

(2) An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 913. 2021 c 334 s 920 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes

and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 914. 2021 c 334 s 921 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP
LIEUTENANTS AND CAPTAINS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

Sec. 915. 2021 c 334 s 922 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WPEA

(1) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

(2) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

Sec. 916. 2021 c 334 s 923 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
TEAMSTERS LOCAL 117 DEPARTMENT OF
ENTERPRISE SERVICES**

(1) An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

(2) Again, an agreement has not been reached between the governor and the international brotherhood of teamsters local 117 department of enterprise services under the provisions of chapter 41.80 RCW for fiscal year 2023. Pursuant to RCW 41.80.010(6), the employer may unilaterally implement according to law. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

NEW SECTION. Sec. 917. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117 DEPARTMENT OF CORRECTIONS**

An agreement has been reached between the governor and the international brotherhood of teamsters local 117 department of corrections through an interest arbitration award pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. The interest arbitration award included and funding is provided for a general wage increase of 4 percent, targeted wage increases, a lump sum payment for all employees, and premium pay for working on McNeil Island.

Sec. 918. 2021 c 334 s 924 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
UNIVERSITY OF WASHINGTON—SEIU 925**

(1) An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the service employees international union labor 925 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023, evening shift differential, night shift differential, standby pay, and weekend pay premium for specified job classifications. In addition, the agreement includes and funding is provided for recruitment and retention increases and lump sum payments for specified job classifications.

Sec. 919. 2021 c 334 s 925 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
UNIVERSITY OF WASHINGTON—SEIU 1199
RESEARCH/HALL HEALTH**

(1) An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023 and lump sum payments for employees.

Sec. 920. 2021 c 334 s 928 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
UNIVERSITY OF WASHINGTON—WFSE**

(1) An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement, and an expansion of the Harborview and University of Washington

Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3 percent for fiscal year 2023, evening shift differential, night shift differential, standby pay, and weekend pay premium, for specified job classifications.

Sec. 921. 2021 c 334 s 929 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
WASHINGTON STATE UNIVERSITY—WFSE**

(1) An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

(2) An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and any lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees.

Sec. 922. 2021 c 334 s 930 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—
WASHINGTON STATE UNIVERSITY—WSU POLICE
GUILD BARGAINING UNIT 4**

(1) An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition,

the agreement does not include mandatory employee furloughs.

(2) An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.3 percent for fiscal year 2023.

Sec. 923. 2021 c 334 s 932 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE

(1) An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, the agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 924. 2021 c 334 s 933 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE

(1) An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between the Central Washington University and the public school

employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 925. 2021 c 334 s 934 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE

(1) An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023.

Sec. 926. 2021 c 334 s 935 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE

(1) An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between Western Washington University and the Washington federation of state

employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 927. 2021 c 334 s 936 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE

(1) An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

(2) An agreement has been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes any general wage increase and lump sum payment agreed upon in the agreement between the governor and the Washington federation of state employees for general government employees. Therefore, funding is provided for a general wage increase of 3.25 percent for fiscal year 2023, and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

Sec. 928. 2021 c 334 s 937 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE

(1) An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either

a general wage increase or mandatory employee furloughs.

(2) An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent effective July 1, 2022.

NEW SECTION. Sec. 929. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between Eastern Washington University and the public school employees under the provisions of chapter 41.80 RCW for the fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent effective July 1, 2022.

Sec. 930. 2021 c 334 s 939 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA

(1) An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

(2) For fiscal year 2023 employees covered by Washington public employees association at the Highline Community College are included in the coalition agreement in section 912 of this act.

NEW SECTION. Sec. 931. A new section is added to 2021 c 334 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COLLEGE—WPEA**

An agreement has been reached between Yakima Valley College and the Washington public employees' association under the provisions of chapter 41.80 RCW for the fiscal year 2023. Funding is provided to fund a general wage increase of 3.25 percent and other terms effective July 1, 2022.

Sec. 932. 2021 c 334 s 940 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—
HEALTH CARE COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1,091)~~) \$1,130 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

Sec. 933. 2021 c 334 s 941 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES
OUTSIDE HEALTH CARE COALITION—INSURANCE
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding

rate may not exceed (~~(\$1,091)~~) \$1,130 per eligible employee.

Sec. 934. 2021 c 334 s 942 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—
INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$968 per eligible employee in the 2021-22 school year. For the 2022-23 school year, the monthly employer funding rate shall not exceed (~~(\$1,032)~~) \$1,026 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in (~~section 943 of this act~~) section 935 of this act, which is included as part of the above monthly employer funding rate. These rates are sufficient to cover the cost to provide virtual access to behavioral health resources and interventions and case management.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from

members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 935. 2021 c 334 s 943 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed (~~(\$1,091)~~) \$1,130 per eligible employee. These rates assume the use of plan surplus from the 2019-2021 fiscal biennium in fiscal year 2022.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase

this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$72.08 per month beginning September 1, 2021, and \$80.04 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$72.08 each month beginning September 1, 2021, and \$80.04 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 936. A new section is added to 2021 c 334 (uncodified) to read as follows: **INITIATIVE 732 COST-OF-LIVING INCREASES**

Part 6 of this act includes funding for a cost of living adjustment for state employees pursuant to Initiative Measure No. 732 for a total increase of 4.743 percent, effective July 1, 2022.

NEW SECTION. Sec. 937. A new section is added to 2021 c 334 (uncodified) to read as follows: **GENERAL WAGE INCREASES**

(1) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a 3.25 percent salary increase effective July 1, 2022, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees

under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a 3.25 percent salary increase effective July 1, 2022, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries of elected officials.

Sec. 938. 2021 c 334 s 945 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS

(1) An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of \$0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

(2) An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an hourly rate increase of \$1.04 for fiscal year 2023.

Sec. 939. 2021 c 334 s 946 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS

(1) An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours

worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

(2) An agreement has been reached between the governor and the service employees international union local 775 under the provisions of chapter 74.39A RCW and chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an increase to the base rate for fiscal year 2023. This approval of funding applies only to those compensation and fringe benefit terms with economic terms explicitly set forth in the contract submitted to the legislature for approval. To the extent that future compensation provisions are negotiated through a memorandum of understanding, due to changes in federal funding formula or other reasons, those additional provisions may not take effect until subsequently submitted to, and approved by, the legislature.

Sec. 940. 2021 c 334 s 947 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS

(1) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from \$2.65 to \$3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from \$80.00 to \$90.00 per child per month.

(2) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement

includes and funding is provided for a cost of care rate enhancement for fiscal year 2023.

Sec. 941. 2021 c 334 s 948 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES-ADULT FAMILY HOME COUNCIL

(1) An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

(2) An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for an increase to the base rate and increase in the training contribution for fiscal year 2023.

NEW SECTION. Sec. 942. A new section is added to 2021 c 334 (uncodified) to read as follows: **COMPENSATION-PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems as provided in this section.

(1) An increase of 0.14 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system. An increase of 0.27 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Substitute Senate Bill No. 5676 (providing a benefit increase to certain

retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If the bill is not enacted by June 30, 2022, this subsection shall lapse.

(2) An increase of 0.10 percent is funded for state employer contributions to the public safety employees' retirement system. These increases are provided for the cost to provide an enhanced disability benefit to members of this system who experience a qualifying catastrophic disability on the job, as provided in House Bill No. 1669 (PSERS disability benefits). If the bill is not enacted by June 30, 2022, this subsection shall lapse.

NEW SECTION. Sec. 943. A new section is added to 2021 c 334 (uncodified) to read as follows:

The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) One member representing the Seattle Indian health board;

(ii) One member representing the NATIVE project;

(iii) One member representing Northwest Portland area Indian health board;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys;

(iii) Federally recognized tribes located in a state adjacent to Washington state; and

(iv) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2021 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member; and

(b) One summit annually with the state agencies involved with the task force under subsection (1) of this section, federally recognized Indian tribes in Washington state, federally recognized tribes located in a state adjacent to Washington state, and urban Indian organizations.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall

review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska Native people and ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska Native people in Washington state;

(c) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of gender-based violence facing American Indian and Alaska Native people; and

(ii) Jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska Native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska Native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska Native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any initial findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by August 1, 2022, and a final report by June 1, 2023.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit, and oversees the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the task force or performs statutorily prescribed duties approved by the office of the attorney general. A person shall not receive

compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The office of the attorney general, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

Sec. 944. 2021 c 334 s 1002 (uncodified) is amended to read as follows:

(1) The Washington state criminal sentencing task force is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

(i) The office of the governor;

(ii) Caseload forecast council;

(iii) Department of corrections;

(iv) Sentencing guidelines commission;

(v) Statewide family council administered by the department of corrections;

(vi) Statewide reentry council;

(vii) Superior court judges' association;

(viii) Washington association of criminal defense attorneys or the Washington defender association;

(ix) Washington association of prosecuting attorneys;

(x) Washington association of sheriffs and police chiefs;

(xi) Washington state association of counties;

(xii) Washington state minority and justice commission;

(xiii) A labor organization representing active law enforcement officers in Washington state;

(xiv) Two different community organizations representing the interests of incarcerated persons; and

(xv) Two different community organizations or other entities representing the interests of crime victims.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of:

(a) Reducing sentencing implementation complexities and errors;

(b) Improving the effectiveness of the sentencing system; and

(c) Promoting and improving public safety.

(5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The task force shall submit a final report by December 31, (~~2020~~) 2022.

(6)(a) The William D. Ruckelshaus center shall administer and provide staff support and facilitation services to the task force. The center may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsection (4) of this section.

(b) The caseload forecast council shall provide information, data analysis, and other necessary assistance upon the request of the task force.

(7) Legislative members of the task force are reimbursed for travel expenses

in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) This section expires June 30, (~~2022~~) 2023.

NEW SECTION. Sec. 945. A new section is added to 2021 c 334 (uncodified) to read as follows:

(1) The joint legislative task force on best practices for broadband deployment is created.

(2) The task force membership is composed of:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of commerce or the director's designee;

(d) The director of the department of transportation or the director's designee; and

(e) The secretary of the utilities and transportation commission or the secretary's designee; and

(f) Additional members to be appointed by the president of the senate and the speaker of the house of representatives, as follows:

(i) A representative from the association of Washington cities;

(ii) A representative from the Washington state association of counties;

(iii) A representative from a telecommunications infrastructure provider; and

(iv) A representative from an organization providing rural telecommunications services.

(3) The task force must conduct the following activities:

(a) Review existing state and local permitting processes for broadband infrastructure in Washington state;

(b) Review relevant best practices in other states for the deployment of broadband and their potential application in Washington state;

(c) Examine any state or federal laws that limit the deployment of broadband and develop recommendations for modifications; and

(d) By December 1, 2022, submit a report of the task force's findings and recommendations to the appropriate committees of the legislature.

(4) The task force must choose cochairs from among its legislative membership. The legislative members must convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(5) Staff support for the task force is provided by the facilitator contracted by the department of commerce.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) Except for the costs of the contracted facilitator, the expenses of the task force must be paid jointly by the senate and the house of representatives, and task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

NEW SECTION. Sec. 946. A new section is added to chapter 43.79 RCW to read as follows:

The capital community assistance account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used for capital costs to provide

community support services, and for infrastructure and other capital expenditures to support the well-being of communities.

NEW SECTION. Sec. 947. A new section is added to chapter 43.79 RCW to read as follows:

(1) The community reinvestment account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used by the department of commerce for:

(a) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;

(b) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;

(c) Community-based violence intervention and prevention services, which may include after-school programs focused on providing education and mentorship to youths; and

(d) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

(3) The distribution of the grants under this section must be done in collaboration with the governor's office of Indian affairs and "by and for community organizations" as defined by the department of commerce and the office of equity.

NEW SECTION. Sec. 948. A new section is added to chapter 43.330 RCW to read as follows:

The electric vehicle incentive account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the

legislature and all other moneys directed for deposit into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may be used for programs and incentives that promote the purchase or conversion to alternative fuel vehicles to further state climate goals under RCW 70A.45.020 and environmental justice goals under 70A.02 RCW, including but not limited to:

(1) Income-qualified grant programs to retire vehicles and replace them with alternative fuel vehicles;

(2) Programs to provide grants for the installation of electric vehicle infrastructure to support electric vehicle adoption; and

(3) Programs to conduct research and public outreach regarding adoption of alternative fuel vehicles.

Sec. 949. RCW 28B.92.205 and 2019 c 406 s 20 are each amended to read as follows:

In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college grant. Financial need is as follows:

(1) Until academic year 2020-21, students with family incomes between zero and fifty percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with incomes between fifty-one and seventy percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-one and fifty-five percent of the state median family income;

(b) Sixty-five percent for students with family incomes between fifty-six and sixty percent of the state median family income;

(c) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income; and

(d) Fifty percent for students with family incomes between sixty-six and

seventy percent of the state median family income.

(2) Beginning with academic year 2020-21, except during the 2022-23 academic year, students with family incomes between zero and fifty-five percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. During the 2022-23 academic year, students with family incomes between zero and 60 percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant. Grants for students with incomes between fifty-six and one hundred percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(a) Seventy percent for students with family incomes between fifty-six and sixty percent of the state median family income, except during the 2022-23 academic year;

(b) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income;

(c) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income;

(d) Twenty-four and one-half percent for students with family incomes between seventy-one and seventy-five percent of the state median family income; and

(e) Ten percent for students with family incomes between seventy-six and one hundred percent of the state median family income.

Sec. 950. RCW 41.60.050 and 2021 c 334 s 967 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2015-2017, 2017-2019, and 2019-2021(~~(- and 2021-2023))~~ fiscal biennia, and during fiscal year 2022, the operations of the productivity board shall be suspended.

Sec. 951. RCW 41.80.010 and 2021 c 334 s 968 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its

negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection

(3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial

or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the 2019-2021 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by a higher education institution and the Washington federation of state employees and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

(8)(a) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by the governor or governor's designee and the Washington public employees association community college coalition and the general government agencies and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated between Highline Community College and the Washington public employees association and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(c) For the 2021-2023 fiscal biennium, the legislature may approve funding for collective bargaining agreements negotiated between Eastern Washington University and bargaining units of the Washington federation of state employees and the public school employees association, and between Yakima Valley College and the Washington public employees association, and ratified by the exclusive bargaining representatives before final legislative action on the omnibus appropriations act by the sitting legislature.

(d) Subsection (3)(a) and (b) of this section does not apply to requests for funding made pursuant to this subsection.

Sec. 952. RCW 43.31.605 and 2021 c 115 s 5 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in RCW 59.18.610, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement made pursuant to RCW 59.18.410(3)(e)(ii) must be accompanied by a court order staying the writ of restitution pursuant to RCW 59.18.410(3). Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its website for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's

signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may

not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(d)(i) Claims related to landlord mitigation for:

(A) Up to \$15,000 in unpaid rent that accrued between March 1, 2020, and six months following the expiration of the eviction moratorium and the tenant being low-income, limited resourced or experiencing hardship, voluntarily vacated or abandoned the tenancy; or

(B) Up to \$15,000 in remaining unpaid rent if a tenant defaults on a repayment plan entered into under RCW 59.18.630 are eligible for reimbursement from the landlord mitigation program account subject to the program requirements under this section, provided the tenancy has not been terminated at the time of reimbursement.

(ii) A landlord is ineligible for reimbursement under this subsection (1)(d) where the tenant vacated the tenancy because of an unlawful detainer action under RCW 59.12.030(3).

(iii) A landlord in receipt of reimbursement from the program pursuant to this subsection (1)(d) is prohibited from:

(A) Taking legal action against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy; or

(B) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages or any remaining unpaid rent accrued between March 1, 2020, and six months following the expiration of the eviction moratorium attributable to the same tenancy.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared

and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy. For the 2021-2023 fiscal biennium, while claims or damages may exceed \$10,000, total reimbursement from the program may not exceed \$10,000 per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come,

first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a website that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the

tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

Sec. 953. RCW 43.41.450 and 2017 3rd sp.s. c 1 s 968 are each amended to read as follows:

The office of financial management central service account is created in the state treasury. The account is to be used by the office as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide budgeting, accounting, forecasting, and functions and activities in the office. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. The director shall fix the terms and charges to agencies based on each agency's share of the office statewide cost allocation plan for federal funds. Moneys in the account may be spent only after appropriation. During the 2017-2019 and 2021-2023 fiscal (~~biennium~~) biennia, the account may be used as a revolving fund for the payment of salaries, wages, and other costs related to policy activities in the office. The legislature intends to continue the use of the revolving fund for policy activities during the 2019-2021 biennium.

Sec. 954. RCW 43.43.837 and 2021 c 203 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based

background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of

checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants, except for those long-term care workers exempted in subsection (2) of this section, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; (~~and~~)

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she

provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

Sec. 955. RCW 43.70.715 and 2021 c 334 s 1004 are each amended to read as follows:

(1) The COVID-19 public health response account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature and grants received by the department of health for activities in response to the coronavirus pandemic (COVID-19). Only the secretary, or the secretary's designee, may authorize expenditures from the account for costs related to the public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 public health response account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The legislature finds that a safe, efficient, and effective delivery of vaccinations is of the utmost importance for restoring societal and economic functions. As we learn more about the virus, the vaccine, and challenges to vaccine allocation and distribution, it is anticipated that the state's COVID-19 vaccination distribution plan will evolve. To that end, the legislature has provided flexibility by funding expenditures for testing, contact tracing, mitigation activities, vaccine administration and distribution, and other allowable uses

for the state, local health jurisdictions, and tribes at the discretion of the secretary and without an appropriation. However, to maintain fiscal control and to ensure spending priorities align, the department is required to collaborate and communicate with the chairs and ranking members of the health care and fiscal committees of the legislature and local health jurisdictions in advance of any significant revision of the state's COVID-19 vaccination plan and to provide regular updates on its implementation and spending.

(b) As part of the public health response to COVID-19, the expenditures from the account must be used to effectively administer the vaccine for COVID-19 and conduct testing and contact tracing. The department must ensure that COVID-19 outreach is accessible, culturally and linguistically appropriate, and that it includes community-driven partnerships and strategies.

(c) When making expenditures for administering the vaccine for COVID-19, the department must focus on identifying persons for vaccination, prioritizing underserved, underrepresented, and hard-to-reach communities, making the vaccine accessible, and providing support to schools for safe reopening. Strategies for vaccine distribution shall include the establishment and expansion of community vaccination centers, mobile vaccination units, reporting enhancements, in-home visits for vaccinations for the elderly, and transportation of individuals to vaccination sites.

(d) When making expenditures regarding testing and contact tracing, the department must provide equitable access, prioritize underserved, underrepresented, and hard-to-reach communities, and provide support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(e) The department may also make expenditures from the account related to developing the public health workforce using funds granted by the federal government for that purpose in section 2501, the American rescue plan act of 2021, P.L. 117-2.

(3) When making expenditures from the account, the department must include an

emphasis on public communication regarding the availability and accessibility of the vaccine and testing, and the importance of vaccine and testing availability to the safe reopening of the state.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response.

~~((b))~~ To the extent that it is available, the report must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities.

(b)(i) Beginning with the quarter ending March 31, 2022, the department must report to the fiscal and health care committees of the legislature on a quarterly basis regarding revenues and expenditures related to the COVID-19 response. The reports must include:

(A) Quarterly expenditures of funds, by fund source, including the appropriated amounts pursuant to section 222(76) and (77) of this act for:

(I) Diagnostic testing;

(II) Case investigation and contact tracing;

(III) Outbreak response;

(IV) Care coordination;

(V) Community outreach;

(VI) Information and technology operations;

(VII) Surveillance;

(VIII) Vaccines;

(IX) Client services;

(X) Local health jurisdictions; and

(XI) Tribes; and

(B) Grant amounts received during the reporting quarter that may be used in the COVID-19 response.

(ii) The quarterly reports must reflect the previous quarter, a projection of expected expenditures and revenue for the next quarter, and an accounting of the expenditures and revenue for the 2021-2023 fiscal biennium to date. The quarterly reports are due no later than 30 days after the end of the applicable quarter.

(c) The first monthly report pursuant to (a) of this subsection is due no later than one month from February 19, 2021. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 (~~[[public health]]~~) public health response account is less than \$100,000.

Sec. 956. RCW 43.79.505 and 2019 c 251 s 9 are each amended to read as follows:

The judicial stabilization trust account is created within the state treasury, subject to appropriation. All receipts from the surcharges authorized by RCW 3.62.060(2), 12.40.020, 36.18.018(4), and 36.18.020(5) shall be deposited in this account. Moneys in the account may be spent only after appropriation.

Expenditures from the account may be used only for the support of judicial branch agencies and, for the 2021-2023 fiscal biennium, for expenditures to address state and local costs related to the State v. Blake decision.

Sec. 957. RCW 43.83B.430 and 2020 c 168 s 6 are each amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. During the 2021-2023 fiscal biennium, moneys in the account may be used for water banking pilot projects. Moneys in the account may be spent only after appropriation.

Sec. 958. RCW 43.101.435 and 2019 c 415 s 971 are each amended to read as follows:

The Washington internet crimes against children account is created in the

custody of the state treasurer. All receipts from legislative appropriations, donations, gifts, grants, and funds from federal or private sources must be deposited into the account. Expenditures from the account must be used exclusively by the Washington internet crimes against children task force and its affiliate agencies for combating internet-facilitated crimes against children, promoting education on internet safety to the public and to minors, and rescuing child victims from abuse and exploitation. Only the criminal justice training commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The commission may enter into agreements with the Washington association of sheriffs and police chiefs to administer grants and other activities funded by the account and be paid an administrative fee not to exceed three percent of expenditures. During the 2019-2021 and 2021-2023 fiscal ((biennium)) biennia, moneys in the account may be used by the Washington state patrol for activities related to the missing and exploited children task force.

Sec. 959. RCW 43.216.1368 and 2021 c 199 s 201 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)(a) Beginning ((~~July~~) October 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

percent of the state median income	

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of \$215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) The department must adopt rules to implement this section, including an income phase-out eligibility period.

Sec. 960. RCW 43.216.270 and 2020 c 270 s 9 are each amended to read as follows:

(1)(a) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(b) The department may not deny or delay a license to provide child care and early learning services under this chapter to an individual solely because of a founded finding of physical abuse or negligent treatment or maltreatment involving the individual revealed in the background check process or solely because the individual's child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) when that founded finding or court finding is accompanied by a certificate of parental improvement as defined in chapter 74.13 RCW related to the same incident.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b)(i) All individuals applying for first-time agency licenses, all new employees, and other persons who have not

been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(ii) (~~Persons~~) Except during fiscal year 2023, persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department. The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these

costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for three years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department. ~~((The))~~ Except during fiscal year 2023, fee requirements applicable to this section also apply to background clearance renewal applications.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The payment requirements applicable to (a) through (g) of this subsection do not apply to persons who:

(i) Provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;

(ii) Receive child care subsidies; and

(iii) Are exempt from licensing under this chapter.

(i) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

(j) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

(k) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district

after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting and, except during fiscal year 2023, may charge a fee for these additional background checks.

Sec. 961. RCW 43.348.080 and 2019 c 445 s 403 are each amended to read as follows:

(1) The Andy Hill cancer research endowment fund match transfer account is created in the custody of the state treasury to be used solely and exclusively for the program created in RCW 43.348.040. Moneys in the account may be spent only after appropriation. The purpose of the account is to provide matching funds for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.

(2) The legislature must appropriate a state match, up to a maximum of ten million dollars annually, beginning July 1, 2016, and each July 1st following the end of the fiscal year from tax collections and penalties generated from enforcement of state taxes on cigarettes and other tobacco products by the state liquor and cannabis board or other federal, state or local law or tax enforcement agency, as determined by the department of revenue. Tax collections include any cigarette tax, other tobacco product tax, and retail sales and use tax. Any amounts deposited into this account from the tax imposed under RCW 82.25.010 in excess of the cap provided in this subsection must be deposited into the foundational public health services account created in RCW 82.25.015.

(3) Revenues to the account must consist of deposits into the account, taxes imposed on vapor products under RCW 82.25.010, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.

(4) Each fiscal biennium, the legislature must appropriate to the department of commerce such amounts as estimated to be the balance of the account to provide state matching funds.

(5) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the

program administrator of nonstate or private contributions to the fund for the program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.

(6) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(7) Moneys expended into the account in fiscal year 2023 pursuant to section 706 of this act are not subject to the requirements of subsections (5) and (6) of this section.

Sec. 962. RCW 50A.10.030 and 2019 c 13 s 21 are each amended to read as follows:

(1)(a) Beginning January 1, 2019, the department shall assess for each individual in employment with an employer and for each individual electing coverage a premium based on the amount of the individual's wages subject to subsection (4) of this section.

(b) The premium rate for family leave benefits shall be equal to one-third of the total premium rate.

(c) The premium rate for medical leave benefits shall be equal to two-thirds of the total premium rate.

(2) For calendar year 2022 and thereafter, the commissioner shall determine the percentage of paid claims related to family leave benefits and the percentage of paid claims related to medical leave benefits and adjust the premium rates set in subsection (1)(b) and (c) of this section by the proportional share of paid claims.

(3)(a) Beginning January 1, 2019, and ending December 31, 2020, the total premium rate shall be four-tenths of one percent of the individual's wages subject to subsection (4) of this section.

(b) For family leave premiums, an employer may deduct from the wages of each employee up to the full amount of the premium required.

(c) For medical leave premiums, an employer may deduct from the wages of each employee up to forty-five percent of the full amount of the premium required.

(d) An employer may elect to pay all or any portion of the employee's share of the premium for family leave or medical leave benefits, or both.

(4) The commissioner must annually set a maximum limit on the amount of wages that is subject to a premium assessment under this section that is equal to the maximum wages subject to taxation for social security as determined by the social security administration.

(5)(a) Employers with fewer than fifty employees employed in the state are not required to pay the employer portion of premiums for family and medical leave.

(b) If an employer with fewer than fifty employees elects to pay the premiums, the employer is then eligible for assistance under RCW 50A.24.010.

(6) For calendar year 2021 and thereafter, the total premium rate shall be based on the family and medical leave insurance account balance ratio as of September 30th of the previous year. The commissioner shall calculate the account balance ratio by dividing the balance of the family and medical leave insurance account by total covered wages paid by employers and those electing coverage. The division shall be carried to the fourth decimal place with the remaining fraction disregarded unless it amounts to five hundred-thousandths or more, in which case the fourth decimal place shall be rounded to the next higher digit. If the account balance ratio is:

(a) Zero to nine hundredths of one percent, the premium is six tenths of one percent of the individual's wages;

(b) One tenth of one percent to nineteen hundredths of one percent, the premium is five tenths of one percent of the individual's wages;

(c) Two tenths of one percent to twenty-nine hundredths of one percent, the premium is four tenths of one percent of the individual's wages;

(d) Three tenths of one percent to thirty-nine hundredths of one percent, the premium is three tenths of one percent of the individual's wages;

(e) Four tenths of one percent to forty-nine hundredths of one percent, the premium is two tenths of one percent of the individual's wages; or

(f) Five tenths of one percent or greater, the premium is one tenth of one percent of the individual's wages.

(7) Beginning January 1, 2021, if the account balance ratio calculated in subsection (6) of this section is below

five hundredths of one percent, the commissioner must assess a solvency surcharge at the lowest rate necessary to provide revenue to pay for the administrative and benefit costs of family and medical leave, for the calendar year, as determined by the commissioner. The solvency surcharge shall be at least one-tenth of one percent and no more than six-tenths of one percent and be added to the total premium rate for family and medical leave benefits. Any projected expenditures of general fund moneys into the family and medical leave insurance account pursuant to section 723 of this act must be excluded from the commissioner's determination of the necessary revenue to pay the administrative and benefit costs of family and medical leave for the calendar year.

(8)(a) The employer must collect from the employees the premiums and any surcharges provided under this section through payroll deductions and remit the amounts collected to the department.

(b) In collecting employee premiums through payroll deductions, the employer shall act as the agent of the employees and shall remit the amounts to the department as required by this title.

(c) On September 30th of each year, the department shall average the number of employees reported by an employer over the last four completed calendar quarters to determine the size of the employer for the next calendar year for the purposes of this section and RCW 50A.24.010.

(9) Premiums shall be collected in the manner and at such intervals as provided in this title and directed by the department.

(10) Premiums collected under this section are placed in trust for the employees and employers that the program is intended to assist.

(11) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a paid family or medical leave insurance program that alters or amends the requirements of this title for any private employer;

(b) Providing for local enforcement of the provisions of this title; or

(c) Requiring private employers to supplement duration of leave or amount of

wage replacement benefits provided under this title.

Sec. 963. RCW 70A.200.140 and 2021 c 334 s 987 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Forty percent to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products

taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed sixty thousand dollars; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to twenty-five percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; and

(c) Forty percent to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3).

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste.

Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

(5) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.

(6) During the 2021-2023 fiscal biennium, and as an exception to the distribution of expenditures otherwise required in this section, the department of ecology may use funds in the waste reduction, recycling, and litter control account to continue a series of food waste reduction campaigns, to continue to invest in litter prevention campaigns, to conduct a recycling study, and to increase litter control on state highways.

Sec. 964. RCW 71.24.580 and 2021 c 334 s 989 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program and, during the 2021-23 fiscal biennium, for 180 days following graduation from the drug court program; and (c) the administrative and overhead costs associated with the operation of a

drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may appropriate from the account for municipal drug courts and increased treatment options. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly

payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal

defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for

assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

Sec. 965. RCW 74.13.802 and 2020 c 33 s 7 are each amended to read as follows:

(1) Beginning July 1, 2020, the department shall establish a child welfare housing assistance pilot program, which provides housing vouchers, rental assistance, navigation, and other support services to eligible families.

(a) The department shall operate or contract for the operation of the child welfare housing assistance pilot program under subsection (3) of this section in one county west of the crest of the Cascade mountain range and one county east of the crest of the Cascade mountain range.

(b) The child welfare housing assistance pilot program is intended to shorten the time that children remain in out-of-home care.

(2) A parent with a child who is dependent pursuant to chapter 13.34 RCW and whose primary remaining barrier to reunification is the lack of appropriate housing is eligible for the child welfare housing assistance pilot program.

(3) The department shall contract with an outside entity or entities to operate the child welfare housing assistance pilot program. If no outside entity or entities are available to operate the program or specific parts of the program, the department may operate the program or the specific parts that are not operated by an outside entity.

(4) Families may be referred to the child welfare housing assistance pilot program by a caseworker, an attorney, a guardian ad litem as defined in chapter 13.34 RCW, a parent ally as defined in RCW 2.70.060, an office of public defense social worker, or the court.

(5) The department shall consult with a stakeholder group that must include, but is not limited to, the following:

(a) Parent allies;

(b) Parent attorneys and social workers managed by the office of public defense parent representation program;

(c) The department of commerce;

(d) Housing experts;

(e) Community-based organizations;

(f) Advocates; and

(g) Behavioral health providers.

(6) The stakeholder group established in subsection (5) of this section shall begin meeting after July 28, 2019, and assist the department in design of the child welfare housing assistance pilot program in areas including, but not limited to:

(a) Equitable racial, geographic, ethnic, and gender distribution of program support;

(b) Eligibility criteria;

(c) Creating a definition of homeless for purposes of eligibility for the program; and

(d) Options for program design that include outside entities operating the entire program or specific parts of the program.

(7) By December 1, 2021, the department shall report outcomes for the child welfare housing assistance pilot program to the oversight board for children, youth, and families established pursuant to RCW 43.216.015. The report must include racial, geographic, ethnic, and gender distribution of program support.

(8) The child welfare housing assistance pilot program established in this section is subject to the availability of funds appropriated for this purpose.

(9) This section expires June 30, (~~2022~~) 2023.

Sec. 966. RCW 74.46.561 and 2021 c 334 s 993 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services

provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be capped so that a nursing home provider's direct care rate does not exceed (~~one hundred thirty~~) 165 percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care, except during fiscal year 2023 when the minimum occupancy assumption must be 75 percent. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price

per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted

average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four

quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the

overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for

medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in

fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

Sec. 967. RCW 76.04.516 and 2021 c 298 s 3 are each amended to read as follows:

(1) By December 1st of each even-numbered year, and in compliance with RCW 43.01.036, the department must report to the governor and legislature on the following:

(a) The type and amount of the expenditures made, by fiscal year, and for what purpose, from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511 and from expenditures made

from the general fund for implementation of this act;

(b) The amount of unexpended and unobligated funds in the wildfire response, forest restoration, and community resilience account and recommendations for the disbursement to local districts;

(c) Progress on implementation of the wildland fire protection 10-year strategic plan including, but not limited to, how investments are reducing human-caused wildfire starts, lowering the size and scale and geography of catastrophic wildfires, reducing the communities, landscapes, and population at risk, and creating resilient landscapes and communities;

(d) Progress on implementation of the 20-year forest health strategic plan as established through the forest health assessment and treatment framework pursuant to RCW 76.06.200 including, but not limited to: Assessment of fire prone lands and communities that are in need of forest health treatments; forest health treatments prioritized and conducted by landowner type, geography, and risk level; estimated value of any merchantable materials from forest health treatments; and number of acres treated by treatment type, including the use of prescribed fire;

(e) Progress on developing markets for forest residuals and biomass generated from forest health treatments.

(2) The department must include recommendations on any adjustments that may be necessary or advisable to the mechanism of funding dispensation as created under chapter 298, Laws of 2021.

(3) The report required in this section should support existing department assessments pursuant to RCW 79.10.530 and 76.06.200.

(4)(a)(i) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire an independent third-party contractor to assist it in updating its forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennium. The department's sustainable harvest calculation technical advisory committee must be involved in the design, development, and implementation of this forest inventory update.

(ii) For purposes of this subsection, "forest inventory" means the collection of sample data to estimate a range of forest attributes including, but not limited to, standing volume, stored carbon, habitat attributes, age classes, tree species, and other inventory attributes, including information needed to estimate rates of tree growth and associated carbon sequestration on department lands.

(iii) The department's sustainable harvest calculation technical advisory committee must bring forward recommendations for regular maintenance and updates to the forest inventory on a ten-year basis.

(b) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire a third-party contractor to review, analyze, and advise the department's forest growth and yield modeling, specific to all types of forested acres managed by the department. The department's sustainable harvest calculation technical advisory committee must be involved in the design, review, and analysis of the department's forest growth and yield modeling.

(c) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320 and in the absence of any litigation, pending or in progress, against the department's sustainable harvest calculation, the joint legislative audit and review committee established in chapter 44.28 RCW must oversee and conduct an independent review of the methodologies and data being utilized by the department in the development of the sustainable harvest calculation, including the associated forest inventory, forest growth, harvest and yield data, and modeling techniques that impact harvest levels. In carrying out the review, the joint legislative audit and review committee shall:

(i) Retain one or more contractors with expertise in forest inventories, forest growth and yield modeling, and operational research modeling in forest harvest scheduling to conduct the technical review;

(ii) Be a member of department's sustainable harvest calculation technical advisory committee, along with one of its contractors selected in (c)(i) of this subsection; and

(iii) Prior to the department's determination of the sustainable harvest calculation under RCW 79.10.320, ensure that a completed independent review and report with findings and recommendations is submitted to the board of natural resources and the legislature.

(d) Upon receiving the report from the joint legislative audit and review committee required under (c)(iii) of this subsection, the board of natural resources shall determine whether modifications are necessary to the sustainable harvest calculation prior to approving harvest level under RCW 79.10.320.

NEW SECTION. Sec. 968. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 969. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and that the bill do pass as recommended by the Conference Committee:

Senators Robinson and Rolfes
Representatives Macri and Ormsby

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 5693 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Frame, Dolan, J. Johnson and Sullivan spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives MacEwen, Walsh, Klippert, Robertson, Gilday, Harris, Dye, Jacobsen, Ybarra, Rude, Dent, Orcutt, Hoff, McCaslin, Goehner, Chase, McEntire, Schmick, Graham, Volz, Chambers, Boehnke, Dufault, Barkis, Griffey, Klicker, Kraft, Klippert (again), Mosbrucker and Young spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5693 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5693, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5693 was immediately transmitted to the Senate.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1876
SUBSTITUTE SENATE BILL NO. 5488
ENGROSSED SUBSTITUTE SENATE BILL NO. 5531
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755
ENGROSSED SENATE BILL NO. 5901
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The President has signed:

THIRD SUBSTITUTE HOUSE BILL NO. 1359,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1699,
SECOND SUBSTITUTE HOUSE BILL NO. 1814,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1914,
HOUSE BILL NO. 2058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2124,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5488,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5755,
ENGROSSED SENATE BILL NO. 5901,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,

and the same are herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING**MESSAGE FROM THE SENATE**

March 10, 2022

Madame Speaker:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736 to second reading for purpose of amendment(s). The Senate further adopted amendment 1736-S2.E AMS ENGR S5455.E and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the

number of borrowers carrying student loan debt are around 800,000 with an average balance around \$33,500, resulting in a total outstanding balance of \$29.4 billion. Student loan debt outpaces other sources of consumer debt, such as credit card and vehicle debt. While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by

establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student loans to state residents with financial need who are pursuing undergraduate and high-demand graduate studies at a subsidized, one percent interest rate. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition. Based on the feasibility of the state student loan program recommendations developed by the Washington student achievement council, in consultation with the Washington state investment board, and the office of the state treasurer, the legislature intends to finance the Washington state student loan program with a one-time \$150,000,000 appropriation to cover annual student loan originations and expenses until repayments are substantial enough to support the program on an ongoing basis.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Borrower" means an eligible student who has received a student loan under the Washington student loan program.

(2) "Eligible expenses" means reasonable expenses associated with the costs of acquiring a postsecondary education such as tuition, fees, books, equipment, room and board, and other expenses as determined by the office.

(3) "Eligible graduate program" means an advanced academic degree in a specialized field of study that has a workforce shortage or is considered high demand, as determined by the office.

(4) "Eligible student" means a student who:

(a) Meets the definition of "resident student" under RCW 28B.15.012(2) (a) through (e);

(b) Has a median family income of 100 percent or less of the state median family income;

(c) Is enrolled in an institution of higher education in an eligible undergraduate or graduate program on at least a half-time basis; and

(d) Has completed an annual application for financial aid as approved by the office.

(5) "Eligible undergraduate program" means a postsecondary education program that leads to a certificate, associate's degree, or bachelor's degree.

(6) "Gift aid" means federal, state, institutional, or private financial aid provided for educational purposes with no obligation of repayment. "Gift aid" does not include student loans or work-study programs.

(7) "Institutions of higher education" includes institutions of higher education authorized to participate in state financial aid programs in accordance with chapter 28B.92 RCW.

(8) "Office" means the office of student financial assistance established under chapter 28B.76 RCW.

(9) "Program" means the Washington student loan program.

(10) "Student loan" means a loan that is approved by the office and awarded to an eligible student to pay for eligible expenses.

NEW SECTION. Sec. 3. (1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features of a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates, with one option being a one percent interest rate;

(b) The distribution of loans between graduate students and undergraduate students;

(c) The terms of the loans, including:

(i) Loan limits;

(ii) Grace periods, including grace periods for active duty members of the national guard who may lose eligibility when being called up for active duty; and

(iii) Minimum postsecondary enrollment standards;

(d) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

(e) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

(f) The design and administration of an appeals process.

(3) In the design of the program, the Washington student achievement council may recommend contracting with one or more state-based financial institutions regulated by either chapter 31.12 or 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. The Washington student achievement council must use an open and competitive bid process in the selection of one or more state-based financial institutions for loan origination and servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The Washington student achievement council shall contract with an independent actuary to conduct an analysis on the sustainability of the program design, including the ability of the program to operate as self-sustaining if issuing one percent interest rate loans.

(5) The Washington student achievement council shall provide a report on the design, sustainability, and implementation plan for the program to the governor and the higher education committees of the legislature by December 1, 2022, in accordance with RCW 43.01.036.

NEW SECTION. Sec. 4. (1) The Washington student loan program is created to assist students who need additional financial support to obtain postsecondary education. Beginning in the 2024-25 academic year, the office may award student loans under the program to eligible students from the funds available in section 7 of this act.

(2) The program shall be administered by the office. To the extent practicable, the program design must include the recommendations for program design as provided in the report required under section 3 of this act. Student loans shall not be issued unless the program design recommended in section 3 of this act is forecasted by an independent actuary to be self-sustaining and the interest rates for the loans issued under the program do not exceed one percent.

(3) The office is responsible for providing administrative support to execute the duties and responsibilities provided in this chapter. The duties and responsibilities include:

(a) Ensure institutions of higher education have a policy for awarding student loans under the program that prioritizes funding for eligible students who have greater unmet financial need, are lowest income, are first generation college students, and who have received loans under the program in prior years;

(b) Issue low-interest student loans;

(c) Define the terms of repayment;

(d) Collect and manage repayments from borrowers;

(e) Establish an appeals process;

(f) Exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(g) Publicize the program; and

(h) Adopt necessary rules.

(4) The office is responsible for establishing and administering an appeals process that resolves appeals from borrowers within ninety days of receipt.

NEW SECTION. Sec. 5. The office shall contract with one or more state-based financial institutions regulated by either chapter 31.12 RCW or chapter 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

NEW SECTION. Sec. 6. (1) The office shall collect data on the program in collaboration with the institutions of

higher education. The data must include, but is not limited to:

(a) The number of eligible students who were awarded a student loan;

(b) The number of borrowers;

(c) The average borrowed annual and total balances;

(d) Borrower demographics;

(e) The institutions of higher education and educational fields of borrowers; and

(f) Repayment statistics, including:

(i) The number of borrowers in active repayment, deferment, delinquency, forbearance, and default;

(ii) The average time it took for borrowers to enter delinquency and default;

(iii) Demographic and educational data of borrowers enrolled in the income-based repayment plan option;

(iv) Demographic and educational data of borrowers in different repayment statuses, including delinquency and default; and

(v) Information about what happened to borrowers who defaulted.

(2) Beginning December 1, 2026, and in compliance with RCW 43.01.036, the office must submit an annual report on the data collected under subsection (1) of this section and any other relevant information regarding the program to the higher education committees of the legislature.

NEW SECTION. Sec. 7. The Washington student loan account is created in the custody of the state treasurer. All receipts from the Washington student loan program must be deposited in the account. Expenditures from the account may be used only for administration and the issuance of new student loans. Only the executive director of the Washington student achievement council or the executive director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, moneys in the account may be spent only after appropriation.

Sec. 8. RCW 43.79A.040 and 2021 c 175 s 10 and 2021 c 108 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship (~~((account))~~) account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan

account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition

recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the Washington student loan account, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act constitute a new chapter in Title 28B RCW."

On page 1, line 2 of the title, after "43.79A.040;" insert "and"

On page 1, line 3 of the title, after "RCW" strike "; and creating a new section"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND

SUBSTITUTE HOUSE BILL NO. 1736 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Sullivan spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Duerr was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1736, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1736, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Harris-Talley, Hoff, Jacobsen, Klicker, Klippert, Kraft, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Duerr.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5693,

and the same is herewith transmitted.

Sarah Bannister, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5693

The Speaker called upon Representatives J. Johnson and Kirby to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2022-4667, by Representatives Sullivan and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules, agendas, locations, and formats for all meetings of any legislative task force, committee, or subcommittee shall be approved by the Executive Rules Committee, and those task forces, committees, or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, the Executive Rules Committee may authorize committee meetings to be conducted in person or in remote or hybrid formats. When participating remotely in any committee meeting, members shall be considered present for purposes of a quorum and voting; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2022 Regular Session of the Sixty-Seventh Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to execute personal services contracts relating to workplace investigations, and with approval of the Executive Rules Committee, may execute other types of personal services contracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-Seventh Legislature, as well as any committee assembly.

Representatives Sullivan and Kretz spoke in favor of the adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4667 was adopted.

There being no objection, the House advanced to the fourth order of business.

**SUPPLEMENTAL
INTRODUCTION & FIRST READING**

SCR 8406 by Senators Pedersen and Short

Returning bills to their house of origin.

SCR 8407 by Senators Pedersen and Short

Adjourning SINE DIE.

There being no objection, the resolutions listed on the day's supplemental introduction sheet under the fourth order of business were read the first time, and under suspension of the rules, were placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Pedersen and Short

Returning bills to their house of origin.

The concurrent resolution was read the third time.

Representatives Sullivan and Kretz spoke in favor of the adoption of the concurrent resolution.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8406 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Pedersen and Short

Adjourning SINE DIE.

The concurrent resolution was read the third time.

Representatives Sullivan and Kretz spoke in favor of the passage of the concurrent resolution.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8407 was adopted.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8406 and SENATE CONCURRENT RESOLUTION NO. 8407 were immediately transmitted to the Senate.

MOTION

On motion of Representative J. Johnson, the reading of the Journal of the 60th Day of the 2022 Regular Session of the 67th Legislature was dispensed with and ordered to stand approved.

The Speaker assumed the chair.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1876,

and the same is herewith transmitted.

Sarah Bannister, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1736

MESSAGE FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8406,
SENATE CONCURRENT RESOLUTION NO. 8407,

and the same are herewith transmitted.

Sarah Bannister, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8406
SENATE CONCURRENT RESOLUTION NO. 8407

MESSAGE FROM THE SENATE

March 10, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1736,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 10, 2022

Mme. SPEAKER:

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8406, the following House Bills were
returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1041,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1048,
HOUSE BILL NO. 1105,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1117,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1141,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1162,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1169,
HOUSE BILL NO. 1172,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1175,
HOUSE BILL NO. 1183,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1333,
ENGROSSED HOUSE BILL NO. 1453,
SUBSTITUTE HOUSE BILL NO. 1508,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1518,
HOUSE BILL NO. 1611,
SUBSTITUTE HOUSE BILL NO. 1615,
SUBSTITUTE HOUSE BILL NO. 1620,
HOUSE BILL NO. 1625,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1650,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1660,
HOUSE BILL NO. 1666,
SUBSTITUTE HOUSE BILL NO. 1684,
ENGROSSED HOUSE BILL NO. 1687,
SUBSTITUTE HOUSE BILL NO. 1709,
SUBSTITUTE HOUSE BILL NO. 1746,
SUBSTITUTE HOUSE BILL NO. 1759,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1760,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1770,
HOUSE BILL NO. 1780,
SUBSTITUTE HOUSE BILL NO. 1789,
HOUSE BILL NO. 1804,
HOUSE BILL NO. 1808,

ENGROSSED SUBSTITUTE HOUSE BILL NO.
1813,
SECOND SUBSTITUTE HOUSE BILL NO. 1827,
ENGROSSED HOUSE BILL NO. 1837,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1841,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1852,
SECOND SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1868,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1877,
SECOND SUBSTITUTE HOUSE BILL NO. 1918,
HOUSE BILL NO. 1920,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
1921,
HOUSE BILL NO. 1924,
HOUSE BILL NO. 1928,
ENGROSSED HOUSE BILL NO. 1942,
SUBSTITUTE HOUSE BILL NO. 1957,
SUBSTITUTE HOUSE BILL NO. 1958,
ENGROSSED HOUSE BILL NO. 1964,
ENGROSSED HOUSE BILL NO. 1973,
HOUSE BILL NO. 1978,
HOUSE BILL NO. 2010,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2018,
SUBSTITUTE HOUSE BILL NO. 2034,
SECOND SUBSTITUTE HOUSE BILL NO. 2044,
ENGROSSED SUBSTITUTE HOUSE BILL NO.
2059,
ENGROSSED HOUSE BILL NO. 2073,
HOUSE BILL NO. 2097,
HOUSE BILL NO. 2098,

and the same are herewith transmitted.

Sarah Bannister, Secretary

The Speaker called upon Representatives J. Johnson and
Kirby to preside.

On motion of Representative Sullivan, the 2022 Regular
Session of the 67th Legislature was adjourned SINE DIE.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1015-S2	Committee Report.....	176
Third Reading.....	89	
Third Reading Final Passage.....	90	
Final Passage.....	2018	
Other Action.....	66, 2018	
Speaker Signed.....	2347	
Messages.....	2014, 2518	
1025	Committee Report.....	120
1041-S	Third Reading.....	88
Third Reading Final Passage.....	88	
Other Action.....	66	
Messages.....	3055	
1043	Committee Report.....	159
Other Action.....	179, 527	
1048	Committee Report.....	92
Second Reading.....	463	
Other Action.....	273	
1048-S	Second Reading.....	463
Amendment Offered.....	463	
Third Reading Final Passage.....	463	
Messages.....	3055	
1051	Second Reading.....	487
Third Reading Final Passage.....	487	
Other Action.....	482	
Speaker Signed.....	1701	
Messages.....	1700, 1762	
1052-S	Third Reading.....	59
Third Reading Final Passage.....	59	
Other Action.....	49	
Speaker Signed.....	1655	
Messages.....	1648, 1661	
1056-S	Other Action.....	273
1056-S.E	Other Action.....	528
1057-S	Other Action.....	35
1067	Other Action.....	103, 527
1071	Other Action.....	35
1074-S	Third Reading.....	89
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Final Passage.....	1778	
Other Action.....	66, 1777	
Speaker Signed.....	2035	
Messages.....	1776, 2355	
1099-S2	Third Reading.....	87
Third Reading Final Passage.....	88	
Other Action.....	66, 1986	
Messages.....	1971, 2036, 2570	
1100	Committee Report.....	176
1105	Third Reading.....	109
Third Reading Final Passage.....	109	
Other Action.....	104	
Messages.....	3055	
1117-S2	Third Reading.....	108
Third Reading Final Passage.....	108	
Other Action.....	104	
Messages.....	3055	
1122	Third Reading.....	51
Third Reading Final Passage.....	51	
Other Action.....	49	
Speaker Signed.....	1655	
Messages.....	1551, 1661	
1124-S	Third Reading.....	50
Third Reading Final Passage.....	50	
Other Action.....	49	
Speaker Signed.....	1655	
Messages.....	1648, 1661	
1141-S	Third Reading.....	50
Third Reading Final Passage.....	50	
Other Action.....	49	
Messages.....	3055	
1153	Committee Report.....	141
Second Reading.....	200	
Other Action.....	179	
1153-S2	Second Reading.....	200
Amendment Offered.....	200	
Third Reading Final Passage.....	201	
Final Passage.....	1998	
Other Action.....	1998	
Speaker Signed.....	2347	
Messages.....	1993, 2518	
1156	Other Action.....	179, 527
1157-S2	Other Action.....	273
1160-S2	Other Action.....	35
1162-S	Committee Report.....	106
Second Reading.....	473	
Other Action.....	35	
1162-S2	Second Reading.....	473
Amendment Offered.....	473, 474	
Third Reading Final Passage.....	476	
Other Action.....	452	
Messages.....	3055	
1165	Committee Report.....	65
Second Reading.....	109	
Third Reading Final Passage.....	109	
Other Action.....	35, 104	

Speaker Signed	1655	Committee Report	145
Messages	1551, 1661	1226	
1169		Committee Report	169
Second Reading	368	1231	
Other Action	273	Other Action	143, 527
1169-S		1232-S	
Second Reading	368	Other Action	35
Amendment Offered	368, 393, 394	1241	
Third Reading Final Passage	394	Second Reading	450
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1172		Committee Report	69, 159
Third Reading	60	Other Action	35, 273
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Other Action	49	Second Reading	450
Messages	3055	Amendment Offered	450
1173-S2		Third Reading Final Passage	450
Third Reading	214	Speaker Signed	1838
Third Reading Final Passage	215	Messages	1709, 2356
Final Passage	1844	1261	
Other Action	179, 1843	Other Action	103, 527
Speaker Signed	2035	1262	
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Committee Report	176	Other Action	452, 527
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Other Action	273	Third Reading	88
1175-S		Third Reading Final Passage	88
Second Reading	360	Other Action	66
Amendment Offered	360	Speaker Signed	1655
Third Reading Final Passage	360	Messages	1648, 1661
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1181		Other Action	103, 527
Committee Report	186	1284	
Second Reading	495	Other Action	35
Other Action	346	1286	
1181-S2		Committee Report	159
Second Reading	495	Second Reading	218
Amendment Offered	495	Other Action	179
Third Reading Final Passage	496	1286-S	
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Other Action	1797	Third Reading Final Passage	218
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1183		1298-S	
Second Reading	125	Other Action	35
Third Reading Final Passage	125	1300	
Other Action	103	Committee Report	99
Messages	3055	Other Action	35
1197-S		1306-S	
Other Action	35	Other Action	35
1202-S2		1329-S	
Other Action	35	Third Reading	50
1210-S		Third Reading Final Passage	51
Committee Report	68	Final Passage	1784
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1210-S2		Messages	1778, 2355
Second Reading	148	1333-S	
Third Reading Final Passage	149	Amendment Offered	58
Speaker Signed	1655	Third Reading	58
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1224		Other Action	49

Messages	3055	Speaker Signed	2347
1341-S		Messages	2144, 2518
Other Action	35	1453	
1357-S		Third Reading	108
Amendment Offered	51	Third Reading Final Passage	108
Third Reading	51	Other Action	104
Third Reading Final Passage	52	Messages	3055
Final Passage	1798	1483	
Other Action	49, 1798	Other Action	66
Speaker Signed	2035	1486	
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1359-S2		Second Reading	272
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1359-S3		Second Reading	272
Second Reading	472	Amendment Offered	272
Third Reading Final Passage	472	Third Reading Final Passage	272
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Other Action	2564	Messages	1709, 2356
Speaker Signed	2571	1508-S	
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1376		Third Reading Final Passage	59
Third Reading	88	Other Action	49
Third Reading Final Passage	89	Messages	3055
Final Passage	1803	1518	
Other Action	66, 1802	Committee Report	65
Speaker Signed	2035	Second Reading	127
Messages	1798, 2355	Other Action	103
1389		1518-S	
Committee Report	130	Second Reading	127
Second Reading	359	Amendment Offered	127
Other Action	143	Third Reading Final Passage	128
1389-S		Messages	3055
Second Reading	359	1530	
Third Reading Final Passage	359	Committee Report	183
Final Passage	1999	Second Reading	844
Other Action	1999	Other Action	346, 527, 840
Speaker Signed	2347	1530-S	
Messages	1998, 2518	Second Reading	844
1412		Amendment Offered	844
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Other Action	2315	Second Reading	402
Speaker Signed	2516	Third Reading Final Passage	402
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1418-S		Other Action	1803
Other Action	35	Speaker Signed	2035
1430		Messages	1803, 2355
Third Reading	59	1588	
Third Reading Final Passage	60	Introduction & 1st Reading	6
Final Passage	2145	1589	
Other Action	49, 2145	Introduction & 1st Reading	6

1590	Introduction & 1st Reading	6	1608	Introduction & 1st Reading	8
	Committee Report	187	1609	Introduction & 1st Reading	8
	Second Reading	337	1610	Introduction & 1st Reading	8
	Other Action	209	1611	Introduction & 1st Reading	8
1590-S	Second Reading	337		Committee Report	142
	Amendment Offered	337, 338		Second Reading	220
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	Final Passage	2034		Other Action	179
	Other Action	2034		Messages	3055
	Speaker Signed	2347	1612	Introduction & 1st Reading	8
	Messages	2031, 2518		Committee Report	100
1591	Introduction & 1st Reading	6		Second Reading	227
1592	Introduction & 1st Reading	6		Third Reading Final Passage	228
	Committee Report	131, 187		Other Action	209
	Other Action	346, 527		Speaker Signed	1655
1593	Introduction & 1st Reading	6		Messages	1551, 1661
	Committee Report	100	1613	Introduction & 1st Reading	8
	Second Reading	206		Committee Report	100
	Other Action	179		Second Reading	228
1593-S	Second Reading	206		Third Reading Final Passage	228
	Third Reading Final Passage	207		Other Action	209
	Speaker Signed	1838		Messages	1661, 1762
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1594	Introduction & 1st Reading	6		Committee Report	82
	Other Action	73		Other Action	273, 527
1595	Introduction & 1st Reading	7	1615	Introduction & 1st Reading	9
	Committee Report	166		Committee Report	86
	Other Action	346, 527		Second Reading	126
1596	Introduction & 1st Reading	7		Other Action	103
1597	Introduction & 1st Reading	7	1615-S	Second Reading	126
	Introduction & 1st Reading	7		Third Reading Final Passage	126
1598	Introduction & 1st Reading	7		Messages	3055
1599	Introduction & 1st Reading	7	1616	Introduction & 1st Reading	9
	Introduction & 1st Reading	7		Committee Report	86
1600	Introduction & 1st Reading	7		Second Reading	150
	Introduction & 1st Reading	7		Other Action	104
1601	Introduction & 1st Reading	7	1616-S	Second Reading	150
	Committee Report	65		Amendment Offered	150
1602	Introduction & 1st Reading	7		Third Reading Final Passage	151
	Introduction & 1st Reading	7		Final Passage	1848
1603	Introduction & 1st Reading	7		Other Action	1848
	Introduction & 1st Reading	7		Speaker Signed	2035
1604	Introduction & 1st Reading	7		Messages	1844, 2355
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1605	Introduction & 1st Reading	8		Committee Report	65
	Committee Report	187		Second Reading	154
	Other Action	346, 527		Other Action	143
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1619		Speaker Signed	1655
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Amendment Offered	233	1629	
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Sixty Seventh Legislature
2022 Regular Session

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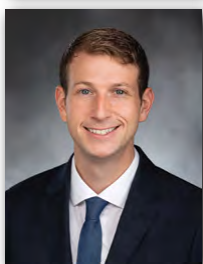
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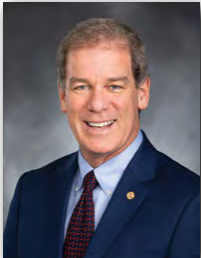
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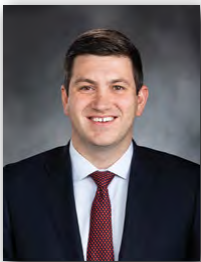
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WASHINGTON STATE HOUSE OF REPRESENTATIVES 2022



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WASHINGTON STATE HOUSE OF REPRESENTATIVES 2022

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Legislative Assistant:

3114 BILLS, MEMORIALS AND RESOLUTIONS PASSED

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 1732	C 1 L 22	Delay implementation of long-term care trust program	1/27/2022	
ESHB 1733	C 2 L 22	Establishing long-term care trust program exemptions	1/27/2022	
HB 1719	C 3 L 22	Modify restrict. on use & acq. of mil. equip. by agency	3/4/2022	
SHB 1735	C 4 L 22	Modify standard for use of force by peace officers	3/4/2022	
SHB 1286	C 5 L 22	The psychology interjurisdictional compact	Contingent	
HB 1798	C 6 L 22	Power of leg. cmte. on economic dev. & intl. relations	6/9/2022	
SHB 1878	C 7 L 22	Increase school part. in comm. prov. of US Ag. Dept.	3/4/2022	
HB 1899	C 8 L 22	Confidentiality of certain data shared with DFI	6/9/2022	
SSB 5252	C 9 L 22	School district consultation with local tribes	6/9/2022	
SSB 5546	C 10 L 22	Insulin affordability	6/9/2022*	
SSB 5564	C 11 L 22	Protecting confidentiality of employees using EAP's	6/9/2022	
HB 1051	C 12 L 22	Add faculty mem. to board of regents at research univ	6/9/2022	
SHB 1052	C 13 L 22	Group insurance contract performance standards	6/9/2022	
SHB 1124	C 14 L 22	Nurse del. of glucose monitor, test., and insulin inject.	6/9/2022*	
EHB 1165	C 15 L 22	Relating to Washington credit union act	6/9/2022	
SSHB 1210	C 16 L 22	Replacing the term marijuana with cannabis in RCW	6/9/2022*	
HB 1612	C 17 L 22	Making cross-reference correc. unempl. insurance	6/9/2022	
HB 1613	C 18 L 22	Shared report. resp. for paid fam leav/long-term svcs.	6/9/2022	
ESHB 1619	C 19 L 22	Appliance efficiency standards	6/9/2022*	
SHB 1626	C 20 L 22	Update. auth. for DFW to impl. electronic licensing	6/9/2022	
SHB 1649	C 21 L 22	Advsory comm. on hunters and fishers w/ disabilities	6/9/2022	
HB 1669	C 22 L 22	Disabil. benefits in public safety employees' ret. syst.	6/9/2022	
SHB 1675	C 23 L 22	Exempt. manufact of certain dialysate/dialysis devices	6/9/2022	

BILLS, MEMORIALS AND RESOLUTIONS PASSED 3115

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1755	C 24 L 22	TANF time limit ext. during times of high unemployment.	6/9/2022	
HB 1761	C 25 L 22	Allow nurses to dispen. opoiod overdose revers meds	3/11/2022	
HB 1769	C 26 L 22	Community municipal corporations	6/9/2022	
ESHB 1793	C 27 L 22	Electric vehicle charging stations in communties	6/9/2022	
SHB 1794	C 28 L 22	Requir. employer to reimb. dishonored paycheck fees	6/9/2022	
SSHB 1818	C 29 L 22	Promot. rehabilit. of persons convicted of crim. offenses.	6/9/2022*	
HB 1832	C 30 L 22	Code city form of gov elections and city manager appt	6/9/2022	
HB 1834	C 31 L 22	Student excused absences for mental health reasons	6/9/2022	
HB 1874	C 32 L 22	Reduc. Barriers to prof. licensure for individ. w/ arrest	6/9/2022	
HB 1888	C 33 L 22	Allow DOR adjust rates of remittance reductions	6/9/2022	
HB 1894	C 34 L 22	Expanding period for juvenile diversion agreements	6/9/2022	
ESHB 1930	C 35 L 22	License renewals for cosmetologists	6/9/2022	
SHB 1984	C 36 L 22	Protecting privacy of addresses related to vehicle reg.	6/9/2022	
SHB 2046	C 37 L 22	Ethics in pub. serv. rules governing certain leg activity	6/9/2022	
HB 2061	C 38 L 22	Adding afford. housing to definition on public improv.	6/9/2022	
HB 2068	C 39 L 22	Creating the imagination library of WA program	6/9/2022	
HB 2074	C 40 L 22	Fees from out-of-state residents regist. off-road vehic.	6/9/2022	
EHB 2096	C 41 L 22	Relating to the working families tax exemption	6/9/2022	
SB 5489	C 42 L 22	Business entities	6/9/2022	
SSB 5496	C 43 L 22	Clarify applic./term. of health prof. monit. Program	6/9/2022	
SSB 5497	C 44 L 22	Exend voter authority to students of state board of ed.	6/9/2022	
SB 5545	C 45 L 22	Survivor benefits	6/9/2022	
SSB 5575	C 46 L 22	Adding superior court judges in Snohomish County	6/9/2022	

3116 BILLS, MEMORIALS AND RESOLUTIONS PASSED

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5582	C 47 L 22	Deadlines for expand. port comm. from three to five	6/9/2022	
SB 5583	C 48 L 22	Adjustment of census data for local redistricting	6/9/2022*	
SB 5602	C 49 L 22	Serv. providers working with state reg. financial instit.	6/9/2022	
SB 5617	C 50 L 22	Pop. criteria for designation of neighborhood prog.	6/9/2022	
SSB 5631	C 51 L 22	Making human trafficking a disqual. offense for CDL	9/23/2022	
SB 5676	C 52 L 22	Benefit increase to PERS plan 1 and teachers' plan 1	7/1/2022	
SSB 5701	C 53 L 22	Determining monthly wages for workers' comp.	6/9/2022	
SB 5747	C 54 L 22	Statewide master oil spill/haz. spill prevention plan	6/9/2022	
SB 5763	C 55 L 22	Eliminate subprevail. wage certs. for indiv. w/ disabil.	6/9/2022	
ESB 5800	C 56 L 22	Modify tax rev. laws to not affect state/local collect.	6/9/2022	
ESSB 5815	C 57 L 22	Implement state identocard program	1/1/2023	
SSB 5821	C 58 L 22	Evaluating state cardiac/stroke emergency response	6/9/2022	
ESSB 5853	C 59 L 22	Leasing DOT property for historically margin. comm.	6/9/2022	
SSB 5860	C 60 L 22	Water policy in regions w/ regulate. red. in aquaf. lev.	6/9/2022	
ESSB 5873	C 61 L 22	Unemployment insurance	3/11/2022	
SSB 5890	C 62 L 22	Clarify elig. for work. comp. for pers. work at haz. fac.	3/11/2022	
SB 5931	C 63 L 22	Appoint. of judges pro tempore in court of appeals	6/9/2022	
SB 5940	C 64 L 22	Creating license for domest. alcohol manufact.	6/9/2022	
EHB 1851	C 65 L 22	Preserve preg. indiv. ability to access abortion care	6/9/2022	
HB 1376	C 66 L 22	Registration of land titles	6/9/2022*	
SHB 1389	C 67 L 22	Transportation	1/1/2023	
SHB 1642	C 68 L 22	WA National Guard postsecondary ed. grant program	6/9/2022	
ESHB 1716	C 69 L 22	Locations at which ballots may be cast	6/9/2022	

BILLS, MEMORIALS AND RESOLUTIONS PASSED 3117

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1738	C 70 L 22	Change tot. amt. of outstanding indebt. of WAHFC	6/9/2022	
EHB 1744	C 71 L 22	Collab. arrange. b/w inst. of high. ed. & nonprofit ent.	6/9/2022	
EHB 1752	C 72 L 22	Adding a Roth option to deferred comp. plans	6/9/2022	
HB 1765	C 73 L 22	Ensure ongoing sus. & vit. of WA health benefit exch.	6/9/2022	
HB 1825	C 74 L 22	Continuity of judicial ops. In single judge courts	6/9/2022	
SHB 1867	C 75 L 22	Dual credit program data	6/9/2022	
2SHB 1890	C 76 L 22	The children and youth behavioral health work group	6/9/2022	
SHB 1941	C 77 L 22	Prohibit active shooter scen. for school safe. rel. drills	6/9/2022	
SHB 1955	C 78 L 22	Create uniformity in educational reqs. for students	6/9/2022	
HB 1974	C 79 L 22	Moving state board of education & esd elections	6/9/2022	
ESHB 2037	C 80 L 22	Modify standard for use of force by peace officers	3/17/2022	
ESHB 2064	C 81 L 22	Security dep. & dmgs. arising out of res. tenancies	6/9/2022	
ESSB 5245	C 82 L 22	The safety of crime victims	7/1/2022	
SB 5504	C 83 L 22	Extending current discover pass free days	6/9/2022	
SB 5505	C 84 L 22	Reinstate. prop. tax exemp. for prop. own. by nonprof.	6/9/2022	
SB 5519	C 85 L 22	Replacing inactive cert. status w/ inactive lic. desig.	6/9/2022*	
SB 5529	C 86 L 22	Self-Directed care	6/9/2022	
SB 5539	C 87 L 22	State funding for educational service districts	6/9/2022	
SSB 5548	C 88 L 22	The uniform unregulated child custody transfer act	6/9/2022	
SSB 5558	C 89 L 22	Bistate govern. of inters. toll bridges own. by loc. gov.	6/9/2022	
SB 5565	C 90 L 22	Allow fire dist. & reg. fire auth. to carry out treas. func.	6/9/2022	
SSB 5590	C 91 L 22	Eliminate 2022 exp. Date of marine res. adv. cmte.	6/9/2022	
SSB 5678	C 92 L 22	Energy trans. non emit. elec. gen. & ren. res. pro. anal	6/9/2022	

3118 BILLS, MEMORIALS AND RESOLUTIONS PASSED

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5713	C 93 L 22	Provide prop. tax exempt. for lim. equity coop hous.	6/9/2022	
2SSB 5736	C 94 L 22	Partial hospital. & intens. outpatient treat. services	6/9/2022	
SSB 5749	C 95 L 22	Rent pay. made by res. & manuf. housing comm. ten.	6/9/2022	
SB 5750	C 96 L 22	Designating WSLB a trustee of State of WA	7/1/2022	
SSB 5756	C 97 L 22	Establishing the semiquincentennial committee	6/9/2022	
SSB 5785	C 98 L 22	Transitional food assistance	1/1/2024	
SB 5787	C 99 L 22	Linked deposit program	6/9/2022	
SSB 5838	C 100 L 22	Provide monthly diaper sub. for parents recv. TANF	11/1/2023	
SSB 5862	C 101 L 22	Tech. changes to comm. prop. assess. clean energy	3/17/2022	
SB 5895	C 102 L 22	Timing rest. for remedial action grant to loc. govt.	6/9/2022	
SB 5898	C 103 L 22	Use of vehicle rel. fees to fulfill state gen. oblig. bonds	6/9/2022	
ESSB 5078	C 104 L 22	Establish firearm-rel. safety meas. to inc. pub. safety	7/1/2022	
ESHB 1705	C 105 L 22	Limiting ghost guns	7/1/2022	
ESHB 1630	C 106 L 22	Establish restrict. on possess. of weapon. in cer. loc.	6/9/2022	
E2SHB 1153	C 107 L 22	Language access in public schools	6/9/2022	PV
SHB 1590	C 108 L 22	Enrollment stabil. funding to address enroll. declines	3/23/2022	
2SHB 1664	C 109 L 22	prototype school formula for phy., soc., & emo. supp.	6/9/2022*	
ESHB 1699	C 110 L 22	Permit indiv. ret. from PERS, TRS,& SERS add. opp.	3/23/2022	
HB 1833	C 111 L 22	Establish elect. opt. for sub. of house. inc. sch. meals	6/9/2022	
2SHB 2078	C 112 L 22	Establishing outdoor school for all program	6/9/2022	
SSB 5933	C 113 L 22	Establishing a school seismic safety grant program	6/9/2022	
SHB 1876	C 114 L 22	Public invest. imp. disc. for certain ballot measures	6/9/2022	
ESHB 1329	C 115 L 22	Public meeting accessibility and participation	6/9/2022*	

BILLS, MEMORIALS AND RESOLUTIONS PASSED 3119

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
3SHB 1359	C 116 L 22	Temporarily reducing liquor license fees	4/1/2022	
ESHB 1530	C 117 L 22	Creating Washington wine special license plates	11/1/2022	
HB 1622	C 118 L 22	Increase avail. of sex. assault nurse examiner ed.	6/9/2022	
HB 1641	C 119 L 22	Restoring B&O & pub. util. tax exempt. for cust. farm.	7/1/2022	
SHB 1646	C 120 L 22	Continuing the work of the dementia action collab.	6/9/2022	
HB 1647	C 121 L 22	The building for the arts program	6/9/2022	
HB 1651	C 122 L 22	Allow prov. to bill separately for imm. postpart. contra.	6/9/2022	
ESHB 1689	C 123 L 22	Exempt. biomark. testing from prior auth. for patients	6/9/2022	
HB 1700	C 124 L 22	Sustainable fund. for the derelict vessel removal acct.	6/9/2022	
SHB 1701	C 125 L 22	LEOFF retirement system benefits	6/9/2022	
SHB 1708	C 126 L 22	Facility fees for audio-only telemedicine	6/9/2022	
SHB 1747	C 127 L 22	Support. relative placement. in child welfare proceed.	6/9/2022	
SHB 1768	C 128 L 22	Updating def. applicable to energy conserv. projects	6/9/2022	
SHB 1779	C 129 L 22	Requiring policies addressing surgical smoke	1/1/2024	
EHB 1784	C 130 L 22	Establish. except. to req. that veh. lic. plates be vis.	6/9/2022	
HB 1785	C 131 L 22	Minimum monthly salary paid to WSP trooper & serg.	6/9/2022	
SHB 1790	C 132 L 22	Creation, display, and mat. durab. of temp. lic. plates	7/1/2023	
ESHB 1795	C 133 L 22	Prohibit nondisc. & nondisp. provis. from employers	6/9/2022	
SHB 1800	C 134 L 22	Increasing access to behav. health svcs. for minors	6/9/2022	
HB 1859	C 135 L 22	Quality stand. for labs. conducting cannabis analysis	6/9/2022*	
SHB 1893	C 136 L 22	Allowing emerg. med. technicians to prov. med. eval.	6/9/2022	
2SHB 1905	C 137 L 22	Reducing homelessness for youth and young adults	6/9/2022*	
HB 1907	C 138 L 22	Scholarship displace. in postsecond. inst. gift equity	6/9/2022	

3120 BILLS, MEMORIALS AND RESOLUTIONS PASSED

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
EHB 1931	C 139 L 22	Sustaining hydropower license fees	6/9/2022	
HB 1953	C 140 L 22	Exempting sensitive voter info. on ballot return env.	3/24/2022	
SHB 1961	C 141 L 22	Authority of the courts to waive auditor fees	7/1/2022	
SHB 1980	C 142 L 22	Removing prohib. on prov. empl. svcs. & comm. svcs.	6/9/2022	
EHB 1982	C 143 L 22	Clarifying app. of pen. & interest on pers. prop. taxes	3/24/2022	
HB 2024	C 144 L 22	Sales & use tax defer. for proj. to imp. SR 520 corr.	7/1/2022	
SHB 2050	C 145 L 22	Repealing reqs. for parent pay. of cost of child supp.	6/9/2022	
SHB 2057	C 146 L 22	Strengthen diversity, eq., & incl. in state patrol work.	6/9/2022	
HB 2058	C 147 L 22	Preserve. & protect. of fac. Own. by state parks & rec	1/1/2023	
SB 5002	C 148 L 22	State auditor's duties and procedures	6/9/2022	
2SSB 5085	C 149 L 22	Modifying the alt. fuel veh. fee for electric motorcycles	11/1/2022	
SB 5196	C 150 L 22	How the legislature may convene a special session	6/9/2022	
SB 5508	C 151 L 22	Insurance guaranty fund	6/9/2022	
SB 5518	C 152 L 22	The occupational therapy licensure compact	6/9/2022	
2SSB 5532	C 153 L 22	Establishing a prescription drug affordability board	6/9/2022	
SB 5566	C 154 L 22	Expanding elig. for the ind. youth housing program	6/9/2022	
SSB 5589	C 155 L 22	Statewide spending on primary care	6/9/2022	
E2SSB 5600	C 156 L 22	Sustainability & exp. of state reg. apprentice. program	6/9/2022*	
2SSB 5616	C 157 L 22	Accounts	6/9/2022*	
SB 5624	C 158 L 22	Extending the exp. date of certain sect. of C92 L19	6/9/2022	
SB 5634	C 159 L 22	Updating UTC regulatory fees	6/9/2022	
2SSB 5695	C 160 L 22	A body scanner pilot program at the dept. of correct.	6/9/2022	
ESSB 5714	C 161 L 22	Create a sales & use tax def. prog. for solar canopies	7/1/2022	

BILLS, MEMORIALS AND RESOLUTIONS PASSED 3121

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSB 5728	C 162 L 22	State's portion of civil asset forfeiture collections	7/1/2022	
SSB 5729	C 163 L 22	Create a good cause except. to admin hearing dead.	7/1/2023	
SSB 5745	C 164 L 22	Increasing the personal needs allowance	6/9/2022	
ESSB 5758	C 165 L 22	Condominium conversions	6/9/2022	
E2SSB 5764	C 166 L 22	Apprenticeships and higher education	6/9/2022	
SSB 5790	C 167 L 22	Strengthen crit. comm. supp. svcs. for ind. w/dev. dis.	6/9/2022	
SSB 5791	C 168 L 22	LEOFF retirement system benefits	6/9/2022	
E2SSB 5796	C 169 L 22	Restructuring cannabis revenue appropriations	6/9/2022	
SSB 5799	C 170 L 22	Modify app. of work. ed. invest. adv. comp. surcharge	7/1/2022	
SSB 5814	C 171 L 22	Providing fund. for med. eval. of sus. vict. of child ab.	6/9/2022	
ESB 5849	C 172 L 22	Tax incentives	7/1/2022	
SB 5854	C 173 L 22	Ethical performance of faculty duties	6/9/2022	
SB 5855	C 174 L 22	Use of campaign funds to reimb. exp. for child care	6/9/2022	
SB 5868	C 175 L 22	Expand use of rur. county. pub. fac. sales & use tax	6/9/2022	
SB 5929	C 176 L 22	Change mem. of leg-exec. workfirst pov. red. oversi.	6/9/2022	
SSB 5722	C 177 L 22	Reducing greenhouse gas emissions in buildings	6/9/2022	
HB 1280	C 178 L 22	Greenhouse gas emi. reduction in design of pub. fac.	6/9/2022	
E2SHB 1663	C 179 L 22	Reducing methane emissions from landfills	6/9/2022	
E2SHB 1799	C 180 L 22	Organic materials management	6/9/2022	
E2SSB 5842	C 181 L 22	State laws that address climate change	6/9/2022	
ESSB 5974	C 182 L 22	Transportation resources	7/1/2022*	
E2SHB 1812	C 183 L 22	Modernizing the energy facility site council	6/30/2022	PV
HB 1934	C 184 L 22	Participation of tribal govt's in exchange agreements	6/9/2022	

3122 BILLS, MEMORIALS AND RESOLUTIONS PASSED

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SHB 1988	C 185 L 22	Tax def. for invest. proj. in clean tech. manufacturing	7/1/2022	
ESSB 5689	C 186 L 22	Transportation funding and appropriations	3/25/2022	PV
SSB 5975	C 187 L 22	Additive transportation funding and appropriations	3/25/2022	
SB 5615	C 188 L 22	Designating pickleball as the official state sport	6/9/2022	
E2SHB 1015	C 189 L 22	Creating WA equitable access to credit act	6/9/2022	
SHB 1074	C 190 L 22	Overdose and suicide fatality reviews	6/9/2022	
E2SHB 1181	C 191 L 22	Establish prog. & meas. to prev. suicide among vets.	6/9/2022*	
E2SHB 1241	C 192 L 22	Planning under the growth management act	6/9/2022	
ESHB 1357	C 193 L 22	Voters' pamphlets for overseas and service voters	6/9/2022	
HB 1430	C 194 L 22	The duration of state upland leases	6/9/2022	
ESHB 1497	C 195 L 22	Commercial telephone solicitation	6/9/2022	
SHB 1593	C 196 L 22	Expanding the Landlord mitigation program	6/9/2022*	
SHB 1616	C 197 L 22	The charity care act	6/9/2022	
SHB 1617	C 198 L 22	Aligning state and school holidays	7/1/2022	
ESHB 1643	C 199 L 22	Exempting a sale or trans. of real prop. for aff. hous.	6/9/2022*	
SHB 1644	C 200 L 22	Permit. funds in trans. veh. fund used for elect. trans.	6/9/2022	
ESHB 1673	C 201 L 22	Broadband inf. loans & grants by pub. works board	6/9/2022	
E2SHB 1691	C 202 L 22	Financial responsibility reqs. related to oil spills	6/9/2022	
SHB 1703	C 203 L 22	Modernization of statewide 911 emerg. comm. sys.	6/9/2022	
SHB 1706	C 204 L 22	Truck drivers ability to access restroom facilities	6/9/2022	
SHB 1728	C 205 L 22	Reauthorize & amend. dates for cost of ins. work grp.	6/9/2022	
E2SHB 1736	C 206 L 22	Establishing a state student loan program	6/9/2022	
HB 1739	C 207 L 22	Modernize hosp. pol. rel. to path. of epid. concern	6/9/2022	

BILLS, MEMORIALS AND RESOLUTIONS PASSED 3123

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 1748	C 208 L 22	Aged, blind, or disabled program eligibility	7/1/2022	
2SHB 1751	C 209 L 22	Hazing prevention and reduction at inst. of higher ed.	6/9/2022	
SHB 1773	C 210 L 22	Assisted outpatient treat. for pers. w/ beh. health dis.	6/9/2022***	
HB 1805	C 211 L 22	The opportunity scholarship program	6/9/2022	
2SHB 1814	C 212 L 22	Expanding equitable access to benefit of ren. energy	3/30/2022	
ESHB 1821	C 213 L 22	Definition of est. rel. for purp. of audio-only telemed.	6/9/2022	
2SHB 1835	C 214 L 22	Outreach & comp. initiative to inc. postsec. enroll.	6/9/2022	
2SHB 1860	C 215 L 22	Prevent homeless. among pers. dis. from beh. health	6/9/2022	
ESHB 1866	C 216 L 22	Assisting persons recvg. community support services	6/9/2022	
ESHB 1881	C 217 L 22	Creating a new health profession for birth doulas	6/9/2022*	
SB 5042	C 218 L 22	Effective date of cert. act. taken under grow. man. act	6/9/2022	
ESSB 5268	C 219 L 22	Transform svcs. for indiv. w/ intell. and dev. disability.	6/9/2022	
2ESSB 5275	C 220 L 22	Enhancing opp. In lim. areas of more intense rur. dev.	6/9/2022	
E2SHB 1815	C 221 L 22	Deterring catalytic converter theft	3/30/2022*	
SSB 5376	C 222 L 22	Promoting awareness of gov. office of ed. Ombuds	6/9/2022	
SSB 5488	C 223 L 22	State contrib. in supp. of Tacoma Narrows toll bridge	6/9/2022	
SB 5498	C 224 L 22	Posthumous high school diplomas	6/9/2022	
ESSB 5531	C 225 L 22	Revised uniform unclaimed property act	1/1/2023	
ESSB 5544	C 226 L 22	Establishing the Washington blockchain work group	6/9/2022	
SB 5585	C 227 L 22	Setting domestic wastewater discharge fees	6/9/2022	
SSB 5610	C 228 L 22	Requiring cost-sharing for prescription drugs	6/9/2022	
SB 5612	C 229 L 22	Ensure dom. viol. vict. have opp. to make statement	6/9/2022	
2SSB 5619	C 230 L 22	Conserve & rest. kelp forests & eelgrass meadows	6/9/2022	

3124 BILLS, MEMORIALS AND RESOLUTIONS PASSED

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 5628	C 231 L 22	Cyber harrassment & adding a crime of cyberstalking	6/9/2022*	
SSB 5644	C 232 L 22	Providing quality behavioral health co-response svcs.	6/9/2022	
2SSB 5649	C 233 L 22	Modify the WA state paid family and med. leave act	6/9/2022*	
SB 5657	C 234 L 22	Computer science instruct. in state long-term juv. inst.	6/9/2022	
SB 5687	C 235 L 22	Certain traffic safety improvements	6/9/2022	
E2SSB 5702	C 236 L 22	Requiring coverage for donor human milk	6/9/2022	
SB 5715	C 237 L 22	Modifying the def. of broadband or broadband serv.	6/9/2022	
2SSB 5720	C 238 L 22	Student financial literacy education	6/9/2022	
SSB 5741	C 239 L 22	Creating patches pal special license plates	10/1/2022	
SSB 5753	C 240 L 22	Enhance cap. of health prof. board, comm., adv. cmte	6/9/2022*	
E2SSB 5755	C 241 L 22	Authorize certain cities to est. a ltm. sales & use tax	6/9/2022	
ESSB 5761	C 242 L 22	Employer reqs. for prov. wage & salary info to applic.	1/1/2023	
SB 5788	C 243 L 22	Guardianship of minors	6/9/2022*	
2SSB 5789	C 244 L 22	Create the WA career & coll. path. innov. chall. prog.	6/9/2022	
2SSB 5793	C 245 L 22	Allow comp. for lived exp. on boards, comm., councl.	6/9/2022	
SSB 5818	C 246 L 22	Promoting housing construction in cities	6/9/2022	
SSB 5819	C 247 L 22	Developmental dis. admin. no-paid svcs. caseload	6/9/2022	
ESSB 5847	C 248 L 22	Provide info. to pub. svcs. emp. about loan forg. prog.	3/30/2022	
ESSB 5874	C 249 L 22	Students affiliated with the military	6/9/2022	
ESSB 5878	C 250 L 22	Visual and performing arts instruction	6/9/2022	
SHB 1571	C 251 L 22	Protections & services for indigenous persons	6/9/2022	
SHB 1717	C 252 L 22	Tribal part. & planning under growth management act	6/9/2022	
ESHB 1753	C 253 L 22	Tribal consult. regard. use of fund. auth. by clim. com.	6/9/2022	

BILLS, MEMORIALS AND RESOLUTIONS PASSED 3125

2022 REGULAR SESSION

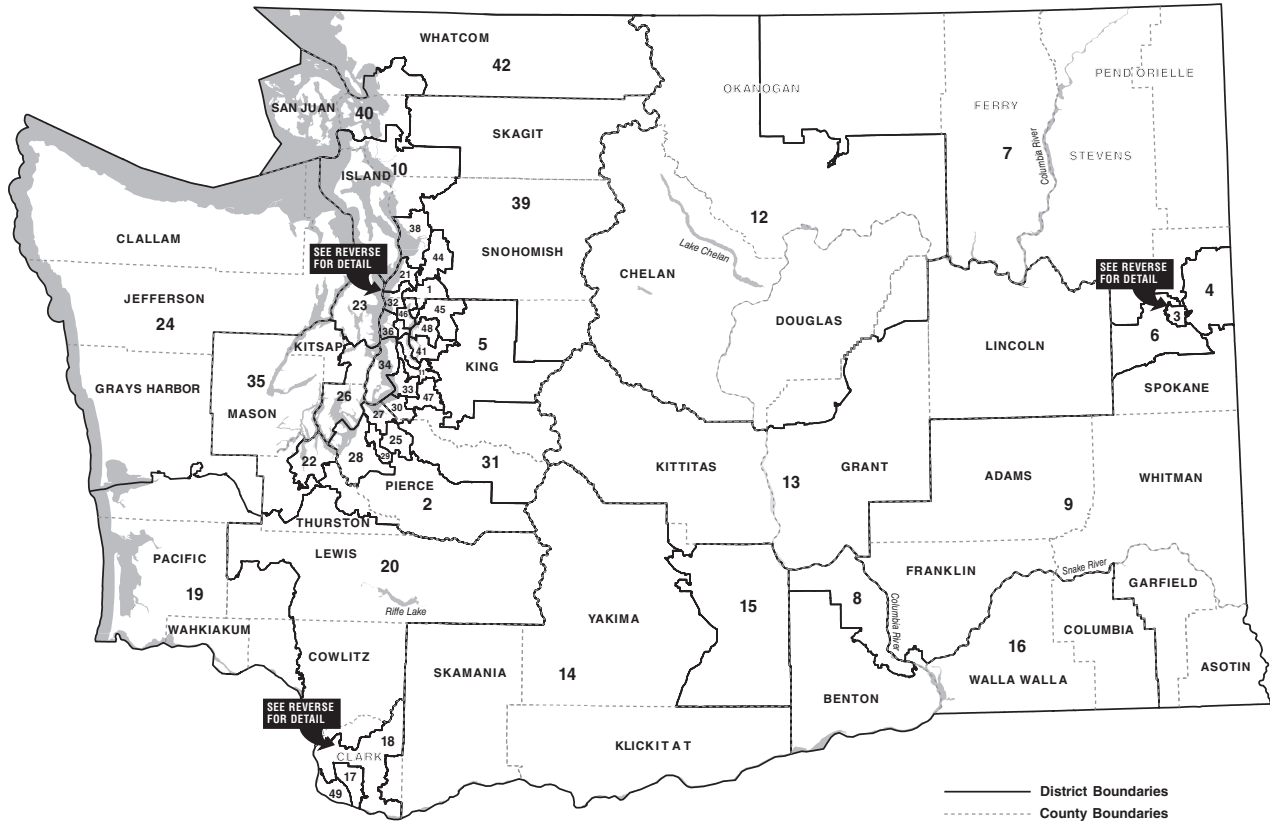
BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 5694	C 254 L 22	Recognizing Indian tribes as governmental entities	6/9/2022	
SB 5866	C 255 L 22	Concerning medicaid long term svcs. & supp. elig.	6/9/2022	
SHB 1725	C 256 L 22	Creation of endang. missing persons advisory desig.	6/9/2022	
ESB 5901	C 257 L 22	Economic dev. tax incentives for targeted counties	7/1/2022	PV
HB 1122	C 258 L 22	The retirement age for state guard members	6/9/2022	PV
2SHB 1173	C 259 L 22	State lands development authority	6/9/2022	
E4SHB 1412	C 260 L 22	Legal financial obligations	1/1/2023	
ESHB 1629	C 261 L 22	Comprehensive study of aerial imag. technology uses	6/9/2022	
SHB 1655	C 262 L 22	Having safety rest areas open to public asap	6/9/2022	PV
E2SHB 1688	C 263 L 22	Protect cons. from charge for out of net. health svcs.	3/31/2022	
ESHB 1694	C 264 L 22	Logistic process. for reg. of prior. chem. in cons. prod	6/9/2022	PV
E2SHB 1723	C 265 L 22	Closing digital eq. div. by increase. access. & afford.	6/9/2022*	
SHB 1724	C 266 L 22	Ensure oversight & coord. of perm. supp. house. res.	6/9/2022	
ESHB 1846	C 267 L 22	Providing a tax pref. for rural and nonrural data center	6/9/2022	PV
SHB 1901	C 268 L 22	Updating laws concerning civil protection orders	7/1/2022*	
SHB 1902	C 269 L 22	Provide an except. to proc. for reopen. workers comp	6/9/2022	
ESHB 1914	C 270 L 22	Updating & expanding motion pic. competitive. prog.	6/9/2022	
HB 1927	C 271 L 22	Encourage citiz. to serve in Leg. by creat. leave prov.	6/9/2022	
ESHB 1956	C 272 L 22	Exempt pub. disc. sens. rec. pert. to curr. incarceration. indi.	3/31/2022	
HB 1975	C 273 L 22	Property manag. services prov. to housing auth. prop.	6/9/2022	
EHB 1990	C 274 L 22	Sales & use tax defer. for proj. to imp. SR 167 & I405	7/1/2022	
SHB 2001	C 275 L 22	Expanding the ability to build tiny houses	6/9/2022	
HB 2007	C 276 L 22	Establishing a nurse ed. loan repayment program	6/9/2022	

3126 **BILLS, MEMORIALS AND RESOLUTIONS PASSED**

2022 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SHB 2008	C 277 L 22	Eliminating the use of intelligence quotient scores	6/9/2022	
SHB 2019	C 278 L 22	Increasing ed. & training opp. for careers in retail	6/9/2022	
HB 2033	C 279 L 22	Safety meas. for fire dept. veh. & vehicles using lights	6/9/2022	
SHB 2051	C 280 L 22	Provide short term dis. recov. fin. assist. to ag. prod.	3/31/2022	
ESHB 2076	C 281 L 22	Rights & oblig. of trans. network comp. driver & comp	6/9/2022*	PV
SHB 2099	C 282 L 22	Improving tax admin. by waiving pen. & imp. interest	1/1/2023*	
ESHB 2124	C 283 L 22	Extending collective bargaining to Leg. employees	6/9/2022*	
ESSB 5490	C 284 L 22	Creating the interbranch advisory committee	6/9/2022	PV
SSB 5528	C 285 L 22	Imposition of supp. rev. sources within reg. tran. area	6/9/2022	
SSB 5555	C 286 L 22	Public safety telecommunicators	6/9/2022	
ESSB 5593	C 287 L 22	Urban growth area boundaries	6/9/2022	
2SSB 5664	C 288 L 22	Forensic competency restoration programs	6/9/2022	PV
SSB 5765	C 289 L 22	The practice of midwifery	6/9/2022	
SB 5875	C 290 L 22	Add employees emp. by DOL assign. to iss. driv. lic.	6/9/2022	
SSB 5883	C 291 L 22	Unaccompany homeless youth abil. to prov. inf. cons.	6/9/2022	
SSB 5910	C 292 L 22	Accelerating avail. & use of renew. hydrogen in WA	6/9/2022*	
SSB 5961	C 293 L 22	Incentivizing the use of biochar	6/9/2022	
SB 5972	C 294 L 22	Extend exp. date of stat. dealing w/ wildlife con. res.	6/9/2022	
ESSB 5980	C 295 L 22	Provide subst. & perm. tax relief to small businesses	6/9/2022	
SSB 5651	C 296 L 22	Capital budget	3/31/2022	
ESSB 5693	C 297 L 22	Fiscal matters	3/31/2022	PV

2022 Statewide Legislative District Map With Legislative Members



District 1
Sen. Derek Stanford, D
Rep. Davina Duerr, D
Rep. Shelley Kloba, D

District 2
Sen. Jim McCune, R
Rep. Andrew Barkis, R
Rep. J.T. Wilcox, R

District 3
Sen. Andy Billig, D
Rep. Marcus Riccelli, D
Rep. Timm Ormsby, D

District 4
Sen. Mike Padden, R
Rep. Rob Chase, R
Rep. Bob McCaslin, R

District 5
Sen. Mark Mullet, D
Rep. Bill Ramos, D
Rep. Lisa Callan, D

District 6
Sen. Jeff Holy, R
Rep. Mike Volz, R
Rep. Jenny Graham, R

District 7
Sen. Shelly Short, R
Rep. Jacquelin Maycumber, R
Rep. Joel Kretz, R

District 8
Sen. Sharon Brown, R
Rep. Brad Klippert, R
Rep. Matt Boehnke, R

District 9
Sen. Mark Schoesler, R
Rep. Mary Dye, R
Rep. Joe Schmick, R

District 10
Sen. Ron Muzzall, R
Rep. Greg Gilday, R
Rep. Dave Paul, D

District 11
Sen. Bob Hasegawa, D
Rep. David Hackney, D
Rep. Steve Bergquist, D

District 12
Sen. Brad Hawkins, R
Rep. Keith Goehner, R
Rep. Mike Steele, R

District 13
Sen. Judy Warnick, R
Rep. Tom Dent, R
Rep. Alex Ybarra, R

District 14
Sen. Curtis King, R
Rep. Chris Corry, R
Rep. Gina R. Mosbrucker, R

District 15
Sen. Jim Honeyford, R
Rep. Bruce Chandler, R
Rep. Jeremie Dufault, R

District 16
Sen. Perry Dozier, R
Rep. Mark Klicker, R
Rep. Skyler Rude, R

District 17
Sen. Lynda Wilson, R
Rep. Vicki Kraft, R
Rep. Paul Harris, R

District 18
Sen. Ann Rivers, R
Rep. Brandon Vick, R
Rep. Larry A. Hoff, R

District 19
Sen. Jeff Wilson, R
Rep. Jim Walsh, R
Rep. Joel McEntire, R

District 20
Sen. John E. Braun, R
Rep. Peter Abbarno, R
Rep. Ed Orcutt, R

District 21
Sen. Marko Liias, D
Rep. Strom Peterson, D
Rep. Lillian Ortiz-Self, D

District 22
Sen. Sam Hunt, D
Rep. Laurie Dolan, D
Rep. Jessica Bateman, D

District 23
Sen. Christine Rolfes, D
Rep. Tarra Simmons, D
Rep. Drew Hansen, D

District 24
Sen. Kevin Van De Wege, D
Rep. Mike Chapman, D
Rep. Steve Tharinger, D

District 25
Sen. Chris Gildon, R
Rep. Kelly Chambers, R
Rep. Cyndy Jacobsen, R

District 26
Sen. Emily Randall, D
Rep. Jesse Young, R
Rep. Michelle Caldier, R

District 27
Sen. Yasmin Trudeau, D
Rep. Laurie Jinkins, D
Rep. Jake Fey, D

District 28
Sen. T'wina Nobles, D
Rep. Mari Leavitt, D
Rep. Dan Bronoske, D

District 29
Sen. Steve Conway, D
Rep. Melanie Morgan, D
Rep. Steve Kirby, D

District 30
Sen. Claire Wilson, D
Rep. Jamila Taylor, D
Rep. Jesse Johnson, D

District 31
Sen. Phil Fortunato, R
Rep. Drew Stokesbary, R
Rep. Eric Robertson, R

District 32
Sen. Jesse Salomon, D
Rep. Cindy Ryu, D
Rep. Lauren Davis, D

District 33
Sen. Karen Keiser, D
Rep. Tina Orwall, D
Rep. Mia Gregerson, D

District 34
Sen. Joe Nguyen, D
Rep. Eileen Cody, D
Rep. Joe Fitzgibbon, D

District 35
Sen. Tim Sheldon, D
Rep. Dan Griffey, R
Rep. Drew MacEwen, R

District 36
Sen. Reuven Carlyle, D
Rep. Noel Frame, D
Rep. Liz Berry, D

District 37
Sen. Rebecca Saldaña, D
Rep. Sharon Tomiko Santos, D
Rep. Kirsten Harris-Talley, D

District 38
Sen. June Robinson, D
Rep. Emily Wicks, D
Rep. Mike Sells, D

District 39
Sen. Keith Wagoner, R
Rep. Robert J. Sutherland, R
Rep. Carolyn Eslick, R

District 40
Sen. Liz Lovelett, D
Rep. Debra Lekanoff, D
Rep. Alex Ramel, D

District 41
Sen. Lisa Wellman, D
Rep. Tana Senn, D
Rep. My-Linh Thai, D

District 42
Sen. Simon Seifik, R
Rep. Alicia Rule, D
Rep. Sharon Shewmake, D

District 43
Sen. Jamie Pedersen, D
Rep. Nicole Macri, D
Rep. Frank Chopp, D

District 44
Sen. John Lovick, D
Rep. Brandy Donaghy, D
Rep. April Berg, D

District 45
Sen. Manka Dhingra, D
Rep. Roger Goodman, D
Rep. Larry Springer, D

District 46
Sen. David Frockt, D
Rep. Gerry Pollet, D
Rep. Javier Valdez, D

District 47
Sen. Mona Das, D
Rep. Debra Entenman, D
Rep. Pat Sullivan, D

District 48
Sen. Patricia Kuderer, D
Rep. Vandana Slatter, D
Rep. Amy Walen, D

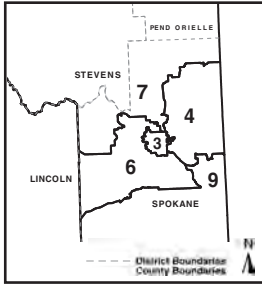
District 49
Sen. Annette Cleveland, D
Rep. Sharon Wylie, D
Rep. Monica Jurado Stonier, D



Break-out of Washington Area Legislative Districts

Members Representing Spokane and Vancouver Areas

Spokane Area



District 3
Sen. Andy Billig, D
Rep. Marcus Riccelli, D
Rep. Timm Ormsby, D

District 4
Sen. Mike Padden, R
Rep. Rob Chase, R
Rep. Bob McCaslin, R

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Sen. Jeff Holy, R
Rep. Mike Volz, R
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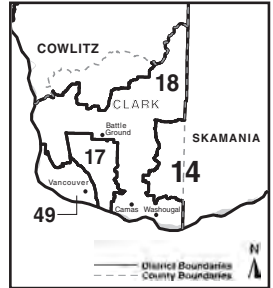
District 14
Sen. Curtis King, R
Rep. Chris Corry, R
Rep. Gina R. Mosbrucker, R

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Sen. Lynda Wilson, R
Rep. Vicki Kraft, R
Rep. Paul Harris, R

District 18
Sen. Ann Rivers, R
Rep. Brandon Vick, R
Rep. Larry A. Hoff, R

District 49
Sen. Annette Cleveland, D
Rep. Sharon Wylie, D
Rep. Monica Jurado Stonier, D

Vancouver Area



Members Representing the Puget Sound Area

District 1
Sen. Derek Stanford, D
Rep. Davina Duerr, D
Rep. Shelley Kloba, D

District 2
Sen. Jim McCune, R
Rep. Andrew Barkis, R
Rep. J.T. Wilcox, R

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Rep. Dave Paul, D

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Rep. Steve Bergquist, D

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Rep. Strom Peterson, D
Rep. Lillian Ortiz-Self, D

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Rep. Jessica Bateman, D

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Rep. Drew Hansen, D

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Rep. Eric Robertson, R

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Rep. Lauren Davis, D

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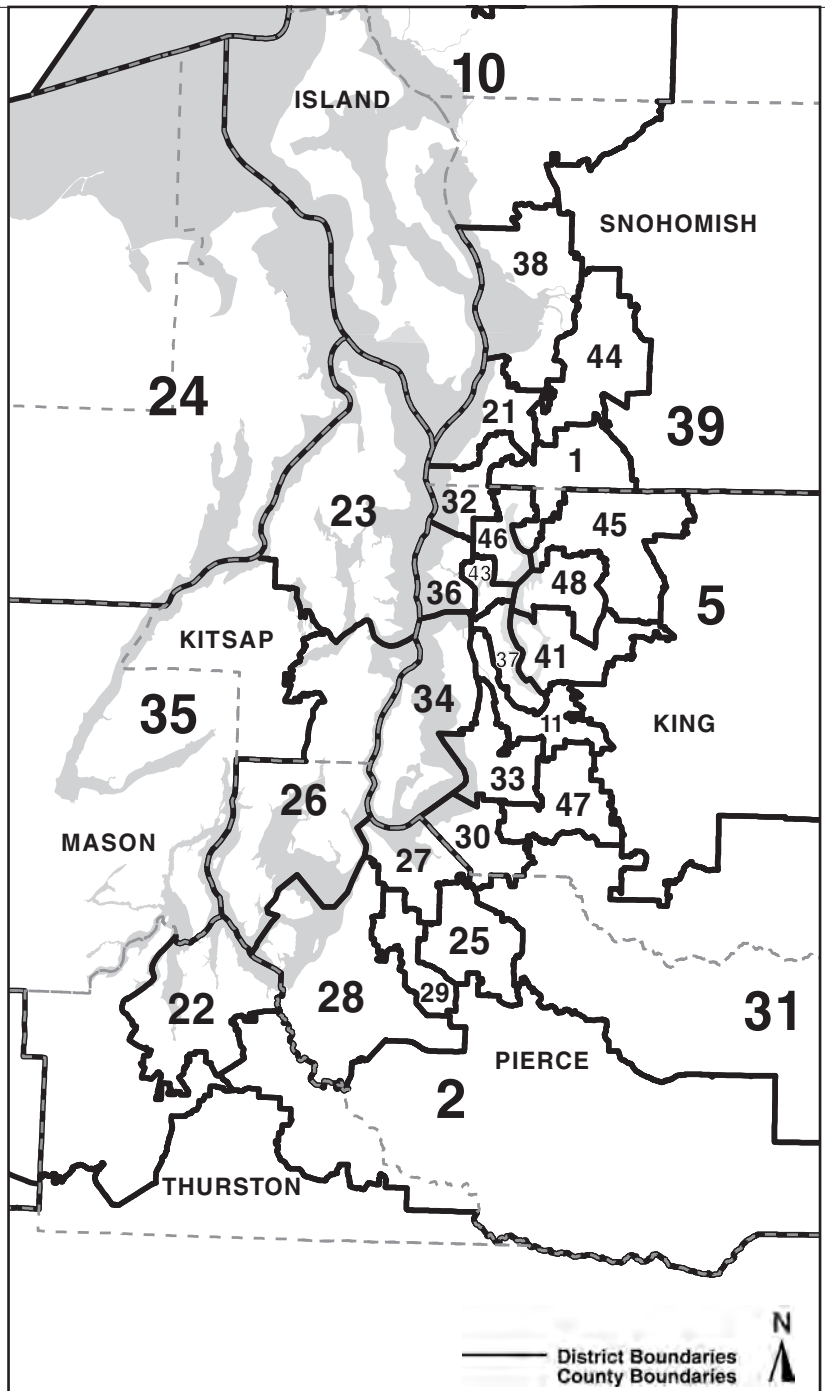
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Rep. Larry Springer, D

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Rep. Javier Valdez, D

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Rep. Debra Entenman, D
Rep. Pat Sullivan, D

District 48
Sen. Patricia Kuderer, D
Rep. Vandana Slatter, D
Rep. Amy Walen, D





STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, House Bill No. 1122 entitled:

“AN ACT Relating to the retirement age for state guard members.”

Section 1 of House Bill 1122 updates the retirement age for Washington state guard members. Current law allows volunteer guard members to serve until age 64, with possible one-year extensions until age 68. This bill retains the retirement age of 64 but now allows for unlimited two-year extensions if the member is physically and mentally capable of completing assigned mission tasks and if the extension is approved by leadership. Section 2 is an emergency clause that would make this change effective immediately. I agree that allowing volunteers to serve for as long as they can complete their tasks is beneficial to our entire community. However, as important as this bill is, modifying the retirement age of volunteer state guard members is not an emergency.

For these reasons I have vetoed Section 2 of House Bill No. 1122.

With the exception of Section 2, House Bill No. 1122 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor

3130

JAY INSLEE
Governor



STATE OF WASHINGTON

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March 23, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 15, Engrossed Second Substitute House Bill No. 1153 entitled:

“AN ACT Relating to language access in public schools.”

Engrossed Second Substitute House Bill 1153 provides for expanded language access programs in public schools. Funding was provided for the work at the Office of Superintendent of Public Instruction, the School for the Blind, and the Center for Deaf and Hard of Hearing Youth, but funding was not explicitly provided for the Office of Equity. Section 15 is a null and void clause, which may operate to nullify the entire bill because funding was not explicitly provided for the Office of Equity. Therefore, I am vetoing Section 15 of this bill in order to ensure that this important work occurs.

For these reasons I have vetoed Section 15 of Engrossed Second Substitute House Bill No. 1153.

With the exception of Section 15, Engrossed Second Substitute House Bill No. 1153 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1623 entitled:

“AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.”

I would first like to thank Representative Mosbrucker for her continued focus on meeting our state's energy needs. Ensuring that our electricity grid continues to reliably provide power to Washingtonians is a priority for me as well, which is why we have multiple state agencies already working on this issue. For example, the Department of Commerce and the Utilities and Transportation Commission already convene annual meetings to review resource adequacy needs. And, under the Clean Energy Transformation Act, the Department of Commerce is required to provide a report to the Legislature every four years on this issue. All of this work is in addition to the annual resource adequacy assessment conducted by the Northwest Power and Conservation Council. In light of these ongoing efforts, the work outlined in the bill is redundant to, and its requirements do not align with, existing state government efforts on this important issue.

For these reasons I have vetoed Substitute House Bill No. 1623 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor

3132

JAY INSLEE
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1648 entitled:

“AN ACT Relating to replacing an inactive certificate status with an inactive license designation.”

House Bill 1648 is identical to Senate Bill 5519, which was already signed into law at the close of this session.

For these reasons I have vetoed House Bill No. 1648 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Substitute House Bill No. 1655 entitled:

“AN ACT Relating to having safety rest areas open to the public as soon as possible.”

Section 1 describes the important role that rest stops provide to help truck drivers rest and operate safely. However, it overlooks that the rest stop closures were due to a variety of reasons, including the lack of security and safety for truckers, the public, and the employees at those rest stops. A similar budget proviso in Engrossed Substitute Senate Bill 5689 properly reflects the need to address security at certain rest stops in order for them to ensure the safety of these facilities. In addition, Section 1 is not necessary to implement the policies set forth in the bill.

For these reasons I have vetoed Section 1 of Substitute House Bill No. 1655.

With the exception of Section 1, Substitute House Bill No. 1655 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor

3134

JAY INSLEE
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 4 and 5, Engrossed Substitute House Bill No. 1694 entitled:

“AN ACT Relating to logistical processes for the regulation of priority chemicals in consumer products.”

Sections 4 and 5 of this bill are existing statutes related to two different reports that must be provided to the Legislature regarding priority chemicals. However, the proposed changes that were made to these statutes in the original bill were removed as this bill moved through the legislative process, leaving the current statutes unchanged. I am vetoing sections 4 and 5 of this bill because they do not make any amendments to the underlying statutes in question.

For these reasons I have vetoed Sections 4 and 5 of Engrossed Substitute House Bill No. 1694.

With the exception of Sections 4 and 5, Engrossed Substitute House Bill No. 1694 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee'.

Jay Inslee
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1704 entitled:

“AN ACT Relating to the regulation of service contracts and protection product guarantees.”

House Bill 1704 undermines existing law which passed unanimously in in 1999, at the request of the Attorney General, after the default of several companies that sold product protection guarantees, or warranties, leaving consumers without means to access the benefits they paid for. The state Insurance Commissioner expressed great concern that this bill erodes consumer protections by allowing default reimbursement insurance policies and removing the "first dollar" standard that currently protects consumers with a full reimbursement of purchased services or product protections, without delays or confusing and complex transactions. Washington state's customers are best served by maintaining current law.

For these reasons I have vetoed House Bill No. 1704 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

March 25, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 19, 20, 21, and 22, Engrossed Second Substitute House Bill No. 1812 entitled:

“AN ACT Relating to modernizing the energy facility site evaluation council to meet the state's clean energy goals.”

Section 19 of Engrossed Second Substitute House Bill 1812 directs the Department of Commerce to conduct a study and stakeholder engagement around rural energy issues; however, the Legislature did not provide funding for this work. Fortunately, there is important study and stakeholder engagement work directed by the Legislature that is underway now, including a stakeholder process looking at how to effectively and responsibly site low-carbon energy. Recommendations from these efforts are due by the end of the year. In addition, the WSU Energy Program is launching a study and stakeholder process for how to site solar energy generation with the least conflicts.

There are significant economic development and job opportunities in clean energy in rural Washington and throughout the state. On our shared path to clean energy and a safe climate, I am committed to learning from and having dialogue with rural communities across the state about clean energy, including project siting, and about how we can support vibrant rural communities as we transition to a clean energy economy. Doing this well will require deep engagement with rural communities. Therefore, I am directing the Department of Commerce to bring forward a proposal for funding in the 2023-25 biennium to conduct a study and stakeholder engagement process for key issues around clean energy and rural communities.

In addition, Sections 20, 21, and 22 amend statutes of an existing joint legislative committee and give it a new charge related to examining energy facility siting. That new charge is intended to be informed by the results of the Department of Commerce study in Section 19. Because that study was not funded, the committee would lack a key information source for their work.

For these reasons I have vetoed Sections 19, 20, 21, and 22 of Engrossed Second Substitute House Bill No. 1812.

With the exception of Sections 19, 20, 21, and 22, Engrossed Second Substitute House Bill No. 1812 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", is written over a light blue rectangular background.

Jay Inslee
Governor

3138

JAY INSLEE
Governor



STATE OF WASHINGTON

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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 8 and 9, Engrossed Substitute House Bill No. 1846 entitled:

“AN ACT Relating to providing a tax preference for rural and nonrural data centers.”

Section 8 of Engrossed Substitute House Bill 1846 directs the Department of Commerce to contract with the Pacific Northwest National Laboratory to evaluate Washington's current and future grid resilience and reliability. Ensuring that our electricity grid continues to reliably provide power to Washingtonians is a priority, which is why we have multiple state agencies already working on this issue. The requirements established in Section 8 are redundant to resource adequacy planning efforts already underway at the Utilities and Transportation Commission, the Department of Commerce, and the Northwest Power and Conservation Council. And while we welcome additional resources for scenario planning and modeling, that work should be undertaken by the Northwest Power and Conservation Council, as it aligns with their existing forecasting and modeling work.

Section 9 of this bill is a null and void clause that would nullify Section 8 if no funding is provided for the purposes of Section 8. Although no funding was provided for Section 8, Section 9 is no longer relevant or necessary because I am vetoing Section 8.

For these reasons I have vetoed Sections 8 and 9 of Engrossed Substitute House Bill No. 1846.

With the exception of Sections 8 and 9, Engrossed Substitute House Bill No. 1846 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute House Bill No. 2075 entitled:

“AN ACT Relating to establishing service requirements for the department of social and health services.”

During the pandemic, it was necessary and proper to close in-person services within our state agencies to protect the lives of workers and clients. Once we achieved the proper level of vaccination and safety measures, I directed agencies to restore in-person services, and these services have been restored. I agree that closed offices, long wait times and dropped phone calls are frustrating to clients and may result in a delay in receiving benefits. Reopening offices only partially addressed these issues, and more progress will require changes to the system and further investments.

The executive branch always strives to manage state programs in the best manner possible, within the authorization and resources provided by the legislative branch. Identifying specific performance metrics, in particular without the necessary resources, is an overreach in our respective roles. The Secretary and I remain committed to improving the delivery of state services, and I am directing her to develop a service improvement proposal for consideration in my next biennial budget request.

For these reasons I have vetoed Engrossed Second Substitute House Bill No. 2075 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor

3140

JAY INSLEE
Governor



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March 31, 2022

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 16, Engrossed Substitute House Bill No. 2076 entitled:

“AN ACT Relating to rights and obligations of transportation network company drivers and transportation network companies.”

Engrossed Substitute House Bill 2076 focuses on matters specific to the driver of a Transportation Network Company and the nature of the employment relationship with the company. Section 16 exempts transportation network companies and drivers from the "common carrier" statutes. However, more work needs to be done in this sector focused on consumer protections, and Section 16 adds ambiguity without adequate additional consumer protections in place. It is critical that we respond to this concern in future legislation before putting this exemption into law. I am confident this is a matter that the legislature will address.

For these reasons I have vetoed Section 16 of Engrossed Substitute House Bill No. 2076.

With the exception of Section 16, Engrossed Substitute House Bill No. 2076 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor

ABORTION

- Abortion care, equal rights to access, regardless of gender/gender identity/race/ethnicity/income level/etc.: ***EHB 1851, CH 65 (2022)**
- Down syndrome, abortion or attempted abortion due to, prohibiting: HB 1008
- Down syndrome, attending physician reporting duties in relation to: HB 1008
- Financial responsibility/funds expenditure, when minor is under age 16, prohibiting without parent/guardian consent: HB 2041
- Gestational age/fetal heartbeat, limiting right to abortion based on, practitioner requirements/unlawful acts/penalties: HB 2121
- Medication, performing abortion by means of, prohibiting, class C felony: HB 1679
- Reproductive freedom, pregnant individual's right to choose or refuse to have abortion, provisions: ***EHB 1851, CH 65 (2022)**
- Right to choose to have abortion, limiting based on probable gestational age/detecting fetal heartbeat: HB 2121
- Student health plans, coverage for abortion, when: ***HB 1009, CH 53 (2021)**

ACCOUNTANTS AND ACCOUNTING

- Certificate, inactive status, replacing with inactive license designation: ***HB 1648 (2022) V, *SB 5519, CH 85 (2022)**

ACTUARY, STATE

- Family and medical leave, paid, actuarial assistance for program, actuary to provide: ***2SSB 5649, CH 233 (2022)**

ADMINISTRATIVE OFFICE OF THE COURTS

- Early childhood court program, for infants/toddlers in dependency system, establishing, evaluation of, office role: ***2SSB 5331, CH 285 (2021)**
- Eviction resolution pilot program, for rent nonpayment cases, establishing, roles of resolution centers and office: ***E2SSB 5160, CH 115 (2021) PV**
- Juries and jurors, electronic demographic survey for jurors beginning a jury term, office role: HB 1542
- Rent, nonpayment of, early resolution program for cases of, establishing, office role: HB 1228

ADMINISTRATIVE PROCEDURE (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; ENVIRONMENT; GROWTH MANAGEMENT; HYDRAULIC PERMITS AND PROJECTS; LAND USE PLANNING AND DEVELOPMENT; LEGISLATURE; LICENSING, DEPARTMENT; OPEN PUBLIC MEETINGS; PROFESSIONS; RECORDS; WASHINGTON ADMINISTRATIVE CODE (WAC))

- Administrative rules review committee, joint, chairperson and vice chairperson, appointing: HB 1670, SB 5506
- Agency actions, judicial review under APA of, transfer to court of appeals, when: ***SB 5225, CH 305 (2021)**
- COVID-19 emergency proclamations, civil penalties for activity/operations violations, amnesty for and prohibition of: HB 1547
- Emergency orders, content and duration, and role of legislature: HB 1017, HB 1381
- Health orders, emergency, content and duration, and role of legislature: HB 1004, HB 1017, HB 1029
- Health orders, emergency, health-related measures in, right to decline: HB 1305, HB 1317
- Justice, environmental, environmental health disparities, state agency actions to reduce: ***E2SSB 5141, CH 314 (2021)**
- Rule making, addressing emergency, health-related measures in, right to decline: HB 1305, HB 1317
- Rule making, agency amending/repealing in response/relating to state of emergency, restricting: HB 1381
- Rule making, during state of emergency, agencies restricted to executing certain provisions: HB 1381
- Rule making, emergency, agency adoption in response/relating to state of emergency, prohibiting: HB 1381
- Rule making, emergency, duration and adoption in sequence, and role of legislature: HB 1013, HB 1158
- Rule making, emergency, duration and oral comment hearing: HB 1029
- Rule making, for uniform document recording, by secretary of state: ***SB 5019, CH 137 (2021)**
- Safety/health, L&I rules/guidance/policies and penalties imposed on employers, restricting: HB 1609

ADOPTION

- Agreements, open, terminated parental rights/birth parent deficiencies remedying/child-birth parent visitation petitions: HB 1903

ADVANCED COLLEGE TUITION PAYMENT PROGRAM

- GET accounts, retroactively adjusting for units purchased at 2020-2021 unit price: ***SB 5430, CH 248 (2021)**
- Tuition units, price increase limitations, when: ***SB 5430, CH 248 (2021)**

Tuition units, via advanced college tuition payment/GET program, value of, and dividends: HB 1138

ADVERTISING

Internet/mobile applications, marketing/advertising to minors via, prohibitions: HB 1697

Political, purchaser information disclosure to commercial advertiser, requirements: HB 1919

Political, synthetic media of candidates, prohibitions, when: SB 5817

Political, when person not a candidate and/or not currently endorsed, disclaimer/other requirements: HB 1919

AERONAUTICS

Aerial imaging technology, state/local/tribal government uses of, studying: HB 1629

Aircraft noise abatement, authorized programs, merging double amendments of RCW section concerning: ***EHB 1192, CH 65 (2021)**

Aircraft, abandoned, excess funds from sale by airport to be deposited into aeronautics account: ***ESB 5800, CH 56 (2022)**

Aircraft, unpiloted, DOT aviation division director to be system coordinator: HB 1379

Airport aid grant program, airport projects through, aircraft fuel sales/use tax funds use for, tracking: HB 1290

Airports, municipal, minimum labor standards enactment, when: ***SB 5385, CH 106 (2021)**

Airports, municipal, municipal airport commission as option for municipality: HB 1712

Airports, public use general aviation airport loan program: HB 1030, ***SB 5031, CH 175 (2021)**

Aviation and aerospace committee, appointing and maintaining: HB 1538

Aviation assurance fund office/board/program, for defraying private aerial fire response costs: HB 2086

Commercial aviation coordinating commission, state, extending deadlines/expiration dates for: HB 1198

Commercial aviation facility, new primary, deadline for providing location for, extending: HB 1198

Community aviation revitalization board, convening: HB 1030, ***SB 5031, CH 175 (2021)**

Seaplanes, mooring of, by residential owner abutting state-owned aquatic lands: HB 1240

Unmanned aircraft systems, commercial, adding to "commercial airplane" for certain tax preferences: HB 1470

Unpiloted aircraft system coordinator, DOT aviation division director to be: HB 1379

Unpiloted aircraft, commercial, registration fees for, as funding source for system coordinator: HB 1379

Wildland fire aviation program and support plan, provisions: HB 1168

AFRICAN AMERICAN AFFAIRS, COMMISSION

Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: ***ESSB 5405, CH 310 (2021) PV**

AFRICAN AMERICANS (See also DISCRIMINATION; EQUITY, WASHINGTON STATE OFFICE; MINORITIES)

Black history month, celebrating: ***HR 4603 (2021), *HR 4644 (2022)**

Brown, Bishop Leo Charles, Jr., service, life, and achievements of, recognizing and honoring: ***HR 4617 (2021)**

Bush, George Washington, commemorating through art, task force on, establishing: HB 1339

Critical race theory, definition and prohibition of K-12 instruction and discussion of: HB 1886

Educators, African American studies specialty endorsement for, creating: HB 1829

Juneteenth, as school holiday: HB 1617

Juneteenth, as state legal holiday, establishing as: HB 1016

King, Dr. Martin Luther, Jr., honoring: ***HR 4601 (2021), *HR 4635 (2022)**

Utendale, Dr. John, former NHL hockey player and college faculty member and administrator, honoring: ***HR 4637 (2022)**

Wilfong, Ester, teacher, administrator, and professional association leader, recognizing and honoring: ***HR 4659 (2022)**

AGRICULTURE (See also AGRICULTURE, DEPARTMENT; EMPLOYMENT AND EMPLOYEES; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; GROWTH MANAGEMENT; HORSES; LABOR; LIVESTOCK; PEST CONTROL AND PESTICIDES)

Agricultural products or farm machinery/equipment, persons hauling for farmer, public utility tax exemption: HB 1380

Bees, nonnative bumble bees, moving into Washington for open-field agricultural use, prohibiting: ***2SSB 5253, CH 278 (2021)**

Bees/pollinators, habitat for, provisions: ***2SSB 5253, CH 278 (2021)**

Bees/pollinators, pollinator health task force, reestablishing, and implementing recommendations of: ***2SSB 5253, CH 278 (2021)**

- Biochar, using in state agency and local government-funded projects, when: ***SSB 5961, CH 293 (2022)**
- Cannabis, Washington state cannabis commission, establishment/role of and commodity assessments by: HB 1710
- Career and technical education and student organizations, in agriculture, food, and natural resource sciences: HB 1544
- Critical areas on agricultural land, voluntary stewardship program for, extending date for counties to join: HB 1856
- Custom farming services, person performing or hauling for person performing, tax exemptions for, when: ***HB 1641, CH 119 (2022)**
- Daffodils, recognizing the daffodil festival, its organizers, and its royal court: ***HR 4619 (2021), *HR 4643 (2022)**
- Disasters, farmers/ranchers, short-term disaster recovery financial assistance program, developing/implementing: HB 2051
- Education, agriculture/animal husbandry, youth development programs promoting, organizations sponsoring: 2SSB 5643
- Equity in farming, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395
- Fairs, area/county/other, transfers from state general fund to fair fund to assist fairs: ***2SSB 5362, CH 245 (2021)**
- Fairs/youth shows/exhibitions, youth development programs promoting participation in, organizations sponsoring: 2SSB 5643
- Feed, for swine, using animal meat waste material and associated garbage as, prohibiting: SB 5300
- Fertilizer, commercial, application/license/inspection/late fees, increasing: ***SSB 5318, CH 282 (2021)**
- Future farmers of America, as youth development program promoting agriculture education and fair/youth show/exhibition participation: 2SSB 5643
- Greenhouses, temporary growing structures for horticultural plants, building code exemption for, broadening: SB 5641
- Hemp extract, processors producing, hemp extract certifications for: ***ESB 5372, CH 104 (2021)**
- Hemp, commercial processors, registration of: ***ESB 5372, CH 104 (2021)**
- Horticultural plants/vegetables/fruits, temporary growing structures for, building code exemption for, broadening: SB 5641
- Lands, agricultural, action removing designation under GMA: ***SB 5042, CH 218 (2022)**
- Lands, agricultural, carbon sequestration/storage, programs/activities/projects to preserve or increase: HB 1577
- Lands, agricultural, critical areas on, voluntary stewardship program for, extending date for counties to join: HB 1856
- Lands, agricultural, current use classification, involuntary removal, inspection before/documentation for refund: HB 1683
- Lands, agricultural/grazing, state leases for, nondefault or early termination provision, lessee compensation, when: ***EHB 1199, CH 36 (2021)**
- Lands, for farming, good faith purchaser of real property and relinquished water right: HB 1132
- Seeds, vegetable seed conditioning, manufacturing investment projects including, sales/use tax deferral program: ***ESB 5901, CH 257 (2022) PV**
- Sustainable farms and fields grant program, advisors network for, establishing: HB 1631
- Workers, agricultural labor work group, establishing: HB 1516
- Workers, employer exemption from payment of overtime to, removing: HB 1516, ***ESSB 5172, CH 249 (2021)**
- Workers, farmworkers, L&I administration of various matters applicable to, performance audits of: HB 1847, HB 2102
- Workers, farmworkers, specific needs of, comprehensive study of, conducting: HB 1847, HB 2102
- Workers, farmworkers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**
- Workers, modifying overtime compensation requirement to include, when: HB 1516, ***ESSB 5172, CH 249 (2021)**
- Workers, overtime compensation for 50+ hours during special circumstance weeks: HB 1750
- Workers, with mental health stresses/suicidal thoughts, agricultural community mental health hotline services for: HB 1434

AGRICULTURE, DEPARTMENT (See also AGRICULTURE; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; LIVESTOCK; PEST CONTROL AND PESTICIDES)

- Anadromous fish protection and recovery, state goal for, role of department: HB 1653
- Bees, pollinator health task force, reestablishing, and implementing recommendations of: ***2SSB 5253, CH 278 (2021)**
- Bees/pollinators, habitat for, department role: ***2SSB 5253, CH 278 (2021)**
- Cannabis laboratory quality standards, interagency coordination team for, creating, department role: ***HB 1859, CH 135 (2022)**
- Cannabis, compliance-based laboratory analysis of pesticides in, dedicated cannabis account appropriations for: ***E2SSB 5796, CH 169 (2022)**
- Cannabis, testing laboratory quality standards, establishing and maintaining, department role: ***HB 1859, CH 135 (2022)**
- Cannabis, Washington state cannabis commission, establishing, role of department: HB 1710

Compost reimbursement pilot program, establishing and implementing, department role: HB 1799
 Cottage food operations, maximum sales limit for permit, department role: HB 1685
 Equity in farming, historically underrepresented groups, ensuring inclusion of, when, department role: HB 1395
 Food assistance, using freed-up federal coronavirus funds for: HB 1368, HB 1467
 Fur farm transition grant program, establishing, department role: HB 1718
 Hemp extract, processors producing, hemp extract certifications for, department role: ***ESB 5372, CH 104 (2021)**
 Hemp, commercial processors, registration of, department role: ***ESB 5372, CH 104 (2021)**
 Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
 Meat and poultry processing and marketing assistance program, creating, department role: 2SSB 5045
 Meat, custom meat license for facilities/intrastate inspection program, establishing, department role: HB 1102
 Pesticide advisory board, establishing to advise department of agriculture: HB 1993

AIR QUALITY AND POLLUTION (See also CLIMATE; FUELS; GROWTH MANAGEMENT; POLLUTION CONTROL HEARINGS BOARD; WATER POLLUTION)

Air purifiers, other than industrial, efficiency standards: HB 1619
 Burning, flammable materials/refuse/waste forest materials on DNR-protected lands, permit requirement, violations of: HB 1423
 Carbon dioxide, state agency purchasing of copy paper produced via process yielding less: HB 1518
 Cargo-handling equipment/infrastructure, zero and near zero emissions, port district purchasing of: ***ESB 5026, CH 88 (2021)**
 Clean air act, "enjoyment of life and property," to include parks and certain areas: HB 1057
 Clean air act, greenhouse gas emissions reduction under: HB 1577
 Clean air act, permits required under, exemption from, when: HB 1436
 Clean energy transition workforce account, creating: ***2SSB 5616, CH 157 (2022)**
 Commute trip reduction incentives, tax credits for large employers implementing, role of general fund in supporting: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Commute trip reduction program, effectiveness of, assessing during pandemic: HB 1528
 Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528
 Fire departments, fire suppression vehicles with emissions or fuel reduction technology, sales/use tax exemptions: HB 1479
 Greenhouse gas emissions reduction account, creating: HB 1513, HB 1577
 Greenhouse gas emissions, cap on, and allowances/offset credits, Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
 Greenhouse gas emissions, carbon pollution tax on, imposing: HB 1513
 Greenhouse gas emissions, clean energy projects for infrastructure to reduce, proposals/reviews/appeals: HB 2002
 Greenhouse gas emissions, clean fuels program, establishing: HB 1036, HB 1091
 Greenhouse gas emissions, clean fuels program, modifying certain provisions: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Greenhouse gas emissions, clean heat act, gas company clean heat transition plans/regulatory changes: HB 1766
 Greenhouse gas emissions, climate commitment act cap and invest program, environmental justice role, modifying: ***E2SSB 5842, CH 181 (2022)**
 Greenhouse gas emissions, climate commitment act cap and invest program, modifying: ***E2SSB 5842, CH 181 (2022)**
 Greenhouse gas emissions, commercial transportation services: HB 1075
 Greenhouse gas emissions, distributed energy resources deployment via conservation projects: HB 1768
 Greenhouse gas emissions, emissions-intensive trade-exposed facilities, compliance pathway specific to: HB 1682
 Greenhouse gas emissions, energy efficiency account, reenacting/amending/continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Greenhouse gas emissions, fossil fuel use for space/water heating, reducing: HB 1084
 Greenhouse gas emissions, from building materials manufacturing, buy clean and buy fair Washington act: HB 1103
 Greenhouse gas emissions, from food delivery and goods delivery providers: HB 1075
 Greenhouse gas emissions, from hydrofluorocarbon and other refrigerants, reducing: HB 1050
 Greenhouse gas emissions, GMA/SMA/transportation planning for reducing: HB 1099
 Greenhouse gas emissions, healthy homes and clean buildings act: HB 1084
 Greenhouse gas emissions, methane from landfills, emission limits and collection/control systems: HB 1663
 Greenhouse gas emissions, methane reduction and organic materials management: HB 1799
 Greenhouse gas emissions, mitigation through public electric utility targeted electrification: HB 1767
 Greenhouse gas emissions, outdoor recreation and climate adaptation account, creating: HB 1823

Greenhouse gas emissions, public facility practices and all-electric energy systems for reducing: ***HB 1280, CH 178 (2022)**

Greenhouse gas emissions, reducing through carbon pollution tax and resulting revenues: HB 1513, HB 1577

Greenhouse gas emissions, residential and nonresidential construction, net energy consumption reduction for: HB 1770

Greenhouse gas emissions, residential buildings, state energy code for, and statewide residential reach code: HB 1770

Greenhouse gas emissions, tier 2 covered buildings, energy management/benchmarking requirement for: HB 1774, ***SSB 5722, CH 177 (2022)**

Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting: HB 1287

Greenhouse gas emissions, zero emissions vehicles, provisions: HB 1388

Outdoor power equipment, other than zero emission equipment, additional retail sales tax on, when: HB 1918

Outdoor power equipment, zero emission equipment, retail sales tax and use tax exemptions for: HB 1918

Outdoor power equipment, zero emission equipment, state agencies and local government to purchase only, when: HB 1918

Renewable fuels, statewide office of, establishing: ***SSB 5910, CH 292 (2022)**

Respiratory conditions, in children/teenagers, statewide home air quality improvement program, establishing: HB 1291

Sustainable farms and fields grant program, advisors network for, establishing: HB 1631

ALCOHOLIC BEVERAGES (See also FOOD AND FOOD PRODUCTS; SUBSTANCE USE DISORDER)

Controlled substance homicide offenses, offender release/escape/etc., victim notification: ***ESSB 5245, CH 82 (2022)**

COVID-19, economic impacts of, privileges granted to businesses with liquor licenses to mitigate, extending: HB 1480, SSB 5417

Licenses, license fee surcharge for certain alcohol licensees to help fund impairing cannabinoid enforcement: HB 2122

Licenses, providing alcohol for on-premises consumption, "open safe, open now" plan for reopening state in regard to: HB 1553

Licenses, breweries/microbreweries, endorsement for providing packaging services to other manufacturers: HB 2080, ***SB 5940, CH 64 (2022)**

Licenses, distilleries/craft distilleries, endorsement for providing packaging services to other manufacturers: HB 2080, ***SB 5940, CH 64 (2022)**

Licenses, fees for, waiving for one year, unless licensee has violated COVID-19/emergency requirements: ***ESSB 5272, CH 6 (2021)**

Licenses, fees, for certain restaurant/hotel/nightclub/theater/caterer licenses, reducing: HB 1359

Licenses, liquor manufacturers, endorsement for contracting to provide packaging services to other manufacturers: HB 2080, ***SB 5940, CH 64 (2022)**

Licenses, liquor, annual renewal date extension, when: HB 1011

Licenses, restaurant, beer and wine, wine by glass/premixed wine drinks for takeout/curbside/delivery: SSB 5417

Licenses, restaurant, spirits, beer, and wine, sales for off-premises consumption, licensee requirements: HB 1480, SSB 5417

Licenses, spirits retail license, issuance fee for, reducing for licensee 90% liquor compliance checks compliance: HB 2112

Licenses, spirits retail license, limited, creating: HB 1062

Licenses, various, alcohol products sales for curbside and takeout service or delivery by licensees holding: HB 1480, SSB 5417

Licenses, various, food service menu requirements for alcohol sales by, revising rules for flexibility concerning: HB 1480, SSB 5417

Licenses, various, outdoor service of alcohol by on-premises licensees holding: HB 1480, SSB 5417

Licenses, various, with delivery endorsement, photographing or scanning customer identification: HB 1480, SSB 5417

Licenses, wineries, endorsement for providing packaging services to other manufacturers: HB 2080, ***SB 5940, CH 64 (2022)**

Liquor excise tax fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Low-proof beverages, definition: HB 1734

Low-proof beverages, tax on sales by certain licensees to spirits retailers: HB 1734

Marketing/advertising to minors via internet/mobile application, prohibitions: HB 1697

Packaging services, liquor manufacturer contracting with other manufacturer to provide, license endorsement for: HB 2080, ***SB 5940, CH 64 (2022)**

Permits, spirits shipper's permit, for distilleries and certificate of approval holders: HB 1432

Production facilities of licensees, allowing employees 18 to 20 years of age to work in: HB 1483

Regulating alcohol/tobacco/cannabis/vapor products, behavioral health prevention/equity impact framework for: HB 2035

Retail sales of alcoholic beverages, certain hospitality industry businesses making, B&O tax preferential rate: HB 1299

Spirits, certain additional taxes on certain sales of, removing: HB 1533

Spirits, limited spirits retail license, and mitigation fee, creating: HB 1062

Spirits, mini-bottles, retail sales tax exemption for: HB 1480

Spirits, mini-bottles, retail sales tax exemption for, when: SSB 5417

Spirits, restaurant spirits retailers, distributor sales to, certain additional taxes on, removing: HB 1533

Spirits, spirits shipper's permit, for distilleries and certificate of approval holders: HB 1432

Spirits, vodka or vodka ingredient/input/material produced in or imported/sourced from Russia, sale of, prohibiting: HB 2134

Wine, Washington wine special license plates, creating: HB 1530

Wineries, production facilities of, allowing employees 18 to 20 years of age to work in: ***HB 1289, CH 123 (2021)**

Wineries, small, liquor excise tax on sales, exemption: HB 1116

ANIMALS (See also FOSSILS; HUNTING; LIVESTOCK; VETERINARIANS; WILDLIFE)

Cats, selling or offering for sale in pet store, prohibiting: HB 1424

Cruelty free cosmetics act, prohibiting selling of cosmetics tested using animals: HB 1615

Cruelty, second degree, provisions: HB 1038

Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

Dogs, assistance, courthouse facility dogs for witness use, access authority and certified handlers for: SSB 5127

Dogs, selling or offering for sale in pet store, requirements: HB 1424

Dogs, selling or offering for sale in pet store, when: HB 1424

Dogs, with intact sex organs over age of 6 months, number at one time of, commercial breeder exemption from: HB 1424

Police dogs, unleashed, peace officer use of, prohibitions: HB 1054

Real estate, damage by animals to, disclosure in seller statement of, requiring: HB 1951

Service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

Therapy animals and their human handlers, celebrating/honoring, and saluting therapy animal teams' service: ***HR 4656 (2022)**

APPLIANCES (See also ELECTRICIANS AND ELECTRICAL INSTALLATIONS; ELECTRONIC PRODUCTS; HEATING AND HEATERS)

Air conditioning equipment, hydrofluorocarbons used in, regulating: HB 1050

Efficiency standards, various appliances: HB 1619

Energy star qualified appliances, shop local and save sales and use tax holiday to include: HB 2018

Heat pump and electrification program, for high-efficiency equipment, establishing: HB 1084

Ovens, commercial, energy efficiency standards: HB 1619

Refrigeration and air conditioning systems, refrigerant management program for: HB 1050

APPRENTICES AND APPRENTICESHIP PROGRAMS (See also APPRENTICESHIP AND TRAINING COUNCIL, WASHINGTON STATE)

Apprentices, higher education credits for supplemental CC/TC coursework, granting of: ***E2SSB 5764, CH 166 (2022)**

Apprentices, supplemental CC/TC instruction and credits/degree pathways for, and related issues: ***E2SSB 5764, CH 166 (2022)**

Electrician certificates of competency, journey level, eligibility for examination, apprenticeship requirements: ESSB 5599

Financial aid, Washington college grants, maximum award, when enrolled in apprenticeship program and CC/TC: ***E2SSB 5764, CH 166 (2022)**

Opportunity scholarship program, Washington, using for apprenticeship program: ***HB 1805, CH 211 (2022)**

Programs, with five or more apprentices, federal law, conforming with: HB 1288

Regional apprenticeship programs, establishing through educational service districts: HB 1536

Rural county high employer demand jobs program, eligibility criteria to include apprenticeship program enrollment: ***HB 1805, CH 211 (2022)**

State registered apprentices, retention of, barriers and challenges to, studying: ***E2SSB 5600, CH 156 (2022)**

State registered programs, equipment in, grant program for updating: ***E2SSB 5600, CH 156 (2022)**

State registered programs, expanding and increasing sustainability of: ***E2SSB 5600, CH 156 (2022)**
 State registered programs, minors enrolled in, vouchers for driver's education courses for: ***E2SSB 5600, CH 156 (2022)**
 State registered programs, new, requirements for approval of: ***E2SSB 5600, CH 156 (2022)**
 State registered programs, technology and remote learning infrastructure modernization grant program: ***E2SSB 5600, CH 156 (2022)**
 State registered programs, wrap-around support services for, grant program: ***E2SSB 5600, CH 156 (2022)**
 Substance use disorder professionals/professional trainees, certification via apprenticeship program: ***EHB 1311, CH 165 (2021)**
 Utilization of apprentices, for public works municipality/DOT/school district/college contracts: HB 1308
 Utilization of apprentices, in private sector, including nontraditional industries, incentivizing: ***E2SSB 5600, CH 156 (2022)**

APPRENTICESHIP AND TRAINING COUNCIL, WASHINGTON STATE (See also APPRENTICES AND APPRENTICESHIP PROGRAMS)

Apprentices, higher education credits for supplemental CC/TC coursework, granting of: ***E2SSB 5764, CH 166 (2022)**
 Apprentices, institution/centralized program for supplemental instruction toward degree for, WSATC role: ***E2SSB 5764, CH 166 (2022)**
 Apprentices, supplemental CC/TC instruction/credits and degree pathways/related issues, WSATC role: ***E2SSB 5764, CH 166 (2022)**
 Platform, economic or industry sector-based, council to establish: ***E2SSB 5600, CH 156 (2022)**

ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT

Main street program, criteria for designation of a, modifying: HB 1353, ***SB 5617, CH 50 (2022)**
 Main street program, economic development as a program mission: HB 1353
 Main street program, long-term downtown or neighborhood commercial district revitalization programs: HB 1353
 Main street program, staffing for local programs, minimum level of, pilot project grant program to assist with: HB 1456
 Main street program, tax credit for contributions to, additional credit on top of: HB 1279

ARCHIVES (See also RECORDS; SECRETARY OF STATE)

Chief archivist, secretary of state as, document recording standards role of: ***SB 5019, CH 137 (2021)**

ART AND ARTWORKS

Cultural access programs, sales/use tax for, imposition by a city, when: HB 1058
 George Washington Bush, commemorating through art, task force on, establishing: HB 1339
 Global war on terror, state residents who died in, monument to honor, legislative work group to study/recommend: HB 1849
 Hansen, James Lee, sculptor and poet, honoring: ***HR 4634 (2022)**
 Kogan, Simon, sculptor and painter, life and work of, recognizing and honoring: ***HR 4663 (2022)**
 Marcus Whitman statue, in U.S. capitol's national statuary hall, replacing with statue of Billy Frank Jr.: HB 1372
 Museums, building for the arts program grants for, raising funding limits: ***HB 1647, CH 121 (2022)**
 Visual arts, regular instruction in at least one visual art and one performing art at each public school: ***ESSB 5878, CH 250 (2022)**

ARTS COMMISSION

George Washington Bush, commemorating through art in legislative building, commission role: HB 1339

ASIAN PACIFIC AMERICAN AFFAIRS, STATE COMMISSION

Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: ***ESSB 5405, CH 310 (2021) PV**

ASIAN PACIFIC AMERICANS (See also DISCRIMINATION; MINORITIES)

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: ***HR 4609 (2021), *HR 4645 (2022)**
 Lunar New Year and Washington's Asian and Pacific Islander Americans, celebrating: ***HR 4606 (2021)**

ATTORNEY GENERAL

Action/proceeding against state officer/employee, challenging legislation in certain cases, AG defense of, prohibiting: HB 1940

Consumer protection improvement act, AG role: ***SSB 5025, CH 228 (2021)**

Deadly force, police officer criminal offenses involving, independent prosecutions unit and prosecutor for, establishing:
HB 1507

Deadly force, police officer criminal offenses involving, investigation and prosecution of, AG authority for: HB 1507
Force, use by police officers, data program concerning, assisting with developing, advisory group for, AG role: ***E2SSB 5259, CH 326 (2021)**

Interbranch advisory committee, with AG's office representative, creating: ***ESSB 5490, CH 284 (2022) PV**

Minority and women-owned businesses, contracts, AG enforcement, repealing: HB 1259

Nonprofit corporation act, Washington, AG enforcement role: ***SSB 5034, CH 176 (2021)**

Peace officer accountability act, cause of action for injury when officer unlawfully exercising powers, AG role: HB 1202

Peace officers, force/deadly force use, permissible/excessive and de-escalation tactics, model policies, AG role: HB 1310

Price increases, excessive/unjustified during state of emergency, investigation of violations, AG role: ESSB 5191

Public counsel unit, electric/natural gas utility affordability/reliability improvements, economic impact analysis: HB
1130

Public investment impact disclosures for ballot measures repealing/levying/modifying any tax or fee, AG role: HB 1876

Sexual assault forensic examination best practices advisory group, establishing, AG role: HB 1916

Sexual assault investigation/prosecution, case status, reporting of, AG role: HB 1109

Term limit, constitutional amendment: HJR 4207

Voting rights act, covered practices in covered jurisdictions, attorney general role: E2SSB 5597

Youth, safety/well-being of, risks to, YES tip line program for tips concerning, establishing, AG role: 2SSB 5327

Youth, safety/well-being of, risks to, YES tip line program, advisory committee for, convening: 2SSB 5327

ATTORNEYS (See also ATTORNEY GENERAL; CIVIL LEGAL AID, OFFICE; COURTS; PROSECUTING ATTORNEYS, WASHINGTON ASSOCIATION OF; PUBLIC DEFENSE, OFFICE)

Cyber harassment, of criminal justice participant, class C felony: ***ESSB 5628, CH 231 (2022)**

Cyberstalking of attorney, class C felony: ***ESSB 5628, CH 231 (2022)**

Defense attorneys, as victim of cyber harassment, class C felony: ***ESSB 5628, CH 231 (2022)**

Dependency proceedings, attorney for child in, appointing, when: HB 1219

Juveniles, access to attorney when questioned by law enforcement: HB 1140

Legal service contractors and plans, exclusion from insurers/insurance and inapplicability to certain arrangements: HB
1545, ***SSB 5810 (2022) V**

Prosecuting attorneys, as ex officio coroner in certain counties, removing authority for: HB 1326

Prosecuting attorneys, as victim of cyber harassment, class C felony: ***ESSB 5628, CH 231 (2022)**

Prosecuting attorneys, conflict-free special deputy, in cases of police officer criminal offenses involving deadly force:
HB 1507

Prosecuting attorneys, recusal in cases of police officer criminal offenses involving deadly force, options due to: HB
1507

Victim of felony offense, counsel at public expense for, when: HB 1573

AUDITOR, STATE (See also LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (JLARC))

Deadly force, by peace officers, agency requirements compliance audits, state auditor role: HB 1089

Duties and procedures, revising: ***SB 5002, CH 148 (2022)**

General elections, forensic audit process for, state auditor role: HB 2115

Levies for schools, enrichment, expenditure requirements, when audit shows failure to comply, penalty, removing: HB
1500

Long-term in-home care program, audits of, state auditor role: ***SB 5002, CH 148 (2022)**

Performance audits of government account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Performance audits, certain provisions/statutes, removing or repealing: ***SB 5002, CH 148 (2022)**

Performance audits, citizen advisory board, repealing statute creating: ***SB 5002, CH 148 (2022)**

Term limit, constitutional amendment: HJR 4207

AUDITORS AND AUDITING (See also AUDITOR, STATE; ELECTIONS; LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (JLARC))

County auditors, deed of trust recording surcharge, delaying expiration of: ***HB 1104, CH 31 (2021)**

County auditors, document recording standards, revising: ***SB 5019, CH 137 (2021)**

County auditors, document-recording surcharge, additional: HB 1277

County auditors, document-recording surcharges, provisions: HB 1183, HB 1277, HB 2010
 County auditors, document-recording surcharges, revenue distributions to health and homes account: HB 1866
 County auditors, document-recording surcharges, revenue source for eviction prevention/housing stability: HB 1277
 County auditors, general and special election and primary audits role of: HB 2115
 County auditors, name change order filing/recording fees, court waiver of due to hardship, when: HB 1961
 County auditors, offices of, staff members of, cyber harassment of, class C felony: ***ESSB 5628, CH 231 (2022)**
 County auditors, video recording of mail-in ballot and ballot inspection/duplication/counting center election activities:
 HB 2005

BACKGROUND CHECKS

Peace officers, limited authority or specially commissioned, background investigation by agency: HB 1737
 Security, for public higher education institution or K-12 system, background checks and training: HB 1737

BICYCLES

Bicycle and pedestrian safety, school curriculum relating to, updating: HB 1039
 Bicycle awareness program, reporting requirements: HB 1039
 Bicycle education grant program, statewide school-based, establishing: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Bike safety awareness program, for students in 3rd to 5th grade, creating: HB 1039
 Complete streets principles, incorporating via facilities that provide street access for all users, when: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Electric-assisted, use on recreational trails managed by DNR or DFW, when: HB 1524
 Electric-assisted, use on trails and roads closed to motor vehicles, determining where and which bicycle classes: ***ESSB 5452, CH 191 (2021)**
 Electric/electric-assisted, and related cycling equipment, sales/use tax exemptions: HB 1330
 Head injury prevention program, reporting requirements: HB 1039
 Racks, for bicycles on vehicles, temporary obstruction of single license plate by, allowing, when: ***EHB 1784, CH 130 (2022)**
 Roads/trails/paths, use in rural counties by groups of 6 or more not in same household, bicycle tour permit for: HB 1435
 Safe routes to school program, funding and analysis of: HB 1607
 Safe routes to school program, grant funding under, when: HB 1039

BLIND (See also BLIND, STATE SCHOOL FOR THE; PUBLIC ASSISTANCE)

Aged, blind, or disabled assistance program, eligibility for victims of human trafficking: ***HB 1748, CH 208 (2022)**

BOATS AND BOATING (See also COMMERCIAL VESSELS AND SHIPPING; FERRIES)

Boater education cards, requirements: HB 1018
 Derelict vessel removal program, funding from watercraft excise tax: ***HB 1700, CH 124 (2022)**
 Human-powered boats and vessels, operation of, requirements: HB 1018
 Kayaks/canoes/stand-up paddleboards, operating/occupying, personal flotation devices when, wearing: HB 1707
 Owners, of vessels, furnishing of list to certain entities for certain purposes: ***SSB 5152, CH 93 (2021)**
 Vessels, nonresident, permit provisions applicable to, removing or relaxing certain limits: HB 1107
 Vessels, paper issued registration certificates for, printing addresses on, prohibiting: HB 1984
 Vessels, personal/identity information associated with records held by DOL, prohibiting release of: HB 2013

BONDS (See also INVESTMENT BOARD, STATE; ROADS AND HIGHWAYS)

General obligation bonds, authorizations with remaining unissued amounts, pledging vehicle-related fees when issued:
***SB 5898, CH 103 (2022)**
 General obligation bonds, for capital and operating budget projects, authority to issue: HB 1081, ***ESSB 5084, CH 331 (2021)**
 General obligation bonds, for capital budget projects: HB 1081, ***ESSB 5084, CH 331 (2021)**
 General obligation bonds, for school seismic safety grant program: HB 2095
 School district bonds and payment levies, simple majority to authorize: HB 1226, HJR 4200
 School district bonds, for capital projects, bond authorization training for district boards of directors: HB 1306
 Special tax obligation bonds, for ten-year climate finance program in connection with carbon pollution tax: HB 1513,
 HB 1577
 State finance committee, establishing Washington state public financial cooperative with committee as oversight board:
 E2SSB 5188

State route number 520, construction/operation, bond/loan obligations, SR 520 civil penalties account use for: HB 1529
Toll facilities, Interstate 405/state route number 167 corridor, authority to issue bonds solely as toll revenue bonds: HB 2089

Toll facilities, Interstate 405/state route number 167 express toll lanes account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232

Toll facilities, Puget Sound gateway facility account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232

Toll facilities, Puget Sound gateway facility, authority to issue bonds solely as toll revenue bonds: HB 2089

BOUNDARIES (See also PORT DISTRICTS; REDISTRICTING COMMISSION)

Review boards, members, appointment in even- or odd-numbered years: HB 1727

Review boards, review by, exempting extension of water/sewer services beyond boundaries from, when: HB 1627

Rural development, limited areas of more intensive, boundaries of, defining and expanding: HB 1233

Rural development, limited areas of more intensive, logical outer boundary of: HB 1233

State boundary lines, of Washington/Oregon/Idaho, adjusting, legislative task force on, establishing: HB 1587

BUDGETS (See also FINANCIAL MANAGEMENT, OFFICE; TAXES, GENERALLY; TRANSPORTATION)

Agency budget requests, zero-based budget reviews in: HB 1178

Appropriations, certain 2019-2021 biennial, freeing up certain federal coronavirus funds by reattributing of: HB 1368, HB 1467

Appropriations, certain 2019-2021 biennial, reattributing to budget stabilization account/federal medicaid funds: ***HB 1367, CH 5 (2021)**

Appropriations, certain 2019-2021 biennial, reattributing to free up federal coronavirus relief funds: HB 1334, HB 1467

Budgets transition work group, chairs of transportation committees to convene: HB 1603

Capital construction projects, major, capital budget matching grants program for higher education institutions: HB 2055

Capital construction projects, major, predesign requirements, reducing: ***HB 1023, CH 54 (2021)**

Capital projects, 4-year colleges, supporting health care/behavioral health occupations degree programs enrollment: HB 1949

Capital, 2021-2023 and supplemental 2019-2021: HB 1080, ESSB 5083

Capital, general obligation bonds for projects: HB 1081, ***ESSB 5084, CH 331 (2021)**

Capital, supplemental 2021-2023: HB 1781, ***SSB 5651, CH 296 (2022)**

Deficit, 2021-2022 biennium, near-general fund/outlook analysis and deficit: HB 1163

Expenditure limit, determining, adjusting, projecting, and lowering, when: HB 1999

Expenditure limit, state expenditure limit committee, establishment and duties of: HB 1999

Fiscal oversight committee, joint legislative, establishing to oversee deficits/certain reductions and receipts: HB 1163

General fund, cash or budget deficit of, when governor projects: HB 1163

General fund, transportation programs and activities funding from, when: HB 1603

Nonappropriated funds/accounts, receiving business/organization fees, transfers from, prohibiting: HB 1146

Operating budgets, agency nonentitlement programs, zero-based budget reviews of, specifying in act: HB 1178

Operating, 2021-2023: HB 1094

Operating, 2021-2023 and second supplemental 2019-2021: ***ESSB 5092, CH 334 (2021) PV**

Operating, general obligation bonds for projects, authority to issue: HB 1081, ***ESSB 5084, CH 331 (2021)**

Operating, school district compensation regionalization factors: HB 1077

Operating, second supplemental 2019-2021: HB 1093

Operating, shifting transportation funding obligations to operating budget: HB 1603

Operating, supplemental 2021-2023: HB 1816, ***ESSB 5693, CH 297 (2022) PV**

Spending programs, new statutory state, performance statements/expiration dates for and JLARC review of: HB 1177

Transportation, 2021-2023: HB 1135

Transportation, 2021-2023 and supplemental 2019-2021: ***SSB 5165, CH 333 (2021) PV**

Transportation, additive omnibus transportation budget for certain operating and capital appropriations: HB 2118, ***SSB 5975, CH 187 (2022)**

Transportation, infrastructure, motor vehicle sales/use tax revenue for: HB 1010, HB 1604

Transportation, shifting transportation funding obligations to operating budget: HB 1603

Transportation, supplemental 2019-2021: HB 1136

Transportation, supplemental 2021-2023: HB 1786, ***ESSB 5689, CH 186 (2022) PV**

Transportation, transportation preservation and maintenance account for: HB 1010, HB 1604

Unanticipated receipts, agency request and governor transmission: HB 1163

Unanticipated revenue oversight committee, joint legislative, creating: SB 5909

Unanticipated revenues, agency allotment amendment request, role of governor and new oversight committee: SB 5909

BUILDING CODE COUNCIL

Dampers, fire and/or smoke, installation/inspection/maintenance/testing of, council adoption of rules for: HB 1971

Electric vehicle infrastructure in buildings, to support zero emission vehicle use: HB 1287

Greenhouse gases, zero emissions transportation future, state transition to, supporting, council role: HB 1287

Membership, provisions indicating, clarifying: HB 1150

Nonpotable water, treatment by on-site systems and reuse, risk-based standards, council role: HB 1184

Refrigeration or air conditioning systems, refrigerants used in, using substitutes: HB 1050

Residential buildings, statewide residential reach code for local adoption, adoption by council: HB 1770

Shelters, temporary emergency shelters, standards for, council role: HB 2085

Smoke control systems, installation/inspection/maintenance/testing of, council adoption of rules for: HB 1971

BUILDING CODES AND PERMITS (See also BUILDING CODE COUNCIL)

Affordable housing, permitting process for construction of, removing redundancies and streamlining: HB 2049

Commercial covered buildings, tiers 2 and 3, energy management/benchmarking requirement: HB 1084

Covered buildings, tier 2, energy management/benchmarking requirement for: HB 1774, ***SSB 5722, CH 177 (2022)**

Dampers, fire and/or smoke, installation/inspection/maintenance/testing of, adoption of rules for: HB 1971

Digital permitting process work group, convening: SSB 5964

Electric vehicle infrastructure in buildings, to support zero emission vehicle use: HB 1287

Energy code for residential buildings, statewide residential reach code adoption as alternative to adoption of: HB 1770

Energy codes, residential/nonresidential construction, net energy consumption reduction for: HB 1770

Energy codes, residential/nonresidential construction, space and water heating: HB 1084

Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting: HB 1287

Greenhouses, temporary growing structures for horticultural plants, code exemption for, broadening: SB 5641

Permit review process, consolidated permit review grant program for local governments, establishing: SSB 5964

Permit review process, excluding interior alterations from site plan review, when: SSB 5964

Permit review process, updating from paper filing to software systems, local government grant program for: SSB 5964

Permits, for construction, exemption from permitting for, when: HB 1436

Shelters, temporary emergency shelters, standards for: HB 2085

Smoke control systems, installation/inspection/maintenance/testing of, adoption of rules for: HB 1971

Standards, energy-related, healthy homes and clean buildings act: HB 1084

Temporary growing structures, for horticultural plants/vegetables/fruits, code exemption for, broadening: SB 5641

BUILDINGS, STATE (See also CAPITAL PROJECTS ADVISORY REVIEW BOARD; CAPITOL CAMPUS, STATE)

Greenhouse gas emissions, public facility practices and all-electric energy systems for reducing: ***HB 1280, CH 178 (2022)**

State-/publicly-owned lands/buildings, inventory of, publication on web site: HB 1101

Statewide first responder building mapping information system, repealing: HB 1484

Vaccination, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570

BUSINESS ORGANIZATIONS (See also COOPERATIVE ASSOCIATIONS; CORPORATIONS; DRUGS)

Entities, various provisions, modifying: ***SB 5489, CH 42 (2022)**

Limited liability companies, various provisions, modifying: ***SB 5489, CH 42 (2022)**

Limited partnerships, various provisions, modifying: ***SB 5489, CH 42 (2022)**

BUSINESSES (See also AGRICULTURE; ALCOHOLIC BEVERAGES; ANIMALS; COMPUTERS; CONSUMER PROTECTION; COOPERATIVE ASSOCIATIONS; DRUGS; EMPLOYMENT AND EMPLOYEES; FOOD AND FOOD PRODUCTS; LABOR; LODGING; METALS; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; PROFESSIONS; REAL ESTATE AND REAL PROPERTY; SALES; SPORTS AND RECREATION; TAXES - BUSINESS AND OCCUPATION; TELECOMMUNICATIONS; TRANSPORTATION; UNEMPLOYMENT COMPENSATION; UTILITIES; WORKERS' COMPENSATION)

Access to business, law/rule/order requiring vaccination for, prohibitions and exemption: HB 1065

Access to business, restricting due to declining to comply with ordered health-related measures, prohibiting: HB 1305, HB 1317

Access to business, rule/ordinance/order/policy requiring vaccination for COVID for, prohibiting: HB 1720

Access to businesses, "open safe, open now" plan for reopening Washington: HB 1553

Access to businesses/public places, proof of COVID vaccination for, prohibiting government from requiring: HB 1570

Bad debts of buyers, B&O tax deduction and sales/use tax credit/refund for sellers for, narrowing: HB 1539

Bowling alleys, proprietors of, making retail sales, B&O tax preferential rate: HB 1299

Cars, rental companies, electric or hybrid vehicle purchase or use by, sales and use tax exemptions: HB 1572

Conventions hosted in WA, convention economy grants for businesses dependent on, appropriations for: HB 1879

Cottage food operations, maximum sales limit for permit, increasing: HB 1685

Cottage food operations, use of latex gloves in food handling/preparation, prohibiting use of: HB 1698

COVID-19 emergency proclamations, civil penalties for activity/operations violations, amnesty for and prohibition of: HB 1547

COVID-19 emergency proclamations, civil penalties for safety/health violations, restricting: HB 1609

COVID-19, economic impacts of, B&O tax credit: HB 1012

COVID-19, economic impacts of, B&O tax deferral: HB 1188

COVID-19, economic impacts of, B&O tax exemption: HB 1520

COVID-19, economic impacts of, privileges granted to liquor licensees to mitigate, extending: HB 1480, SSB 5417

COVID-19, grants addressing impacts, B&O tax exemption: HB 1002

COVID-19, grants addressing impacts, B&O/public utility/retail sales tax exemptions: HB 1095

COVID-19, pandemic tax forgiveness for restaurants that ceased engaging in business during pandemic: HB 2133

Data collectors, commercial, excise tax on collection of consumer data by: HB 2107

Data controllers/processors, Washington foundational data privacy act: HB 1850

Data controllers/processors, Washington privacy act: 2SSB 5062

Data, personal, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303

Data, personal, Washington state consumer data privacy commission, creating: HB 1850

Emergency supplies stockpile for disaster preparedness, including local commodity sourcing for, studying: HB 1567

Employer WISHA violations, civil penalties for, imposing when emergency proclamation in effect, prohibiting: HB 1244

Farmers markets, property owned by certain nonprofits and used for, property tax exemption: ***SB 5505, CH 84 (2022)**

Fees paid by businesses, nonappropriated funds/accounts receiving, transfers from, prohibiting: HB 1146

Fur farming and fur products manufacturing/production, fur farm transition grant program and account: HB 1718

Fur farming and fur products manufacturing/production, prohibitions, when: HB 1375, HB 1718

Fur farms, spread of COVID-19 via, fur farming and fur products manufacturing/production prohibitions to reduce: HB 1375

Hospitality industry, certain businesses making certain retail sales, B&O tax preferential rate: HB 1299

Hospitality industry, restaurants/hotels/nightclubs/theaters/caterers, certain liquor licenses for, reducing fees: HB 1359

Hotels, certain liquor license fees for, reducing: HB 1359

Internet/mobile applications, marketing/advertising to minors via, prohibitions: HB 1697

Kitchens, microenterprise home operations, regulation of and permits and pilot program for: HB 1258

Licensing, business license center, licensing law administrative and technical clarifications: ***ESB 5800, CH 56 (2022)**

Local businesses, necessary emergency supplies stockpile sourcing of commodities from, studying: HB 1567

Money transmitters, small, serving diverse communities, impact of de-risking on, requesting that congress act to reduce: SJM 8004

Nightclubs, "open safe, open now" plan for reopening Washington in regard to: HB 1553

Nightclubs, certain liquor license fees for, reducing: HB 1359

Online marketplaces, high-volume third-party sellers on, requirements: HB 1543, HB 1614

Organic materials management, comprehensive provisions for, role of businesses: HB 1799

Payment card processing companies, B&O tax exemption for certain amounts for, when: ESSB 5459

Personal data, businesses controlling/processing, Washington foundational data privacy act: HB 1850

Personal data, businesses controlling/processing, Washington privacy act: 2SSB 5062

Personal data, Washington state consumer data privacy commission, creating: HB 1850

Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1433

Personal information, captured, processing by business entities, people's privacy act concerning: HB 1433

Public accommodation, places of, closed captioning on televisions in: ***SB 5027, CH 229 (2021)**

Reopening/resuming, at phase 2 of pandemic Roadmap to Recovery plan: HB 1321

Restaurants, certain liquor license fees for, reducing: HB 1359
 Restaurants, that ceased engaging in business during COVID-19 pandemic, pandemic tax forgiveness for: HB 2133
 Retail establishments, truck driver restroom access to be supplied by, when: HB 1706
 Retail industry, increasing educational, training, and job opportunities in: HB 2019
 Safety/health, L&I rules/guidance/policies, penalties imposed on employers, restricting: HB 1609
 Safety/health, order restraining condition of employment/practice, violations, employer and worker recourse: HB 1097
 Security companies, personnel in election-related office/facility providing security with firearm/weapon: HB 1618
 Small business disaster recovery financial assistance program, developing: HB 1957
 Small, public works alternative contracting opportunities access for: ***SB 5032, CH 230 (2021)**
 Small, small business tax credit, increasing: ***ESSB 5980, CH 295 (2022)**
 Small, unemployment benefits forgiven for employers, reimbursement by unemployment insurance relief account: HB 1568
 Small, unemployment compensation, lowering tax rate via graduated social tax factor rate cap: HB 2031, ***ESSB 5873, CH 61 (2022)**
 Small, working Washington grants to assist during pandemic, using certain funds for: HB 1368
 Staffing agencies, for temporary employees, agency and worksite employer requirements: HB 1206
 Start-up businesses, B&O tax exemption for, when: HB 2114
 Taiwanese companies, investment in Washington by, recognizing: ***HR 4651 (2022)**
 Telephone solicitations, commercial, text messaging/robocalling, expanding restrictions/requirements/remedies: HB 1650
 Theaters, certain liquor license fees for, reducing: HB 1359
 Veterans/spouses of veterans or military members, businesses hiring, tax credits for: HB 1677

CAPITAL PROJECTS ADVISORY REVIEW BOARD (See also PUBLIC WORKS)

Alternative public works contracting procedures, revising, board role: ***SB 5032, CH 230 (2021)**

CAPITOL CAMPUS, STATE

Capitol building lands, modifying statutory provisions: EHB 2073
 Capitol campus design advisory committee, renaming as capitol campus design technical advisory work group: EHB 2073
 Firearm/weapon, knowingly open carrying on west campus grounds or in buildings on capitol grounds, prohibiting: ***ESSB 5038, CH 261 (2021)**
 Firearm/weapon, possession in buildings, on west capitol grounds, or in certain other buildings, prohibiting: HB 1234
 Firearm/weapon, using in certain memorial events, prohibition exemption: ESSB 5690
 Global war on terror, state residents who died in, monument to honor, legislative work group to study/recommend: HB 1849
 Legislative building, commemorating George Washington Bush through art in, task force on, establishing: HB 1339
 Legislative/Newhouse/Cherberg/O'Brien buildings and house/senate floors, legislator access to, requiring: HB 1696
 State capitol committee, as interbranch advisory committee of state government, re-establishing: EHB 2073
 World War II memorial, sculptor Simon Kogan, life and work of, recognizing and honoring: ***HR 4663 (2022)**

CASELOAD FORECAST COUNCIL

Adult basic education courses at community and technical colleges, students expected to enroll in, forecasting: HB 1943, SB 5771
 Developmental disabilities administration, council forecasting for: ***ESSB 5268, CH 219 (2022)**
 High school diploma or credential, state residents ages 18 to 44 who do not have a, council to forecast: HB 1943, SB 5771

CHIEF INFORMATION OFFICER, OFFICE OF THE STATE (See also CONSOLIDATED TECHNOLOGY SERVICES AGENCY)

Cloud computing services, 3rd-party commercial, state agency adoption of and migration to, office role: HB 1274
 Cybersecurity, office of, creating within office of state CIO: ***ESSB 5432, CH 291 (2021)**
 Enterprise technology standards, for malware/ransomware protection, and prevention education, office role: HB 2044
 Information technology, state agency, independent security assessment of audits of, contracting for: ***ESSB 5432, CH 291 (2021)**
 Privacy and data protection, office of, captured personal information security standards, developing, office role: HB 1433
 Privacy and data protection, office of, personal data opt-out technology, studying: 2SSB 5062

Privacy and data protection, office of, role of: 2SSB 5062, *ESSB 5432, CH 291 (2021)
 Ransomware education and outreach program, for public agencies, office to establish: HB 2044
 Ransomware protection act, Washington state, office role: HB 2044

CHILD CARE

Candidates for office, using contributions for child care or other direct caregiving responsibilities, when: *SB 5855, CH 174 (2022)
 Care workers, care worker center, establishing: HB 1872
 Care workers, care worker sector, transformation grant pilot program: HB 1872
 Centers, maximum group size and ratio of staff to children: HB 1843
 Child care industry and early childhood development programs, fair start for kids act: HB 1213, *E2SSB 5237, CH 199 (2021)
 Child support, child care expenses paid by, documentation of: HB 1397
 Deserts, child care, statewide assessment of, private entity to conduct, selecting: HB 2082
 Employees, measles-mumps-rubella vaccine religious/philosophical/personal objections: HB 1006
 Immunization, program for school-age children, modifying provisions via students' medical freedom act: HB 1968
 Immunizations, minimum required for schools/day care centers, prohibiting board of health from establishing: HB 1968
 Licenses, agencies operating without, complaints, model policy for responding to: HB 1454
 Licenses, agencies operating without, complaints, response and enforcement: HB 1454
 Licenses, for providers, exemptions/seasonal camps/private schools/background checks/internal review/inspections: *SSB 5151, CH 304 (2021) PV
 Licenses, for providers, fees for, prohibiting: *SSB 5151, CH 304 (2021) PV
 Licenses, for providers, professional development/higher education requirements, suspending: HB 1278
 Licenses, for providers, waiving fees for, when: HB 1278
 Licenses, prospective agency licensees, licensure assistance for: HB 1549
 Outdoor nature-based child care program, licensed, establishing: *SSB 5151, CH 304 (2021) PV
 Perinatal to three, strengthening supports in multiple ways: HB 1213
 Prenatal to three, strengthening supports in multiple ways: *E2SSB 5237, CH 199 (2021)
 Providers, child care and early learning, increasing rates/training/grants/services to support: HB 1213, *E2SSB 5237, CH 199 (2021)
 Providers, child care, professional development/higher education licensing requirements, suspending: HB 1278
 Providers, family child care, defined contribution retirement plans, collective bargaining concerning: HB 1771
 Sports, practices/competitions, mandatory mask/face covering or COVID-19 testing for, prohibiting, when: HB 1887
 Volunteers, measles-mumps-rubella vaccine religious/philosophical/personal objections: HB 1006
 Working connections program, eligibility/copayment, and student parents: HB 1213, *E2SSB 5237, CH 199 (2021)

CHILDREN (See also ADOPTION; CHILD CARE; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; HEALTH CARE AUTHORITY; MENTAL HEALTH; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SUBSTANCE USE DISORDER; VICTIMS OF CRIMES)

Abuse or neglect, "experiencing homelessness" for purposes of statutes concerning: HB 1221
 Abuse or neglect, alleged, at substance use disorder residential treatment facility, investigation of: HB 1920
 Abuse or neglect, Christian Science treatment exemption references, removing: HB 1048
 Abuse or neglect, health care faith-based practices exemption, when: HB 1048
 Abuse or neglect, placement of child with relative or other suitable person: HB 1227
 Abuse or neglect, release of child to parent unless evidence shows imminent physical harm: HB 1227
 Abuse or neglect, release of child to parent unless preponderance of evidence shows imminent physical harm: HB 1923
 Abuse or neglect, removal of child from parent, standards for: HB 1227
 Assault of a child, use of force by peace officer to protect against: HB 1726
 Assault, of a child, examination of suspected victim of, L&I to pay all costs: *SSB 5814, CH 171 (2022)
 Boys and Girls Clubs in Washington state, recognizing: *HR 4612 (2021)
 Child welfare services, caregiver liaison program and caregivers automated notification system: HB 1945
 Child welfare services, certain DCYF workers, training concerning placement of children experiencing disruption: HB 2038
 Child welfare services, dependency proceedings, legal representation for child in, when: HB 1219
 Child welfare services, dependency proceedings, placement with relative appointed as guardian: HB 1747

- Child welfare services, dependency proceedings, returning child home, casework supervision of certain parents: HB 1944
- Child welfare services, dependency proceedings, student who is the subject of, education requirements for: HB 1955
- Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: ***2SSB 5331, CH 285 (2021)**
- Child welfare services, exceptional cost payments to foster parents accepting placement of certain children: HB 2038
- Child welfare services, medical/dental/behavioral health care for children in DCYF custody: HB 1205
- Child welfare services, social services specialist three job classification, increasing staffing level of: HB 2038
- Children and youth behavioral health work group, membership/duties of and convening of advisory group by: HB 1890
- Custody, parenting plans, residential time restrictions due to alcohol/drug use, modifying due to sobriety: SSB 5920
- Custody, uniform child custody jurisdiction and enforcement act, international application of: ***HB 1042, CH 23 (2021)**
- Custody, uniform unregulated child custody transfer act, prohibiting unregulated custody transfers: ***SSB 5548, CH 88 (2022)**
- Diapers, baby, sales and use tax exemptions: ESB 5309
- Diapers/diaper services, infant/toddler/child, sales and use tax exemptions: HB 1535
- Diapers/other necessities, for child under 3 years, monthly TANF payments for: HB 1947, ***SSB 5838, CH 100 (2022)**
- Dogs, courthouse facility dogs, use by children when testifying, access authority and certified handlers for: SSB 5127
- Early childhood court program, for infants/toddlers in dependency system, establishing: ***2SSB 5331, CH 285 (2021)**
- Education, public, parents'/legal guardians' rights when child is receiving, establishing and posting online: HB 2087
- Imagination library of Washington program, creating to send books to children from birth to age 5 at no cost: HB 2068
- Infants, drug-exposed, pediatric transitional care services for, parent-child interaction during: HB 1903
- Institutional facilities, secure, institutional education accountability work group, establishing: HB 1295
- Institutional facilities, secure, institutional education program for youth in/released from, agencies/work group duties: HB 1295
- Internet crimes against children task force, recommendations of, implementing: SSB 5572
- Internet/mobile applications, marketing/advertising to minors via, prohibitions: HB 1697
- Lifeline for independent living task force, establishing: HB 1883
- Lifeline for independent living, establishing for youth/young adults at risk of entering into public systems of care: HB 1883
- Mental health, assessment/diagnosis through medicaid, for children from birth through 5 years of age: HB 1325
- Mental health, partnership access line for kids, renaming as mental health referral service for children/teens: HB 1325
- Molestation, of child, 1st/2nd/3rd degrees, raising seriousness levels of: HB 1384
- Molestation, of child, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
- Newborn infants, screening test panel for, adding new disorder to, when: HB 1749
- Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550
- Nicotine addiction, intervention strategies, youth tobacco and vapor products prevention account funds use for: HB 1550
- PANDAS and PANS, patients with, and their families and health care practitioners, recognizing and honoring: ***HR 4653 (2022)**
- Pediatric neuropsychiatric diseases, PANDAS/PANS, patients with/their families/practitioners, recognizing/honoring: ***HR 4653 (2022)**
- Rape of a child, 1st/2nd/3rd degrees, raising seriousness levels of: HB 1384
- Rape of a child, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
- Respiratory conditions, in children/teenagers, statewide home air quality improvement program, establishing: HB 1291
- Safety/well-being of youth, risks to, YES tip line program for tips concerning, establishing: 2SSB 5327
- Safety/well-being of youth, risks to, YES tip line program, advisory committee for, convening: 2SSB 5327
- Sexual misconduct with minor, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
- Suicide, prevention organizations and crisis intervention information for students on websites of schools: HB 1373
- Suicide, youth suicide review team, Washington, establishing for youth suicide reviews: HB 1354
- Suicide, youths up to age 24 who died by, impact of COVID-19 pandemic on suicide rates among: HB 1354
- Suicide, youths up to age 24 who died by, youth suicide review team to investigate lives of: HB 1354
- Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 2032
- Youth educational programming, capital facilities used for, deferred local sales/use tax funds use for: ***SSB 5080, CH 178 (2021)**
- Youth, development programs for STEM/agricultural education/animal husbandry, organizations sponsoring: 2SSB 5643

Youth, host homes for, real property used as, property tax exemption for: HB 1175

Youth, independent youth housing program, eligibility for, expanding: ***SB 5566, CH 154 (2022)**

Youth, unaccompanied homeless, informed consent for outpatient primary health care services, when: ***SSB 5883, CH 291 (2022)**

Youth/young adults, lifeline for independent living, establishing: HB 1883

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT (See also ADOPTION; CHILD CARE; CHILDREN; FOSTER CARE; PUBLIC ASSISTANCE)

Child care deserts, statewide assessment of, private entity to conduct, selecting, DCYF role: HB 2082

Child care, agencies operating without a license, complaints, response and enforcement, DCYF role: HB 1454

Child care, centers, maximum group size and ratio of staff to children: HB 1843

Child care, outdoor nature-based program, licensed, establishing, DCYF role: ***SSB 5151, CH 304 (2021) PV**

Child care, prospective agency licensees, DCYF licensure assistance for: HB 1549

Child care, stabilizing industry and expanding early childhood development programs access, DCYF role: HB 1213, ***E2SSB 5237, CH 199 (2021)**

Child welfare services, caregiver liaison program and caregivers automated notification system, DCYF role: HB 1945

Child welfare services, certain DCYF workers, training concerning placement of children experiencing disruption: HB 2038

Child welfare services, dependency proceedings, placement with relative appointed as guardian: HB 1747

Child welfare services, dependency proceedings, returning child home, casework supervision of certain parents: HB 1944

Child welfare services, dependency proceedings, student who is the subject of, education requirements for: HB 1955

Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: ***SSB 5331, CH 285 (2021)**

Child welfare services, exceptional cost payments to foster parents accepting placement of certain children: HB 2038

Child welfare services, medical/dental/behavioral health care for children in DCYF custody: HB 1205

Child welfare services, social services specialist three job classification, increasing staffing level of: HB 2038

Child welfare, children/youth of color, replacing "equity" with "equality" in service delivery: HB 1658

Commercially sexually exploited children, receiving center programs for, requirements and funding, DCYF role: HB 1989

Cyberstalking, of child protective or welfare services employee, class C felony: ***ESSB 5628, CH 231 (2022)**

Developmental disabilities, dependent foster youth with, prior to exiting care system/dependency, DCYF role: HB 1061

Early childhood education and assistance program, "homeless" for purposes of: HB 1221

Early childhood education and assistance program, as entitlement, definition and date/implementation plan for: HB 1451

Early childhood education and assistance program, as entitlement, implementation plan to meet, DCYF role: HB 1451

Early childhood education and assistance program, entitlement eligibility and expanded enrollment: HB 1213, ***E2SSB 5237, CH 199 (2021)**

Early learning advisory council, membership and duties of, expanding: HB 1213, ***E2SSB 5237, CH 199 (2021)**

Early learning and child care providers, increasing rates/training/grants/services to support: HB 1213, ***E2SSB 5237, CH 199 (2021)**

Early learning and child care, fair start for kids act: HB 1213, ***E2SSB 5237, CH 199 (2021)**

Early learning facilities grant and loan program, modifying, and adding start-up grants to program: HB 1370

Early learning facilities, development of, impact fees imposed on, restrictions on and optional exemption from: HB 1331

Early learning providers, using freed-up federal coronavirus funds to assist: HB 1368

Early learning, program space, minimum square footage per child: HB 1843

Equality, in treatment of families/children, performance of duties by DCYF to incorporate principles of: HB 1658

Family preservation services, family resource center, defining: ***HB 1237, CH 39 (2021)**

Family resource center, defining for DCYF purposes: ***HB 1237, CH 39 (2021)**

Foster parents, exceptional cost payments to, for accepting placement of certain children: HB 2038

Institutional education program, for youth in/released from secure facilities, DCYF duties: HB 1295

Institutional education program, institutional education accountability work group, establishing: HB 1295

Juvenile justice, children/youth of color, replacing "equity" with "equality" in service delivery: HB 1658

Juvenile rehabilitation facilities, parent payment of incarceration costs for child in, repealing: HB 1897, HB 2050

Juvenile rehabilitation, community transition services program, implementing, DCYF role: HB 1186

Medical school graduates, international, limited license for, when nominated by DCYF: HB 1129

Oversight board for DCYF, adding one member to: HB 1665, HB 1936

Oversight board for DCYF, foster youth and juvenile justice subcommittees, board to convene: HB 1936
 Perinatal to three, strengthening supports in multiple ways: HB 1213
 Prenatal to three, strengthening supports in multiple ways: ***ESSB 5237, CH 199 (2021)**
 Substance use disorder residential treatment facility, alleged child abuse/neglect at, DCYF to investigate: HB 1920
 Unregulated child custody transfer act, uniform, enforcement role of DCYF: ***SSB 5548, CH 88 (2022)**

CITIES AND TOWNS (See also ADMINISTRATIVE PROCEDURE; AERONAUTICS; BOUNDARIES; COMPUTERS; ELECTIONS; FIRE PROTECTION; GROWTH MANAGEMENT; HEALTH AND SAFETY, PUBLIC; HOMELESS PERSONS; HOMES AND HOUSING; IMPACT FEES; LOCAL GOVERNMENT; PARKS; ROADS AND HIGHWAYS; SHORELINES AND SHORELINE MANAGEMENT; TAXES - LODGING; TAXES - SALES; TAXES - USE; TRAFFIC; UTILITIES)

Annexation, in connection with community municipal corporations, changes to various provisions: ***HB 1769, CH 26 (2022)**
 Association of Washington cities, duties in relation to annexation under GMA and annexation sales tax credit: ***SSB 5368, CH 312 (2021) PV**
 Association of Washington cities, role in creation of interbranch advisory committee: ***ESSB 5490, CH 284 (2022) PV**
 Broadband fiber deployment, microtrenching for, city/town authority to allow: HB 1722
 Broadband services, retail, provided by public entities, authority via public broadband act: HB 1336
 Code cities, noncharter, abandoning current government plan and adopting council-manager plan, process for: ***HB 1832, CH 30 (2022)**
 Commission form, commissioner elections, years for: HB 1727
 Community centers, operating unlicensed bingo, as bona fide nonprofit organizations: HB 2025
 Community municipal corporations, changes to various provisions: ***HB 1769, CH 26 (2022)**
 Community preservation and development authorities, boards of directors for, membership: ***EHB 1471, CH 47 (2021)**
 Councils, councilmember elections, years for: HB 1727
 Councils, second-class cities, councilmember elections, years for: HB 1727
 Federal Way, state representative Jesse Johnson, his public service as an official and volunteer, recognizing and honoring: ***HR 4671 (2022)**
 Fire benefit charges, for city/town fire protection services, imposition of, when: HB 1811
 Grandview, former city council member and mayor Norman "Norm" Wayne Childress, recognizing: ***HR 4625 (2021)**
 Heat island effects, urban, awards to recognize permittees addressing in various areas: HB 1211
 Heat island effects, urban, cool roof and tree planting programs for mitigating: HB 1114
 Heat island effects, urban, impact on salmon, using NPDES stormwater permit framework to reduce: HB 1211
 Homeless individuals, sleeping outdoors on public property, prohibiting criminal sanctions for, when: HB 1576
 Homelessness, persons experiencing, immediate employment programs for, grant program for cities/etc. for, creating: HB 2132
 Housing construction, various city actions to increase, appeal exemptions under SEPA and GMA: ***SSB 5818, CH 246 (2022)**
 Housing, affordable rental, real property sale/transfer to municipal corporation for, real estate excise tax exemption: HB 1643
 Housing, middle housing types development and zoning policy under GMA: HB 1782
 Housing, middle housing types on certain lots near "major transit stops": HB 1782
 Incorporation, of city or town, minimum population for, removing certain condition placed on: HB 2063
 Interbranch advisory committee, with one representative of cities, creating: ***ESSB 5490, CH 284 (2022) PV**
 Local infrastructure project areas and financing, taxing districts/property tax levies/public improvements: HB 1243, SB 5823
 Meetings of governing bodies, firearm/weapon knowingly open carrying in location of, prohibiting: HB 1630
 Officers, for different general plan of government, election of: HB 1727
 Officers, second-class cities, election of, years for: HB 1727
 Officers, towns, election of, years for: HB 1727
 Officers/councilmembers, unclassified cities, election of, years for: HB 1727
 Organic materials management, comprehensive provisions for, role of cities: HB 1799
 Organic materials, waste collection requirements, solid waste plans, and landfill disposal reduction: HB 1799
 Procurement, goods/services, product lead time as factor when economic conditions disrupt supply chains: HB 2092
 Seattle, interbay property, state lands development authority formation for: HB 1173
 Seattle, police officer Alexandra "Lexi" Harris, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**

Shelters, temporary emergency shelter communities, creation of, city regulatory authority: HB 2085
 Tacoma, Ester Wilfong, teacher/administrator/professional association leader, recognizing and honoring: ***HR 4659 (2022)**
 Tacoma, state representative Steve Kirby, his service to the legislature and the people of Washington, acknowledging: ***HR 4668 (2022)**
 Underdeveloped property, in targeted urban areas, redevelopment of, sales/use tax deferral program for: ***E2SSB 5755, CH 241 (2022)**
 Utilities, city/town services for tenants, collection of delinquent charges, when: HB 1421
 Utilities, city/town services for tenants, prohibiting collection of delinquent charges from owner, when: HB 1421
 Utilities, municipal, renewable and green electrolytic hydrogen production/use/sale/distribution by: ***SSB 5910, CH 292 (2022)**
 Vancouver, police officer Donald Sahota, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
 Woodland, Planters Days, centennial celebration of, recognizing June 16th through 19th, 2022, as: ***HR 4654 (2022)**

CIVIL ACTIONS AND PROCEDURE (See also CIVIL LEGAL AID, OFFICE; CRIMINAL PROCEDURE; LANDLORD AND TENANT; PROTECTION ORDERS; WAGES AND HOURS)

Bankruptcy proceedings, homestead exemption, amount and application of: ***ESSB 5408, CH 290 (2021)**
 Bribery, commercial, contracts tainted by, victim entitlement to full civil tort remedies, when: HB 2103
 COVID-19 emergency proclamations, civil penalties for activity/operations violations, amnesty for and prohibition of: HB 1547
 Damage to public highways, vehicle operator liability for tow truck operator charges due to, when: SSB 5406, 2SSB 5406
 Defenses, against personal injury/wrongful death, when person injured/killed due to committing felony: ***ESSB 5263, CH 325 (2021)**
 Discrimination, against persons with disabilities, actions alleging, modifying requirements, when: HB 1574
 Down syndrome, abortion/attempted abortion due to, action against physician: HB 1008
 Emergency orders by governor, actions to determine validity of, declaratory and other relief: HB 1563
 Health care, injuries resulting from, actions against providers for, standard of care law and proof of injury: ***SSB 5271, CH 241 (2021)**
 Law enforcement officer, unlawfully summoning a, civil action for damages: ***ESB 5135, CH 330 (2021)**
 Liability, care or assistance, nonmedical, rendering at emergency/disaster scene, immunity for: HB 1209
 Liability, COVID infection-related damage/loss/injury/death claims, school immunity from liability for, when: HB 1338
 Name change, filing/recording orders for, waiving auditor's fees due to hardship, when: HB 1961
 Peace officers, misconduct injuring person in person or property by, cause of action: HB 1202
 Professional rescue doctrine, repealing to allow public safety employee actions in certain cases of neglect/omission/etc.: HB 1341
 Property, forfeiture of seized, certain civil asset forfeiture amounts to be deposited into account: ***SSB 5728, CH 162 (2022)**
 Public agency, tortious conduct of, accrual of interest on judgments founded on: HB 1754
 Public expression protection act, uniform, cause of action under: ***SSB 5009, CH 259 (2021)**
 Public safety employees, injury/disease/death due to other's neglect/omission/conduct, action for recovery/damages: HB 1341
 Rescuers, public service company contractor/subcontractor liability for loss/damages/injury to, when: HB 1341
 Tort actions, award/payment of attorneys' fees and/or statutory damages in, modifying provisions: HB 2071
 Tort actions, complainant standing when alleging statutory violation remediable by damages: HB 2071
 Tortious conduct, of individual or entity, accrual of interest on judgments founded on: E2SSB 5155
 Tortious conduct, of individual/entity/public agency, accrual of interest on judgments founded on: HB 1754

CIVIL LEGAL AID, OFFICE (See also ATTORNEYS)

Indigent persons, not legally in U.S., civil legal aid funds for representing: ***HB 1072, CH 58 (2021)**
 Indigent tenants, impacted by COVID-19, protections to include right to counsel, office role, when: ***E2SSB 5160, CH 115 (2021) PV**
 Interbranch advisory committee, with one nonvoting member from office, creating: ***ESSB 5490, CH 284 (2022) PV**
 Statewide children's legal representation program, establishing within office: HB 1219

CLEMENCY AND PARDONS BOARD

Commutation of sentences, conditional, role of board: E2SSB 5036

Membership and role of board, modifying: E2SSB 5036

CLIMATE (See also AIR QUALITY AND POLLUTION; ENERGY; FIRE PROTECTION; FOREST LAND; FOREST PRACTICES AND PRODUCTS; FUELS; GROWTH MANAGEMENT)

Biochar facilities, marketing/selling forest products to, costs/benefits of, pilot project for evaluating: ***SSB 5961, CH 293 (2022)**

Biochar, manufacture of, sourcing forest products for, feasibility of, evaluating: ***SSB 5961, CH 293 (2022)**

Biochar, using in state agency and local government-funded projects, when: ***SSB 5961, CH 293 (2022)**

Carbon dioxide, state agency purchasing of copy paper produced via process yielding less: HB 1518

Carbon sequestration and storage, through natural and working lands and forest products: HB 1577

Carbon, carbon pollution tax on greenhouse gas emissions, imposing: HB 1513

Carbon, carbon pollution tax on sale/use of fossil fuels, imposing: HB 1577

Carbon, carbon pollution tax on sale/use of fossil fuels, imposing on energy-intensive trade-exposed industries: HB 1534

Carbon, embodied, in built environment, reducing via buy clean and buy fair Washington act: HB 1103

Climate bond proceeds account, creating: HB 1513, HB 1577

Climate bond retirement account, creating: HB 1577

Climate bonds retirement account, creating: HB 1513

Climate change adaptation, outdoor recreation and climate adaptation account, creating: HB 1823

Climate change mitigation, as GMA comprehensive planning goal, and GHG emissions reduction subelement: HB 1099

Climate commitment act, Washington, additive transportation appropriations related to, providing: HB 2118, ***SSB 5975, CH 187 (2022)**

Climate commitment act, Washington, allocations/appropriations from certain accounts, tribal consultations: HB 1753

Climate commitment act, Washington, cap and invest program, environmental justice role, modifying: ***E2SSB 5842, CH 181 (2022)**

Climate commitment act, Washington, cap and invest program, modifying: ***E2SSB 5842, CH 181 (2022)**

Climate commitment act, Washington, comprehensive program capping greenhouse gas emissions/criteria pollutants: ***E2SSB 5126, CH 316 (2021) PV**

Climate commitment act, Washington, emissions-intensive trade-exposed facilities compliance pathway: HB 1682

Climate commitment act, Washington, funding generated under, directions/requirements for spending portion of: HB 2119, ***ESSB 5974, CH 182 (2022)**

Climate finance account, creating: HB 1513, HB 1577

Climate financing program, ten-year, establishing using revenues from carbon pollution tax on fossil fuels: HB 1577

Climate financing program, ten-year, establishing using revenues from carbon pollution tax on greenhouse gas emissions: HB 1513

Climate oversight board, creating: HB 1513

Global warming potential, maximum for hydrofluorocarbon refrigerants: HB 1050

Growth management act, climate change and resiliency/land use/transportation/park and recreation elements: HB 1099

Natural climate solutions account, allocations/appropriations from, tribal consultations: HB 1753

Natural climate solutions account, creating: HB 1513

Renewable fuels, statewide office of, establishing: ***SSB 5910, CH 292 (2022)**

Resilience, group A community public water systems, climate resilience element to be part of plans for: SSB 5626

Sustainable farms and fields grant program, climate change mitigation role of, expanding: HB 1631

Sustainable transformative recovery opportunities for the next generation act, Washington: HB 1513

Uniform climate protection surcharge, natural gas companies to pay: HB 1084

Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**

CODE REVISER, OFFICE OF THE

Tax increase legislation, general election advisory votes, communication of results to office of code reviser: HB 1582

Technical corrections and removing of obsolete language in RCW: HB 1857

COLLECTIVE BARGAINING

Confidential employee, definition, removing employees advising/representing state in tort actions from: ***SB 5133, CH 180 (2021)**

Family and medical leave, paid, collective bargaining, in connection with: ***2SSB 5649, CH 233 (2022)**

Family child care providers, defined contribution retirement plans, bargaining concerning: HB 1771
 Ferry employees, newly hired/from underrepresented communities, impact of agreements on: HB 1608
 Labor rights, countries that provide, as eligible to sell for use or provide transportation fuels in state, criteria and list: HB 1551
 Law enforcement personnel, disciplinary grievance arbitration, arbitrators for: ***SSB 5055, CH 13 (2021)**
 Legislative branch employees, defining and extending collective bargaining rights to: HB 1806
 Legislative branch employees, extending collective bargaining to, and specifying unfair labor practices: HB 2124
 Legislative branch employees, office of state legislative labor relations, creating: HB 2124
 State patrol, captains and lieutenants, proportionate salary increases, relation to bargaining, removing expiration: ***HB 1785, CH 131 (2022)**
 State patrol, trooper and sergeant salaries, competitive, relation to bargaining, removing expiration: ***HB 1785, CH 131 (2022)**
 U. of Washington, school of medicine, fellow physicians and residents, collective bargaining by, process for: HB 1764
 Uniformed personnel, disciplinary grievance arbitration, arbitrators for: ***SSB 5055, CH 13 (2021)**

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES; GUBERNATORIAL APPOINTMENTS; STUDENT ACHIEVEMENT COUNCIL; STUDENT FINANCIAL ASSISTANCE, OFFICE)

Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**
 Cancer center, comprehensive, private nonprofit, public-private collaboration with higher education institution: ***EHB 1744, CH 71 (2022)**
 Capital projects, 4-year colleges, supporting health care/behavioral health occupations degree programs enrollment: HB 1949
 Central Washington U., Dr. James L. Gaudino, president, honoring: ***HR 4611 (2021)**
 Clean technology innovation, researcher/instructor to assist in, account funds for recruiting/retaining: HB 1820, HB 1864
 Construction, major projects, capital budget matching grants program for higher education institutions: HB 2055
 Construction/other public works, bid limits for, increasing: SB 5844
 Contracts with entities aiding Russia's invasion of Ukraine, terminating/refraining from entering into: HB 2135, HB 2137
 Contracts with entities headquartered or principally located in Russia, terminating/refraining from entering into: HB 2135, HB 2137
 Course materials, open educational resources or low-cost materials, online notices: ***HB 1119, CH 152 (2021)**
 Data, personal identity, verifiable credentials for protecting, higher education institutions role: SB 5534
 Diversity/equity/inclusion in campus environment, campus climate assessments concerning: ***E2SSB 5227, CH 275 (2021)**
 Diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: ***E2SSB 5227, CH 275 (2021)**
 E. Washington U., Cooper Douglas Kupp, former wide receiver, EWU football team, recognizing and honoring: ***HR 4662 (2022)**
 Employees, part-time academic, when considered full time for public service loan forgiveness program: ***ESSB 5847, CH 248 (2022)**
 Evergreen State College, The, celebrating: ***HR 4636 (2022)**
 Faculty, part-time, when considered full time for public service loan forgiveness program: ***ESSB 5847, CH 248 (2022)**
 Faculty, state resources acceptable private uses having more than de minimis costs as part of job requirements: ***SB 5854, CH 173 (2022)**
 Financial aid, college bound scholarship program, expanding access to: ***ESSB 5321, CH 283 (2021)**
 Financial aid, crime victims and families scholarship program, establishing: HB 1584
 Financial aid, dual enrollment scholarship pilot program, Washington, repealing: HB 1760
 Financial aid, free application for federal student aid/WA state application for financial aid, increasing completion of: HB 1835
 Financial aid, newly recruited student athletes, 4-year colleges to reserve 50% of athletic scholarship funding for: HB 1390
 Financial aid, nurse educator loan repayment program, establishing: ***HB 2007, CH 276 (2022)**
 Financial aid, opportunity scholarship program, provisions: HB 1504, ***HB 1805, CH 211 (2022)**
 Financial aid, private fund academic scholarships awarded by state entities to underprivileged/disadvantaged groups: HB 1836
 Financial aid, private scholarship, receiving up to full unmet need via gift equity packaging policy when receiving: ***HB 1907, CH 138 (2022)**

- Financial aid, private student loan debt, personal property exemption from execution/attachment/garnishment, when: **HB 1447, *HB 1525, CH 50 (2021)**
- Financial aid, student loans, federal public service loan forgiveness program for, materials/work certification for: ***ESSB 5847, CH 248 (2022)**
- Financial aid, Washington college grants, marketing campaign and eligibility of public assistance recipients: **HB 1835**
- Financial aid, Washington college grants, maximum award, eligibility for, expanding: **HB 1517**
- Financial aid, Washington college grants, maximum award, increasing recipients and adding bridge grant with: **HB 1659**
- Financial aid, Washington national guard postsecondary education grant program, eligibility/maximum grants: **HB 1642**
- Financial aid, Washington student loan program, creating: **HB 1736**
- Graduate students, adding graduate student member to student achievement council: **HB 1472**
- Graduates, recent, long-term services and supports trust program exemption: **HB 1599**
- Hazing, by person in attendance at institution, changing from misdemeanor to gross misdemeanor: **HB 1758**
- Hazing, by student organizations/teams/living groups, prohibitions: **HB 1751**
- Hazing, causing substantial bodily harm to another person, class C felony: **HB 1758**
- Health plan coverage for students, to include abortion, when: ***HB 1009, CH 53 (2021)**
- High school students, college in the high school programs, provisions governing: **HB 1302, HB 1760**
- High school students, dual credit courses/programs, subsidizing costs via low-income student program: **HB 1760**
- Inmates, postsecondary education before and after release: **HB 1044**
- Innovation and quality in higher education, Washington fund program for, repealing: ***2SSB 5789, CH 244 (2022)**
- Innovation and quality, student achievement council fund for, eliminating and replacing: ***2SSB 5789, CH 244 (2022)**
- Insurers, eligible captive, affiliated with public higher education institution, premium tax exemption: ***2SSB 5315, CH 281 (2021)**
- Investments with entities headquartered/principally located in Russia or aiding Russia's invasion of Ukraine, prohibiting: **HB 2137**
- Law enforcement agencies, use of force by, collecting/reporting data on, a university to establish program for: ***E2SSB 5259, CH 326 (2021)**
- Medical school graduates, international, limited license for, when: **HB 1129**
- Medical students, health equity curriculum for, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**
- Menstrual hygiene products, in gender-neutral and female-student bathrooms, providing: **HB 1273**
- Nursing programs, nurses teaching for, nurse educator loan repayment program, establishing: ***HB 2007, CH 276 (2022)**
- Running start program, low-income students in, subsidizing costs for: **HB 1760**
- Russia's invasion of Ukraine, contracts with entities aiding, terminating or refraining from entering into: **HB 2135, HB 2137**
- Russia's invasion of Ukraine, investments with entities headquartered/principally located in Russia or aiding, prohibiting: **HB 2137**
- Russia, contracts with entities headquartered or principally located in, terminating/refraining from entering into: **HB 2135, HB 2137**
- Security, for public higher education institution, background checks and training: **HB 1737**
- Sports, intercollegiate, college athlete name, image, or likeness act, uniform: **ESSB 5942**
- Sports, intercollegiate, college athletes, name/image/likeness agents for, registration as: **ESSB 5942**
- Sports, intercollegiate, programs regulated by an association, representatives from, committee of, convening: **ESSB 5942**
- Sports, newly recruited student athletes, four-year colleges to reserve 50% of athletic scholarship funding for: **HB 1390**
- Students, homeless and foster care students pilot program, expanding access to: **HB 1166**
- Students, undocumented student relief grants, using freed-up federal coronavirus funds for: **HB 1368**
- Textbooks, open educational resources or low-cost materials, online notices: ***HB 1119, CH 152 (2021)**
- The Evergreen State College, celebrating: ***HR 4636 (2022)**
- Tuition, units via advanced college tuition payment/GET program, GET account retroactive adjustment for, when: ***SB 5430, CH 248 (2021)**
- Tuition, units via advanced college tuition payment/GET program, price increase limitations, when: ***SB 5430, CH 248 (2021)**
- Tuition, units via advanced college tuition payment/GET program, value of, and dividends: **HB 1138**
- Tuition/fees, "resident student," criteria for military-affiliated students to qualify as, expanding/modifying: ***ESSB 5874, CH 249 (2022)**

Tuition/fees, waiver for veteran's/national guard member's surviving spouse/domestic partner, when: ***SB 5545, CH 45 (2022)**

U. of Washington, alcohol and drug abuse institute, certain dedicated cannabis account appropriations for: ***E2SSB 5796, CH 169 (2022)**

U. of Washington, board of regents, adding faculty member: ***HB 1051, CH 12 (2022)**

U. of Washington, co-responder best practices and training role of: ***SSB 5644, CH 232 (2022)**

U. of Washington, critical patient care/specialized medical research facilities, contracts alternative process: HB 1288

U. of Washington, dept. of psychiatry/behavioral sciences, behavioral health support specialists rules role of: E2SSB 5884

U. of Washington, dept. of psychiatry/behavioral sciences, state hospital bureaus of family experience role of: 2SSB 5807

U. of Washington, psychiatry, mental health referral service for children/teens, renaming kids access line as: HB 1325

U. of Washington, psychiatry, partnership access line for kids referral and assistance service, renaming: HB 1325

U. of Washington, psychiatry, partnership access line for moms, removing pilot program provision: HB 1325

U. of Washington, school of medicine, fellow physicians and residents, collective bargaining by, process for: HB 1764

U. of Washington, school of medicine, health equity curriculum for medical students, developing: ***SSB 5228, CH 96 (2021)**

U. of Washington, statewide data repository to aid political subdivisions in connection with voting rights act: E2SSB 5597

U. of Washington, suicide-safer homes task force and subcommittees role of: HB 1181

U. of Washington, William D. Ruckelshaus center, apprentices and CC/TC instruction issues role of: ***E2SSB 5764, CH 166 (2022)**

Utendale, Dr, John, former college faculty member, administrator, and hockey coach: ***HR 4637 (2022)**

Voters and voting, student engagement hubs, modifying: HB 1003

Washington career and college pathways innovation challenge program, establishing: ***2SSB 5789, CH 244 (2022)**

Washington fund for innovation and quality in higher education program, repealing: ***2SSB 5789, CH 244 (2022)**

Washington State U., board of regents, adding faculty member: ***HB 1051, CH 12 (2022)**

Washington State U., center for cannabis policy/research/outreach, cannabinoids, convening scientific panel on: HB 2123

Washington State U., child and family research unit at, 2015 report on supporting student success, updating: HB 1746

Washington State U., college of nursing, sexual assault nurse examiners: ***HB 1622, CH 118 (2022)**

Washington State U., energy program, community solar incentive program, establishing: HB 1814

Washington State U., energy program, renewable energy production incentive program role: HB 1814

Washington State U., extension program, local employees/volunteers in cooperation with, health and safety: 2SSB 5643

Washington State U., extension program, pollinator education/outreach program and plan: ***2SSB 5253, CH 278 (2021)**

Washington State U., force use by law enforcement, information collection/publishing, WSU role: HB 1092

Washington State U., pesticide safety education program, certain license fees to be used for: ***SSB 5317, CH 244 (2021)**

Washington State U., research on effects of cannabis use, dedicated cannabis account appropriations for: ***E2SSB 5796, CH 169 (2022)**

Washington State U., school of medicine, health equity curriculum for medical students, developing: ***SSB 5228, CH 96 (2021)**

Washington State U., William D. Ruckelshaus center, apprentices and CC/TC instruction issues role of: ***E2SSB 5764, CH 166 (2022)**

Western Governors University/Western Governors University Washington, congratulating: ***HR 4623 (2021)**

COMMERCE, DEPARTMENT (See also BUSINESSES; COMPUTERS; GROWTH MANAGEMENT; HOMES AND HOUSING; MOTION PICTURES; TELECOMMUNICATIONS)

Aerial imaging technology, state/local/tribal government uses of, studying, DOC role: HB 1629

Affordable housing advisory board, conversion of multifamily buildings to condominium ownership issues review by: ***ESSB 5758, CH 165 (2022)**

Affordable housing advisory board, increasing membership of: ***ESSB 5758, CH 165 (2022)**

Affordable housing advisory board, membership, increasing: HB 1724

Affordable housing, multi-family property tax exemption for multi-unit residential structures in RTAs, expanding, DOC role: ***E2SSB 5287, CH 187 (2021)**

Affordable/sustainable housing, sustainable equitable affordable measured board, establishing, DOC role: HB 2020

Alternative energy siting inequity, report on, DOC role: HB 1871

Anadromous fish protection and recovery, state goal for, DOC role: HB 1653

Aviation and aerospace committee, appointing and maintaining, DOC role: HB 1538

Behavioral health consumer advocacy, state office of, increasing minors' access to services: HB 1800

Building communities fund program, grant assistance for projects, modifying funding limits: HB 1154

Building for the arts program, project and program funding limits, raising: ***HB 1647, CH 121 (2022)**

Business assistance, small business disaster recovery financial assistance program, developing, DOC role: HB 1957

Cannabis social equity technical assistance grant program, funds from dedicated cannabis account for: ***E2SSB 5796, CH 169 (2022)**

Cannabis, cannabis equity grant program, establishing, DOC role: HB 1827

Cannabis, licenses, cannabis social equity grant, low-interest loan, and technical assistance program, DOC role: HB 2022

Census of homeless persons, state, DOC role: SB 5607

Clean fuels program, periodic fuel supply forecast for, DOC role: HB 1036, HB 1091

Climate change and resiliency element, model, for GMA planning, developing, DOC role: HB 1099

Commercial buildings, tiers 2 and 3, energy management/benchmarking requirement, DOC role: HB 1084

Commercially sexually exploited adults, health and transition centers for, requirements and funding, DOC role: HB 1989

Community, trade, and economic development, department of, references to, changing to department of commerce: HB 1857

Community-police engagement, safe streets pilot project for, DOC role: ***ESSB 5353, CH 327 (2021)**

Comprehensive plan updates, local jurisdiction implementation of, grants for, DOC role: HB 1981

Comprehensive plans, resources to assist local governments with, various, DOC role: HB 1981

Comprehensive plans, review/revision by counties/cities, costs for each jurisdiction size for, evaluating, DOC role: HB 1981

Conventions hosted in WA, convention economy grants for businesses dependent on, moneys for, DOC role: HB 1879

Covered buildings, tier 2, energy management/benchmarking requirement for, support/incentive programs, DOC role: HB 1774, ***SSB 5722, CH 177 (2022)**

Crime victims advocacy, office, indigenous survivors of trafficking, services/resources for, office role: HB 1571

Crime victims advocacy, office, nonfatal strangulation victims, forensic nurse examiners for: ***2SSB 5183, CH 269 (2021)**

Digital electronic equipment repairability, commission on, establishing, DOC role: HB 1801

Digital equity opportunity program, creating: HB 1460, HB 1723

Digital equity planning grant program, creating: HB 1460

Digital equity planning grant program, creating, DOC role: HB 1723

Digital permitting process work group, convening, DOC role: SSB 5964

Domestic violence and workplace resources, task force on, convening, DOC role: ***HB 1315, CH 43 (2021)**

Economic development sites, shovel-ready certification program for, developing and implementing, DOC role: HB 1958

Electric utilities, energy resource adequacy, rolling blackouts/inadequacy events, addressing, DOC role: HB 1623

Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing, DOC role: HB 1287

Electric vehicles, interagency electric vehicle coordinating council, creating, DOC role: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric vehicles, service providers for, inventory/payment/reliability reporting, DOC rule making: ***2SSB 5192, CH 238 (2021)**

Equitable access to credit program, DOC to create and operate: HB 1015

Eviction prevention rental assistance program, creating, DOC role: HB 1277

Family resource center, defining for DOC purposes: ***HB 1237, CH 39 (2021)**

Fire protection services, competitive grant program for rural-county local government capital projects for, DOC role: HB 1929

Forest health treatments and wildfire prevention/response, developing workforce for, DOC role: HB 1168

Greenhouse gas emissions, reducing, DOC role: HB 1577

Health and homes, office of, creating, DOC role: HB 1866

Heat pump and electrification program, for high-efficiency equipment, establishing, DOC role: HB 1084

Higher education institutions, construction projects, capital budget matching grants program for, DOC role: HB 2055

Home sharing support grant program, creating, DOC role: HB 1183

Homeless encampments, public right-of-way, office of intergovernmental coordination on, DOC collaboration with: E2SSB 5662

Homeless housing, public building conversion grant program, creating, DOC role: HB 1101

Homeless persons, identicards for, program to provide, creating, DOC role: ***ESSB 5815, CH 57 (2022)**

Homeless youth prevention and protection programs, office of, role of: HB 1905
 Homelessness, persons experiencing, immediate employment programs for, grant program for, DOC to create: HB 2132
 Housing trust fund program, "first-time home buyer" for purposes of, modifying: HB 2097
 Housing, middle types development/zoning, assistance for cities, DOC role: HB 1782
 Housing, permanent supportive, advisory committee on, establishing, DOC role: HB 1724
 Housing, rental/vacant, statewide property registration program/database for, feasibility of creating, evaluating: SB 5825
 Industrial symbiosis grant program, for local waste coordination project grants: ***SB 5345, CH 308 (2021)**
 Industrial waste coordination program, for local industrial symbiosis projects support: ***SB 5345, CH 308 (2021)**
 Justice, environmental, aiding overburdened communities and vulnerable populations, DOC role: HB 1577
 Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
 Lifeline for independent living task force, establishing, DOC role: HB 1883
 Lifeline for independent living, for certain youth/young adults, establishing, DOC role: HB 1883
 Local economic inclusion grants, implementing, DOC role: 2SSB 5241
 Manufactured/mobile home community, purchase-opportunity notice: HB 1100
 Manufacturing, Washington BEST manufacturing act, DOC role: HB 1170
 Marijuana, licenses, cannabis social equity grant, low-interest loan, and technical assistance program, DOC role: HB 2022
 Marijuana, licenses, cannabis social equity technical assistance grant program and cannabis retailers pilot program: HB 1443
 Military installations, incompatible developments near, projects for addressing, DOC reporting role: SB 5291
 Military spouse employment act, DOC role: HB 1592
 Motion picture competitiveness program, board of directors, membership of, modifying: HB 1914
 Motion picture competitiveness program, contributions to, certain entities making, annual reporting exemption for: HB 1914
 Motion picture competitiveness program, role of DOC: HB 1914
 Permit review process, consolidated permit review grant program for local governments, establishing, DOC role: SSB 5964
 Permit review process, updating from paper filing to software systems, local government grant program for, DOC role: SSB 5964
 Personal information, captured, processing by business entities, individual's opt-in consent for, DOC to study: HB 1433
 Planning policy/plans/development regulations, finding of noncompliance, referring to DOC: ***2SSB 5368, CH 312 (2021) PV**
 Plastic packaging material, nonbiodegradable, transitioning to biodegradable materials, DOC role: HB 2116
 Plastic packaging, postconsumer recycled content for, stakeholder advisory committee on, convening, DOC role: ***E2SSB 5022, CH 313 (2021)**
 Renewable fuels, statewide office of, establishing within DOC: ***SSB 5910, CH 292 (2022)**
 Rental assistance, emergency rental assistance grant program, creating, DOC role: HB 1228, HB 1398
 Rural infrastructure grant program, establishing, DOC role: HB 1263
 Space economy, employment and training opportunities in, studying, DOC and advisory committee roles: HB 1190
 State-/publicly-owned lands/buildings, inventory of, publication on DOC web site: HB 1101
 Utilities/stakeholders meetings, rolling blackouts/electrification resource adequacy, addressing, DOC role: HB 1527
 Utility technical advisory group, forming, DOC role: HB 1871
 Youth, independent youth housing program, eligibility for, expanding, DOC role: ***SB 5566, CH 154 (2022)**

COMMERCIAL VESSELS AND SHIPPING (See also BOATS AND BOATING; FERRIES)

Fishing vessels, commercial, crewmember license and identifying documentation: ***HB 1437, CH 46 (2021)**
 Jones Act, fostering strong domestic maritime industry, legislature's support for: HJM 4002
 Oil spills, financial responsibility requirements, including certificates: HB 1691
 Ports, container, comprehensive planning container port elements, Indian tribe collaboration: HB 1717
 Ports, container, comprehensive planning port container elements, Indian tribe collaboration: HB 1458
 Ports, marine terminal operators, truck driver restroom access to be supplied by, when: HB 1706
 Ports, public, activities undertaken by, exemption from permitting, when: HB 1436

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR; GUBERNATORIAL APPOINTMENTS)

- Access and equity, in community/technical colleges, expanding via our colleges our future act of 2021: HB 1318, ***E2SSB 5194, CH 272 (2021)**
- Adult basic education courses, students expected to enroll in, caseload forecast council to forecast: HB 1943, SB 5771
- Apprentices, higher education credits for supplemental CC/TC coursework, granting of: ***E2SSB 5764, CH 166 (2022)**
- Apprentices, supplemental CC/TC instruction/credits and degree pathways/related issues: ***E2SSB 5764, CH 166 (2022)**
- Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**
- Computer science, bachelor of science degrees in, community/technical college authority to offer: ***SSB 5401, CH 147 (2021)**
- Construction, major projects, capital budget matching grants program for higher education institutions: HB 2055
- Construction/other public works, bid limits for, increasing: SB 5844
- Contracts with entities aiding Russia's invasion of Ukraine, terminating/refraining from entering into: HB 2135, HB 2137
- Contracts with entities headquartered or principally located in Russia, terminating/refraining from entering into: HB 2135, HB 2137
- Counselors, aid-eligible students to full-time equivalent faculty counselors, lowering ratio: HB 1318
- Counselors, faculty counselors, minimum standards for: ***E2SSB 5194, CH 272 (2021)**
- Data, personal identity, verifiable credentials for protecting, higher education institutions role: SB 5534
- Diversity/equity, task force on improving diversity and equity at community/technical colleges, establishing: HB 1840
- Diversity/equity/inclusion in campus environment, campus climate assessments concerning: ***E2SSB 5227, CH 275 (2021)**
- Diversity/equity/inclusion, community and technical colleges strategic plan for: HB 1318, ***E2SSB 5194, CH 272 (2021)**
- Diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: ***E2SSB 5227, CH 275 (2021)**
- Employees, part-time academic, when considered full time for public service loan forgiveness program: ***ESSB 5847, CH 248 (2022)**
- Faculty, full-time tenure-track to nontenure-track ratio, increasing: HB 1318
- Faculty, full-time tenure-track, increasing number of: ***E2SSB 5194, CH 272 (2021)**
- Faculty, part-time, when considered full time for public service loan forgiveness program: ***ESSB 5847, CH 248 (2022)**
- Faculty, state resources acceptable private uses having more than de minimis costs as part of job requirements: ***SB 5854, CH 173 (2022)**
- Financial aid, college bound scholarship program, expanding access to: EHB 1687, ***ESSB 5321, CH 283 (2021)**
- Financial aid, crime victims and families scholarship program, establishing: HB 1584
- Financial aid, dual enrollment scholarship pilot program, Washington, repealing: HB 1760
- Financial aid, free application for federal student aid/WA state application for financial aid, increasing completion of: HB 1835
- Financial aid, nurse educator loan repayment program, establishing: ***HB 2007, CH 276 (2022)**
- Financial aid, opportunity scholarship program, provisions: HB 1504, ***HB 1805, CH 211 (2022)**
- Financial aid, private fund academic scholarships awarded by state entities to underprivileged/disadvantaged groups: HB 1836
- Financial aid, private student loan debt, personal property exemption from execution/attachment/garnishment, when: HB 1447, ***HB 1525, CH 50 (2021)**
- Financial aid, rural county high employer demand jobs program, eligibility for use of scholarship funds under: HB 1425, SSB 5288
- Financial aid, rural county high employer demand jobs program, state match and eligibility criteria, modifying: ***HB 1805, CH 211 (2022)**
- Financial aid, student loans, federal public service loan forgiveness program for, materials/work certification for: ***ESSB 5847, CH 248 (2022)**
- Financial aid, Washington college grant program, adding stipend program to: HB 1318
- Financial aid, Washington college grants, marketing campaign and eligibility of public assistance recipients: HB 1835
- Financial aid, Washington college grants, maximum award, eligibility for, expanding: HB 1517
- Financial aid, Washington college grants, maximum award, increasing recipients and adding bridge grant with: HB 1659
- Financial aid, Washington college grants, maximum award, when enrolled in apprenticeship program and CC/TC: ***E2SSB 5764, CH 166 (2022)**

Financial aid, Washington national guard postsecondary education grant program, eligibility/maximum grants: HB 1642
 Financial aid, Washington opportunity scholarship program, provisions: HB 1425, ***HB 1805, CH 211 (2022)**, SSB 5288
 Financial aid, Washington opportunity scholarship program, using for industry-recognized credential programs: HB 1425
 Financial aid, Washington student loan program, creating: HB 1736
 Graduates, recent, long-term services and supports trust program exemption: HB 1599
 Hazing, by person in attendance at institution, changing from misdemeanor to gross misdemeanor: HB 1758
 Hazing, by student organizations/teams/living groups, prohibitions: HB 1751
 Hazing, causing substantial bodily harm to another person, class C felony: HB 1758
 Health plan coverage for students, to include abortion, when: ***HB 1009, CH 53 (2021)**
 High school students, college in the high school programs, provisions governing: HB 1302, HB 1760
 High school students, dual credit courses/programs, subsidizing costs via low-income student program: HB 1760
 Inmates, postsecondary education before and after release: HB 1044
 Innovation and quality in higher education, Washington fund program for, repealing: ***2SSB 5789, CH 244 (2022)**
 Innovation and quality, student achievement council fund for, eliminating and replacing: ***2SSB 5789, CH 244 (2022)**
 Insurers, eligible captive, affiliated with public higher education institution, premium tax exemption: ***2SSB 5315, CH 281 (2021)**
 Investments with entities headquartered/principally located in Russia or aiding Russia's invasion of Ukraine, prohibiting: HB 2137
 Menstrual hygiene products, in gender-neutral and female-student bathrooms, providing: HB 1273
 Mental health counseling/services, pilot program for grants for increasing student access to: HB 1468, ***E2SSB 5194, CH 272 (2021)**
 Mental health counseling/services, pilot program for grants for increasing student access to, expanding/extending: HB 1840
 Nursing programs, nurses teaching for, nurse educator loan repayment program, establishing: ***HB 2007, CH 276 (2022)**
 Programs, diversity/equity/inclusion/antiracism, for faculty/staff/students: ***E2SSB 5227, CH 275 (2021)**
 Programs, equity/access, guided pathways, student success support, and faculty diversity: ***E2SSB 5194, CH 272 (2021)**
 Programs, equity/access, student success support, faculty diversity, child care, and college grant stipends: HB 1318
 Resident student, definition of, revising to expand access: HB 1318, ***E2SSB 5194, CH 272 (2021)**
 Running start program, low-income students in, subsidizing costs for: HB 1760
 Running start program, running start summer school program, establishing: HB 1760
 Russia's invasion of Ukraine, contracts with entities aiding, terminating or refraining from entering into: HB 2135, HB 2137
 Russia's invasion of Ukraine, investments with entities headquartered/principally located in Russia or aiding, prohibiting: HB 2137
 Russia, contracts with entities headquartered or principally located in, terminating/refraining from entering into: HB 2135, HB 2137
 Security, for public higher education institution, background checks and training: HB 1737
 Sports, intercollegiate, college athlete name, image, or likeness act, uniform: ESSB 5942
 Sports, intercollegiate, college athletes, name/image/likeness agents for, registration as: ESSB 5942
 Sports, intercollegiate, programs regulated by an association, representatives from, committee of, convening: ESSB 5942
 Students, homeless and foster care students pilot program, expanding access to: HB 1166
 Students, homeless and foster care students pilot program, further expanding access to: HB 1601
 Tuition, units via advanced college tuition payment/GET program, GET account retroactive adjustment for, when: ***SB 5430, CH 248 (2021)**
 Tuition, units via advanced college tuition payment/GET program, price increase limitations, when: ***SB 5430, CH 248 (2021)**
 Tuition, units via advanced college tuition/GET program, value of, and dividends: HB 1138
 Tuition/fees, "resident student," criteria for military-affiliated students to qualify as, expanding/modifying: ***ESSB 5874, CH 249 (2022)**
 Tuition/fees, waiver for veteran's/national guard member's surviving spouse/domestic partner, when: ***SB 5545, CH 45 (2022)**
 Universal teleconnect service program, state, establishing: HB 1460
 Voters and voting, student engagement hubs, modifying: HB 1003
 Washington career and college pathways innovation challenge program, establishing: ***2SSB 5789, CH 244 (2022)**
 Washington fund for innovation and quality in higher education program, repealing: ***2SSB 5789, CH 244 (2022)**

COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR (See also COMMUNITY AND TECHNICAL COLLEGES)

- Apprentices, institution/centralized program for supplemental instruction toward degree for, board role: ***E2SSB 5764, CH 166 (2022)**
- Customized employment training program, board role: HB 1033
- Equity and access, our colleges our future act of 2021, board role: HB 1318, ***E2SSB 5194, CH 272 (2021)**
- Faculty, state resources acceptable private uses having more than de minimis costs as part of job requirements: ***SB 5854, CH 173 (2022)**
- Mental health counseling/services, access to, pilot program for increasing student access to, board role: HB 1468
- Retail industry, increasing educational, training, and job opportunities in, board role: HB 2019
- Washington college grants, maximum award, when enrolled in apprenticeship program and CC/TC, board role: ***E2SSB 5764, CH 166 (2022)**
- Yoshiwara, Jan, state board executive director, honoring: ***HR 4655 (2022)**

COMMUNITY ECONOMIC REVITALIZATION BOARD

- Broadband, open access networks development, grant and loan program for, board role: HB 1740
- Planning program grants, increasing award limit and assisting projects seeking shovel-ready status, board role: HB 1958

COMPUTERS (See also CHIEF INFORMATION OFFICER, OFFICE OF THE STATE; CONSOLIDATED TECHNOLOGY SERVICES AGENCY; DENTISTS AND DENTISTRY; HEALTH CARE; LEGISLATURE; OPEN PUBLIC MEETINGS)

- Advanced computing businesses of affiliated group, workforce education investment surcharge on, application of: ***SSB 5799, CH 170 (2022)**
- Advanced computing businesses of affiliated group, workforce education investment surcharge on, increasing account funds caps: HB 1504
- Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**
- Broadband access, in unserved areas, grant/loan program for, emergency public works broadband projects: HB 1673
- Broadband access, in unserved areas, grant/loan program for, various modifications: HB 1673
- Broadband access, increasing in unserved areas, competitive grant program for, establishing: ESSB 5357
- Broadband fiber connections, missing, and inadequate service in underserved areas, addressing via highways: HB 1457, ESSB 5439
- Broadband fiber deployment, microtrenching for, city-town-county authority to allow: HB 1722
- Broadband infrastructure, capital broadband investment acceleration program, creating: ESSB 5357
- Broadband infrastructure, rural infrastructure grant program for local governments in rural counties to include: HB 1263
- Broadband installation along highways, informing facility owners of projects to enable coordination, when: HB 1457, ESSB 5439
- Broadband office, governor's statewide, duties of, various: HB 1263, HB 1460, HB 1723, ESSB 5357, ***2SSB 5383, CH 293 (2021)**, ESSB 5439, ***SB 5715, CH 237 (2022)**
- Broadband services, adoption of, creating digital equity opportunity program to advance: HB 1460, HB 1723
- Broadband services, definitions of "broadband" and, transmission speed for purposes of, raising minimum: ***SB 5715, CH 237 (2022)**
- Broadband services, open access networks, grant/loan program for developing: HB 1740
- Broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
- Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**
- Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
- Broadband, low earth orbit satellites and wireline/wireless connections, tax preferences to support/facilitate: HB 1702
- Building permits, digital permitting process work group, convening: SSB 5964
- Building permits, review process, updating from paper filing to software systems, local government grant program for: SSB 5964
- Cloud computing services, 3rd-party commercial, state agency adoption of and migration to: HB 1274
- Computer science, bachelor of science degrees in, community/technical college authority to offer: ***SSB 5401, CH 147 (2021)**

Computer science, elective course in, for youth in institutional education program in juvenile institution: ***SB 5657, CH 234 (2022)**

Computer science, substituting for 3rd-year math/science course, for high school graduation requirement: ***SB 5299, CH 307 (2021)**

Computers/computer accessories, shop local and save sales and use tax holiday to include: HB 2018

COVID-19 contact tracing, individual's health data collected via digital tools and used for, protections for: HB 1127

Cyber activities, malicious, state agency protections against, Washington state ransomware protection act: HB 2044

Cyber harassment, involving electronic communication, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**

Cyber harassment, of criminal justice participant, class C felony: ***ESSB 5628, CH 231 (2022)**

Cybersecurity, office of, creating: ***ESSB 5432, CH 291 (2021)**

Cyberstalking, using electronic tracking device, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**

Data centers, sales/use tax exemption, broadening eligibility and extending expiration: HB 1459, SSB 5262

Data centers, sales/use tax exemption, broadening eligibility, modifying further, and extending expiration: HB 1846

Data centers, sales/use tax exemption, in counties with certain population, when: HB 1473, HB 1846

Data privacy day, commemorating: ***HR 4642 (2022)**

Data, personal identity, verifiable credentials for protecting, government use of and trust framework for: SB 5534

Data, personal, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303

Data, personal, state agency sale to third party of, prohibiting: HB 1552

Data, state agency use of immutable data/file systems/backups, Washington state ransomware protection act: HB 2044

Digital citizenship, media literacy and, supporting through school district leadership teams, grant program: SB 5242

Digital electronic equipment repairability, commission on, establishing: HB 1801

Digital electronic equipment, repairability of: HB 1801

Digital electronic products, repairing of, right-to-repair requirements for manufacturers: HB 1212, HB 1810

Digital equity account, creating: HB 1723

Digital equity and inclusion, competitive grant program to advance: HB 1460, HB 1723

Digital equity and inclusion, for underserved populations, advancing: HB 1460, HB 1723

Digital equity forum, establishing: HB 1723

Digital equity opportunity program, creating: HB 1460, HB 1723

Digital equity planning grant program, creating: HB 1460, HB 1723

Digital equity, anchor institution digital equity program, establishing: HB 1723

Digital product and other purchases by DOT, sales/use tax amounts paid to general fund for: HB 1249

Electronic media, use by elected county officials for continuity of operations: ***EHB 1271, CH 122 (2021)**

Information technology, state agency, independent security assessment of audits of, contracting for: ***ESSB 5432, CH 291 (2021)**

Internet access tax, on internet access service subscriptions, imposing: HB 1460

Internet crimes against children task force, recommendations of, implementing: SSB 5572

Internet, broadband services, adoption of, creating digital equity opportunity program to advance: HB 1460, HB 1723

Internet, broadband services, anchor institution digital equity program, establishing: HB 1723

Internet, broadband services, open access networks, grant/loan program for developing: HB 1740

Internet, broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336

Internet, broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**

Internet, broadband services, Washington broadband assistance program, establishing: HB 1723

Internet, broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**

Internet, high-speed, infrastructure for unserved rural-county regions, sales/use tax revenue use for: HB 1246

Internet, high-speed, real estate seller's disclosure of access availability: HB 1064

Internet, marketing/advertising products or services to minors via, prohibitions: HB 1697

Internet, state resources, state employee use for social gatherings during pandemic, when: E2SSB 5395

Learning devices, digital navigator program for school and families training and technical support: HB 1365, HB 1450

Learning devices, student learning device grant program, establishing, OSPI role: HB 1365, HB 1450

Learning devices/computers/peripheral devices, procurement program for schools: HB 1365, HB 1450

Online marketplaces, high-volume third-party sellers on, requirements: HB 1543, HB 1614

Personal data, businesses controlling/processing, Washington foundational data privacy act: HB 1850

Personal data, businesses controlling/processing, Washington privacy act: 2SSB 5062
 Personal data, regarding public health emergency, privacy in private and public sectors: 2SSB 5062
 Personal data, Washington state consumer data privacy commission, creating: HB 1850
 Personal information, captured biometric, people's privacy act provisions concerning: HB 1433
 Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1433
 Personal information, captured, processing by business entities, people's privacy act concerning: HB 1433
 Public schools, technology equity gaps in, state plan for reducing: HB 1365, HB 1450
 Ransomware education and outreach program, for public agencies, establishing: HB 2044
 Ransomware protection act, Washington state: HB 2044
 RCW and WAC, electronic versions of, reformatting to indicate subsection/subparagraph indentation levels: HB 1230
 Repairability, digital electronic equipment, commission on, establishing: HB 1801
 Repairability, digital electronic equipment, repairability index act: HB 1801
 Repairing digital electronic products, right-to-repair requirements for manufacturers: HB 1212, HB 1810
 Schools, graduation requirements, substituting computer science for 3rd-year math or science course: ***SB 5299, CH 307 (2021)**
 Virtual setting, with video conferencing, holding regular/special public agency meetings in: HB 1180
 Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 2032

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Emergency orders by governor, legislative extension of certain orders: ***SCR 8402 (2021)**
 Legislature, 2021 regular session, adjourning SINE DIE: ***HCR 4404 (2021)**
 Legislature, 2021 regular session, returning bills, memorials, and resolutions to house of origin: ***HCR 4403 (2021)**
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 Legislature, 2022 regular session, returning bills, memorials, and resolutions to house of origin: HCR 4408, ***SCR 8406 (2022)**
 Legislature, bills/other legislation, cutoff dates: ***SCR 8401 (2021), *SCR 8404 (2022)**
 Legislature, bills/other legislation, cutoff dates, exempting HB 1557 and certain gubernatorial authority matters from: HCR 4402
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 Redistricting plan, for congressional and legislative districts, amending: ***HCR 4407 (2022)**

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Bees/pollinators, habitat for, provisions: ***2SSB 5253, CH 278 (2021)**
 Conservation futures, property tax levy provisions: HB 1672
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 Energy conservation, life-cycle cost analysis in design of public facilities, guidelines for: ***HB 1280, CH 178 (2022)**
 Energy conservation, tree planting and cool roof programs for, role of utilities: HB 1114
 Pollinator habitat, creating or maintaining via sustainable farms and fields grant program: ***2SSB 5253, CH 278 (2021)**
 Preservation/protection of environment/natural resources, rights of all people in relation to, constitutional amendment: HJR 4205
 Rental housing, single-/multi-family, conservation/energy efficiency opportunities, roles of owner and utility: HB 1125, HB 1498

CONSERVATION COMMISSION (See also CONSERVATION)

Anadromous fish protection and recovery, state goal for, commission role: HB 1653

Aviation assurance fund office/board/program, for defraying private aerial fire response costs, commission role: HB 2086

Critical areas on agricultural land, voluntary stewardship program for, extending date for counties to join: HB 1856
Farmers/ranchers, short-term disaster recovery financial assistance program, developing/implementing, commission role: HB 2051

Meat and poultry processing/inspection within districts, grant program for access to, commission to develop: 2SSB 5045
Pollinator habitat, small grants program funding for district educational efforts about value of, commission role: ***2SSB 5253, CH 278 (2021)**

Sustainable farms and fields grant program, advisors network for, commission role in establishing: HB 1631

Sustainable farms and fields grant program, compost spreading equipment, using grant funds for: HB 1799

Sustainable farms and fields grant program, creating or maintaining pollinator habitat via, commission role: ***2SSB 5253, CH 278 (2021)**

CONSOLIDATED TECHNOLOGY SERVICES AGENCY

Verifiable credentials, to protect identity data, government use of and trust framework for, CTSA role: SB 5534

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Freedoms and rights, uniform public expression protection act: ***SSB 5009, CH 259 (2021)**

Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442

CONSTITUTION, U.S.

Freedoms and rights, uniform public expression protection act: ***SSB 5009, CH 259 (2021)**

Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442

U.S. government and congress, limits on, amendment convention: HJM 4001

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Consumer debt, personal property exemption from execution/attachment/garnishment, when: HB 1447, ***HB 1525, CH 50 (2021)**

Cosmetic products, tested using animals, selling of, prohibiting via cruelty free cosmetics act: HB 1615

Digital electronic equipment, repairability of: HB 1801

Digital electronic products, right-to-repair requirements for manufacturers of: HB 1212, HB 1810

Internet, marketing/advertising products or services to minors via, prohibitions: HB 1697

Medical services, balance billing protection act, modifying: HB 1688

Medical services, health plan claims, nonparticipating providers/out-of-network services/dispute resolution: HB 1688

Minors, marketing/advertising certain products or services via internet/mobile applications to, prohibitions: HB 1697

Online marketplaces, high-volume third-party sellers on, requirements: HB 1543, HB 1614

Personal data, businesses controlling/processing, Washington foundational data privacy act: HB 1850

Personal data, businesses controlling/processing, Washington privacy act: 2SSB 5062

Personal data, data privacy day, commemorating: ***HR 4642 (2022)**

Personal data, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303

Personal data, Washington state consumer data privacy commission, creating: HB 1850

Personal information, captured biometric, people's privacy act provisions concerning: HB 1433

Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1433

Personal information, captured, processing by business entities, people's privacy act concerning: HB 1433

Price increases, excessive/unjustified during state of emergency, prohibiting: ESSB 5191

Telephone solicitations, by commercial or nonprofit company or organization, requirements for, modifying: HB 1497

Telephone solicitations, commercial, requirements for, modifying: HB 1497

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Vulnerable populations, protections for, via consumer protection improvement act: ***SSB 5025, CH 228 (2021)**

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Fire protection sprinkler system contractors, increasing licensing fees/fines/penalties and investigating alleged violations: SSB 5880

Underground economy in the WA state construction industry, joint legislative task force on, reestablishing: SSB 5783

Underground economy, nature and scope of, studying: SSB 5783

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Member voting methods, to include electronic transmission: ***SB 5347, CH 101 (2021)**

CORPORATIONS (See also BUSINESS ORGANIZATIONS)

Business corporations, corporate action without meeting, consent provisions: ***SB 5005, CH 84 (2021)**

Business corporations. electronic records and transmission, revisions: ***SB 5005, CH 84 (2021)**

Business, plans of merger and plans of share exchange: ***SB 5489, CH 42 (2022)**

Business, shareholders and shareholdings, various provisions, modifying: ***SB 5489, CH 42 (2022)**

Community municipal corporations, various changes to provisions: ***HB 1769, CH 26 (2022)**

Nonprofit, electronic transmission of notices and meeting procedures, revisions: ***SSB 5034, CH 176 (2021)**

Nonprofit, health/social welfare organizations, providing behavioral health treatment, B&O tax deduction for: ***HB 1296, CH 124 (2021)**

Nonprofit, Washington nonprofit corporation act, repealing existing and replacing with new: ***SSB 5034, CH 176 (2021)**

Public, commission formed for bistate governance of toll bridges owned by local governments: ***SSB 5558, CH 89 (2022)**

Public, real property sale/transfer for affordable rental housing to, real estate excise tax exemption: HB 1643

CORRECTIONAL FACILITIES AND JAILS (See also CORRECTIONS, DEPARTMENT; CRIMINAL OFFENDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; VICTIMS OF CRIMES)

Cameras, body worn, unredacted copy of recording, providing to defendant's attorney, and improper redisclosure: HB 1991

Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: ***E2SSB 5304, CH 243 (2021) PV**

Corrections officers, certification/employment/disciplining/background investigations of: HB 1082, ***E2SSB 5051, CH 323 (2021)**

Corrections officers, force/deadly force use, permissible/excessive and de-escalation tactics, model policies on: HB 1310

Corrections officers, state oversight and accountability of peace officers and: HB 1082, ***E2SSB 5051, CH 323 (2021)**

Cyber harassment, of corrections institution or detention facility staff member, class C felony: ***ESSB 5628, CH 231 (2022)**

Cyberstalking, of employee/contract staff person/volunteer of correctional agency, class C felony: ***ESSB 5628, CH 231 (2022)**

Detention facilities, private/for-profit, prohibiting use of: ***EHB 1090, CH 30 (2021)**

Incarcerated individuals, currently or formerly, sensitive records of, definition and disclosure exemption: HB 1956

Incarcerated individuals, DOC programs with top participation, evaluating: 2SSB 5692

Inmate, in facility housing persons of different biological sex if inmate convicted of sex offense, prohibiting, when: HB 1960

Inmates convicted in tribal courts, housing of, tribal agreements with dept. of corrections for: ***SB 5694, CH 254 (2022)**

Inmates, confined in jails, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**

Inmates, monthly wage for workers' compensation for, computing: ***SSB 5701, CH 53 (2022)**

Inmates, postsecondary education participation before and after release: HB 1044

Inmates, unexpected deaths of, unexpected fatality reviews and review teams: ***ESSB 5119, CH 139 (2021)**

Inmates, voting rights restoration process notification: HB 1078

Institutional education program, for youth in/released from secure facilities, duties of agencies and work group: HB 1295

Institutional education program, institutional education accountability work group, establishing: HB 1295

Jail booking and reporting system, statewide city and county, WASPC records pursuant to, public disclosure exemption: ***ESSB 5245, CH 82 (2022)**

Jails, city or county, solitary confinement use, monthly reporting concerning: HB 1756

Jails, persons homeless when incarcerated in, including in state census of homeless persons: SB 5607

Medical assistance, medicaid suspense status, prohibiting for persons incarcerated for less than 30 days: HB 1348

Medical assistance, medicaid suspense status, reinstatement from, for confined persons before release: ***E2SSB 5304, CH 243 (2021) PV**

Offender reentry community safety program, renaming as reentry community services program: ***E2SSB 5304, CH 243 (2021) PV**

Ombuds, office of corrections, inmate unexpected fatality review teams role of: ***ESSB 5119, CH 139 (2021)**
 Prisons and detention facilities, private/for-profit, prohibiting use of: ***EHB 1090, CH 30 (2021)**
 Reentry community services program, evaluation of: 2SSB 5692
 Reentry community services program, renaming offender reentry community safety program as: ***E2SSB 5304, CH 243 (2021) PV**
 Reentry services work group, convening: ***E2SSB 5304, CH 243 (2021) PV**
 Release from correctional facility, housing assistance/rental voucher: HB 1818
 Scanners, body, at certain correctional facilities, pilot program: ***2SSB 5695, CH 160 (2022)**
 Solitary confinement, use of, restrictions/allowed uses/procedures, solitary confinement restriction act: HB 1312, HB 1756

CORRECTIONS, DEPARTMENT (See also CLEMENCY AND PARDONS BOARD; CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; SENTENCES AND SENTENCING; VICTIMS OF CRIMES)

Cameras, body worn, unredacted copy of recording, providing to defendant's attorney, and improper redisclosure: HB 1991
 Community corrections officer, as victim of cyberstalking, class C felony: ***ESSB 5628, CH 231 (2022)**
 Community corrections officers, use of force by, expanding authority for: HB 1589, HB 1737
 Community corrections officers, use of force/deadly force by, modifying and clarifying standard for: HB 2037
 Community corrections/probation/parole officers, as victim of cyber harassment, class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyberstalking, of employee/contract staff person/volunteer of correctional agency, class C felony: ***ESSB 5628, CH 231 (2022)**
 Forest health treatments and wildfire prevention/response, developing workforce for, DOC role: HB 1168
 Housing of inmates, when convicted in tribal courts, tribal agreements with dept. of corrections for: ***SB 5694, CH 254 (2022)**
 Incarcerated individuals, currently or formerly, sensitive records of, disclosure exemption, DOC role: HB 1956
 Incarcerated individuals, DOC programs with top participation, evaluating: 2SSB 5692
 Inmates, postsecondary education before/after release, DOC role: HB 1044
 Inmates, unexpected deaths of, unexpected fatality reviews and review teams, DOC role: ***ESSB 5119, CH 139 (2021)**
 Medical school graduates, international, limited license for, when nominated by DOC: HB 1129
 Offender release from correctional facility, housing assistance/rental voucher for: HB 1818
 Offender supervision, cost of supervision/parole/probation assessments and out-of-state transfer fee, eliminating: HB 1818, HB 1970
 Officers, corrections, officer Darryl L. Goodrich, Jr., fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
 Officers, corrections, officer Gabriel K. Forrest, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
 Ombuds, office of corrections, inmate unexpected fatality review teams role of: ***ESSB 5119, CH 139 (2021)**
 Scanners, body, at certain correctional facilities, pilot program, DOC role: ***2SSB 5695, CH 160 (2022)**
 Solitary confinement, incarcerated persons in, transitional plans and monthly reports, DOC role: HB 1756

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Community/technical colleges, mental health counseling/services access for students, pilot program: HB 1468, ***E2SSB 5194, CH 272 (2021)**
 Community/technical colleges, mental health counseling/services access for students, pilot program, expanding/extending: HB 1840
 Guidance counselors, at schools, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985
 Information from persons seeking counseling, disclosure restrictions: SB 5596
 Marriage and family therapist associates, license renewal waiver for: ***HB 1063, CH 57 (2021)**
 Marriage and family therapist associates, working while licensure application is processed: SSB 5638
 Marriage and family therapists, information from clients, disclosure restrictions: SB 5596
 Marriage and family therapists, licensing of, supervised experience hours for, reducing: HB 2040
 Mental health counselor associates, license renewal waiver for: ***HB 1063, CH 57 (2021)**
 Mental health counselor associates, working while licensure application is processed: SSB 5638

Mental health counselors, information from clients, disclosure restrictions: SB 5596
 Mental health counselors, licensing of, supervised experience hours for, reducing: HB 2040
 Peer specialists, certified substance use disorder, safe station pilot programs role of: ESSB 5074
 Peer specialists/peer specialist trainees, licensed, licensing/practice requirements and advisory committee for: HB 1349
 School social workers, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985
 Schools, limited mental health staff certificate, for trauma-informed counseling of COVID-impacted students: HB 1444
 Social worker associates, license renewal waiver for: ***HB 1063, CH 57 (2021)**
 Social worker associates, working while licensure application is processed: SSB 5638
 Social workers, independent clinical and advanced, licensing of, supervised experience hours for, reducing: HB 2040
 Social workers, independent clinical, licensing of, distance supervision for: HB 1007
 Social workers, information from clients, disclosure restrictions: SB 5596

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Association of counties, WA state, duties in relation to annexation under GMA and annexation sales tax credit: ***2SSB 5368, CH 312 (2021) PV**
 Association of counties, WA state, role in creation of interbranch advisory committee: ***ESSB 5490, CH 284 (2022) PV**
 Benton, adding to farm internship pilot project: SB 5812
 Broadband fiber deployment, microtrenching for, county authority to allow: HB 1722
 Broadband services, retail, provided by public entities, authority via public broadband act: HB 1336
 Clark, sheriff's office, sergeant Jeremy Brown, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
 Clerks, elective public officer recall ballot synopsis-related duties of: ***SB 5131, CH 92 (2021)**
 Clerks, ex parte order processing, authorizing higher fee for: HB 1407
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 Community centers, operating unlicensed bingo, as bona fide nonprofit organizations: HB 2025
 Community preservation/development authority, qualified facility/stadium, impact assessment fee on admission price: HB 2128
 Community, councilmembers, election of, years for: HB 1727
 Community, proposition for annexation to, submitting to voters, when: HB 1727
 Comprehensive public health districts, creation by one or more counties: HB 1152
 Counties over 800,000, data centers in, sales/use tax exemption, when: HB 1846
 Counties, in certain population range, data centers in, sales/use tax exemption, when: HB 1473
 County criminal justice assistance account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Distressed, building communities fund program for, grant assistance for projects, modifying funding limits: HB 1154
 Elected officials, offices of, electronic media use and continuity of operations during public health crises: ***EHB 1271, CH 122 (2021)**
 Governor, election by county and electoral votes: HB 1014
 Homeless housing, public building conversion grant program, creating, role of counties: HB 1101
 Homeless individuals, sleeping outdoors on public property, prohibiting criminal sanctions for, when: HB 1576
 Homelessness, persons experiencing, immediate employment programs for, grant program for counties/etc. for, creating: HB 2132
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 Housing, affordable rental, real property sale/transfer to county for, real estate excise tax exemption: HB 1643
 Indigent persons, county resident who dies in adjacent county outside WA, disposition of remains of: HB 1743
 Interbranch advisory committee, with one county councilmember as member, creating: ***ESSB 5490, CH 284 (2022) PV**
 King, property tax levies by, inapplicability of supplanting limitations for, when: HB 1069
 Meetings of governing bodies, firearm/weapon knowingly open carrying in location of, prohibiting: HB 1630
 Meetings, of legislative authorities, at alternate locations, frequency: SB 5514
 Organic materials management, comprehensive provisions for, role of counties: HB 1799
 Organic materials, waste collection requirements, solid waste plans, and landfill disposal reduction: HB 1799

Park and recreation districts, island district in county of 2 million or more, property tax levy rate limit for: ***HB 1034, CH 117 (2021)**

Parks/playgrounds/recreational equipment, violation of rules/regulations in, issuance of civil infraction for: HB 1925
Pierce, daffodil festival, its organizers, and its royal court, recognizing: ***HR 4619 (2021), *HR 4643 (2022)**

Procurement, goods/services, product lead time as factor when economic conditions disrupt supply chains: HB 2092
Reopening Washington, "open safe, open now" plan for, presenting Phase 3 regulations applying at county level: HB 1553

Rural, affordable workforce housing infrastructure/facilities, public facilities sales/use tax revenue use for: ***SB 5868, CH 175 (2022)**

Rural, data centers in, sales/use tax exemption, broadening eligibility and extending expiration: HB 1459, SSB 5262

Rural, data centers in, sales/use tax exemption, broadening eligibility, modifying further, and extending expiration: HB 1846

Rural, fire protection services, competitive grant program for local government capital projects for, establishing: HB 1929

Rural, road/trail bicycle use in, by groups of 6 or more not in same household, bicycle tour permit for: HB 1435

Sexually violent predators, conditionally released, housing placements in county for, fair share principles: ***E2SSB 5163, CH 236 (2021)**

Shelters, temporary emergency shelter communities, creation of, county regulatory authority: HB 2085

Snohomish, community residential service businesses, provider rate: HB 1045

Snohomish, state representative Mike Sells, his dedication to the people of his district, saluting and celebrating: ***HR 4670 (2022)**

Snohomish, superior court judges in, adding additional: ***SSB 5575, CH 46 (2022)**

Thurston, increasing superior court judges for: ***HB 1167, CH 63 (2021)**

Titles, registrars of, duties required by repeal of chapter 65.12 RCW: ***HB 1376, CH 66 (2022)**

Transportation authorities, county, ambulance services for sick/injured, authority to pay for personnel training for: HB 1505

Yakima, Bruce Morris Smith, his contributions to the Yakima valley and Washington state, recognizing and honoring: ***HR 4664 (2022)**

Yakima, former county commissioner Norman "Norm" Wayne Childress, recognizing and remembering: ***HR 4625 (2021)**

Yakima, state representative Jeremie J. Dufault, his record of public service, recognizing: ***HR 4666 (2022), *HR 4672 (2022)**

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Appeals, court of, appellate review fee, exception for certain transferred cases: ***SB 5225, CH 305 (2021)**

Appeals, court of, appellate review fee, surcharge on, removing expiration of: HB 1532

Appeals, court of, judge pro tempore of, appointing eligible judge to serve as, when: ***SB 5931, CH 63 (2022)**

Appeals, court of, transfer of agency action judicial review under APA to, when: ***SB 5225, CH 305 (2021)**

Appeals, court of, transfer of land use decision judicial review to, when: ***SB 5225, CH 305 (2021)**

Compensation increases, state judicial branch, ceasing during 2021-2023: HB 1027

Court commissioners, State v. Blake resentencing hearings and hearings to vacate related convictions: ***ESB 5476, CH 311 (2021) PV**

Court research, Washington center for, attorneys for children in dependency proceedings role of: HB 1219

Criminal commissioners, State v. Blake resentencing hearings and hearings to vacate related convictions: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Cyber harassment, of federal/state/municipal court staff, class C felony: ***ESSB 5628, CH 231 (2022)**

Cyberstalking, of juror or court employee, clerk, or courthouse facilitator, class C felony: ***ESSB 5628, CH 231 (2022)**

District courts, clerks of, surcharges on certain civil action filing fees, removing expiration of: HB 1532

Dogs, courthouse facility dogs for witness use, access authority and certified handlers for: SSB 5127

Drug courts, municipal, criminal justice treatment account funds for, continuing temporary use of: ***2SSB 5616, CH 157 (2022)**

Early childhood court program, for infants/toddlers in dependency system, establishing: ***2SSB 5331, CH 285 (2021)**

Emergency proclamations by governor, judicial review of: HB 1029

Indigency, court authority to refrain from imposing costs on indigent defendant, when: HB 1412

Indigency, when offender has restitution obligations and fines/fees, court's discretion: HB 1412

Indigent defendants, not legally in U.S., civil legal aid funds for representing: ***HB 1072, CH 58 (2021)**
 Interbranch advisory committee, with one court clerk as member, creating: ***ESSB 5490, CH 284 (2022) PV**
 Judicial branch, staffing/purchasing/travel/training, restricting in 2021-2023: HB 1027
 Judicial information system, information technology systems used to communicate with, funds to support: ***ESSB 5226, CH 240 (2021)**
 Juries and jurors, electronic demographic survey for jurors beginning a jury term: HB 1542
 Limited jurisdiction courts, misdemeanor pretrial/postjudgment probation supervision, interlocal agreements: HB 1294
 Single judge courts, presiding judge unavailability or vacancy, judge pro tempore appointment due to: ***HB 1825, CH 74 (2022)**
 State v. Blake, drug offense resentencing hearings and hearings to vacate convictions related to, conducting: HB 1578, ***ESB 5476, CH 311 (2021) PV**
 Superior court, in Snohomish county, judges in, adding additional: ***SSB 5575, CH 46 (2022)**
 Superior courts, clerks of, surcharges on certain filing fees, removing expiration of: HB 1532
 Superior courts, early childhood court program for infants/toddlers in dependency system, establishing: ***2SSB 5331, CH 285 (2021)**
 Superior courts, judges, increasing number in Thurston county: ***HB 1167, CH 63 (2021)**
 Supreme court, chief justice appointment of judge pro tempore for other court, when: ***HB 1825, CH 74 (2022)**
 Supreme court, commission on children in foster care, children's representation work group in, duties: HB 1219
 Supreme court, commission on children in foster care, duties: HB 1219
 Tribal courts, inmates convicted in, housing of, tribal agreements with dept. of corrections for: ***SB 5694, CH 254 (2022)**
 Youth courts, to target offenders age 13 through 17: ESSB 5122

COVID-19 AND CORONAVIRUS (See also BUDGETS; COMPUTERS; EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY, STATE OF; EMPLOYMENT AND EMPLOYEES; FOOD AND FOOD PRODUCTS; HEALTH AND SAFETY, PUBLIC; HOMELESS PERSONS; HOMES AND HOUSING; LABOR; LONG-TERM CARE; MENTAL HEALTH; PUBLIC ASSISTANCE; REAL ESTATE AND REAL PROPERTY; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - PROPERTY; TELECOMMUNICATIONS; UNEMPLOYMENT COMPENSATION; WORKERS' COMPENSATION)

Accounts, coronavirus state fiscal recovery fund, appropriating moneys for convention economy grants from: HB 1879
 Accounts, coronavirus state fiscal recovery fund, reenacting: ***2SSB 5616, CH 157 (2022)**
 Accounts, COVID-19 K-12 response account, creating to support school efforts to respond to pandemic: HB 1334
 Accounts, COVID-19 public health response account, creating for statewide response to pandemic: HB 1334, HB 1368
 Accounts, COVID-19 public health response account, reenacting: ***2SSB 5616, CH 157 (2022)**
 Accounts, recovery rebate account, creating department of revenue remittances to low-income persons: HB 1334
 Accounts, statewide pandemic preparation and response task force account, creating: HB 1340
 Accounts, Washington rescue plan transition account, reenacting: ***2SSB 5616, CH 157 (2022)**
 Aid and relief, qualifying grants for, B&O/public utility tax exemptions: HB 1002
 Aid and relief, qualifying grants for, B&O/public utility/retail sales tax exemptions: HB 1095
 Businesses, B&O tax exemption when closed due to COVID-19: HB 1520
 Businesses, dependent on conventions hosted in WA, convention economy grants for: HB 1879
 Businesses, economic impacts of pandemic on, additional main street program contributions credit: HB 1279
 Businesses, economic impacts of pandemic on, B&O tax credit: HB 1012
 Businesses, economic impacts of pandemic on, B&O tax deferral: HB 1188
 Businesses, price increases by, excessive/unjustified during state of emergency, prohibiting: ESSB 5191
 Businesses, restaurants that ceased engaging in business during pandemic, pandemic tax forgiveness for: HB 2133
 Businesses, safety/health penalties imposed on employers by L&I, restricting: HB 1609
 Businesses, small, working Washington grants to assist during pandemic, using certain funds for: HB 1368
 Businesses, with liquor licenses, privileges granted to mitigate pandemic effects for, extending: HB 1480, SSB 5417
 Child care and early learning providers, increasing rates/training/grants/services to support: HB 1213, ***E2SSB 5237, CH 199 (2021)**
 Child care industry, stabilizing, and expanding early childhood development programs access: HB 1213, ***E2SSB 5237, CH 199 (2021)**
 Child care licenses, fees for providers for, prohibiting due to impact of pandemic: ***SSB 5151, CH 304 (2021) PV**
 Child care licenses, fees for providers for, waiving: HB 1278
 Child care licenses, professional development/higher education requirements for, suspending: HB 1278

Commuter trip reduction program, effectiveness of, assessing during pandemic: HB 1528
 Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528
 Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
 Construction/operations, exemption from required permitting for, when: HB 1436
 Contact tracing or tracking programs, participation in, right to decline: HB 1305, HB 1317
 Contact tracing, individual's COVID-19 health data collected via digital tools and used for, protections for: HB 1127
 County elected officials, offices of, electronic media use/continuity of operations during public health crises: ***EHB 1271, CH 122 (2021)**
 Data, personal, detecting infectious disease symptoms and tracking contacts, WA privacy act: 2SSB 5062
 Data, personal, regarding public health emergency, privacy in private and public sectors: 2SSB 5062
 Deficit, 2021-2022 biennium, near-general fund/outlook analysis and deficit: HB 1163
 Diseases, contagious/infectious, involuntary quarantine/isolation/detention to control, prohibiting: HB 2030
 Diseases/health threats/conditions, agency-gathered personal identifying information about, disclosure exemption: HB 1328
 Domestic violence and workplace resources, task force on, convening: ***HB 1315, CH 43 (2021)**
 Education, telecommunications/broadband services in unserved areas, provided by PUDs/port districts: ***2SSB 5383, CH 293 (2021)**
 Emergency medical technicians, providing communicable disease collaborative care with public health agencies: HB 1893
 Emergency orders, content and duration, and role of legislature: HB 1017, HB 1029, HB 1158, HB 1381
 Emergency orders, duration of, and role of legislature: HB 1020, ***SCR 8402 (2021)**
 Emergency orders, health-related measures in, right to decline: HB 1305, HB 1317
 Emergency orders, issued by governor, actions to determine validity of, declaratory and other relief: HB 1563
 Emergency orders, issued by governor, construction/certain operations permits exemption during, when: HB 1436
 Emergency orders, issued by governor, duration of, and role of legislature: HB 1557, HCR 4402
 Emergency orders, issued by governor, eviction moratorium, suspending, and aiding tenants and landlords: HB 1228
 Emergency orders, issued by governor, eviction moratorium, tenant protections in relation to: HB 1441, ***E2SSB 5160, CH 115 (2021) PV**
 Emergency orders, issued by governor, infringement on any constitutional rights by, prohibiting: HB 1381
 Emergency orders, issued by governor, legislative extension of certain orders: HB 1381, ***SCR 8402 (2021)**
 Emergency proclamations, civil penalties for activity/operations violations under, amnesty for and prohibition of: HB 1547
 Emergency proclamations, content/duration/judicial review, and role of legislature: HB 1029
 Emergency proclamations, duration of, and role of legislature: HB 1060, HB 1381, HB 1557, HCR 4402
 Emergency rules, duration and adoption in sequence, and role of legislature: HB 1013, HB 1158
 Emergency rules, duration and oral comment hearing: HB 1029
 Emergency shelter communities, temporary, sponsors/managing agencies/services/permits/responsibility plans: HB 2085
 Emergency, state of, governor's authority during, HB 1557 and legislation relating to, 2021 session cutoff exemption for: HCR 4402
 Employees, frontline, DOL driver licensing employees with in-person interaction as, for workers' compensation: ***SB 5875, CH 290 (2022)**
 Employees, frontline, for workers' compensation purposes, list of: ***ESSB 5115, CH 252 (2021), *SB 5875, CH 290 (2022)**
 Employees, health care, unemployment and workers' compensation benefits, when: ***ESSB 5190, CH 251 (2021)**
 Employees, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
 Employees, state, working from home, necessary expenditures reimbursement and social use of state internet: E2SSB 5395
 Employees, state, working from home, remote working environment work group, establishing: E2SSB 5395
 Employees, wage liens for wage claims, Washington wage recovery act: HB 1369, ***ESSB 5355, CH 102 (2021)**
 Employers, infectious/contagious disease reporting requirements: ***ESSB 5115, CH 252 (2021)**
 Employers, safety grant program, to meet new safety/health requirements during emergency: HB 1097
 Employers, WISHA violations, civil penalties when emergency proclamation in effect, prohibiting: HB 1244
 Epidemics/pandemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442
 Epidemics/pandemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442

- Expenditures during emergency, 2021-2023 state government restrictions: HB 1027
- Family and medical leave, paid, applicants to disclose if leave related to COVID-19 pandemic: ***2SSB 5649, CH 233 (2022)**
- Federal coronavirus relief funds, reattributing certain 2019-2021 appropriations for reappropriation of: HB 1334, HB 1467
- Federal coronavirus relief funds, reattributing certain 2019-2021 appropriations to free up CRF funds: ***HB 1367, CH 5 (2021)**
- Financial intangible assets, Washington state wealth tax on, creating to achieve equity and provide funding: HB 1406
- Foreclosure, homeowners facing, assistance provisions of foreclosure fairness act, expanding applicability: HB 1108
- Fur farming/fur products manufacturing/production, spread of COVID-19 via, prohibitions to reduce: HB 1375
- Governor's authority during state of emergency, legislation relating to, 2021 session cutoff dates exemption for: HCR 4402
- Health care employees, unemployment and workers' compensation benefits, when: ***ESSB 5190, CH 251 (2021)**
- Health care providers, personal protection equipment use during emergency, reimbursement by health carrier: ***SSB 5169, CH 94 (2021)**
- Health care providers, use of "known" drug/biological product/mineral/vitamin remedies to prevent/treat/cure COVID-19: HB 2065
- Health care workers, paid administrative leave during public health emergency for, when: HB 1242
- Health care, emergency services supervisory organizations in diversion centers for: HB 1276
- Health care, injuries resulting from, actions against providers for, standard of care law and proof of injury: ***SSB 5271, CH 241 (2021)**
- Health care, selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**
- Health care, when medicaid-ineligible due to immigration status, state-only coverage and health/dental plans: HB 1191
- Health orders, emergency, content and duration, and role of legislature: HB 1004, HB 1017, HB 1029
- Health orders, emergency, health-related measures in, right to decline: HB 1305, HB 1317
- Health orders, emergency, situations covered by, public agency meetings in virtual settings: HB 1180
- Health professionals, behavioral health, grant program and workforce pilot program/training support grants: HB 1504
- Health systems, loans from government entities in response to emergency/pandemic, reporting: HB 1272
- Health, local boards of, impact of lack of expertise and lived experience during pandemic: HB 1110
- Health, local jurisdictions, epidemic/pandemic local preparedness and response plans development/implementation by: HB 1442
- Health-related measures, right to decline, despite laws/rules/order/directives addressing emergencies/diseases: HB 1305, HB 1317
- House of representatives, proceedings during COVID-19 emergency, permanent rules: ***HR 4610 (2021)**
- House of representatives, proceedings during COVID-19 emergency, temporary rules: ***HR 4600 (2021), *HR 4605 (2021), *HR 4608 (2021)**
- Housing and rental assistance, special lodging excise tax use for: HB 1069
- Housing, addressing foreclosures/homelessness via estate tax revenue deposits in equity in housing account: HB 1465
- Housing, affordable, for families at all low-income levels: HB 1220
- Housing, affordable, or shelter units, services for residents of, revenue use for: HB 1069
- Housing, affordable, or shelters, emergency housing and shelters and permanent supportive housing: HB 1220
- Housing, rental, preserving through resolution and assistance programs and rent repayment plans: HB 1228
- Housing, stability services and eviction prevention, use of revenue for: HB 1277
- Immune protection, due to recovery from COVID-19, as at least as protective as vaccine: HB 1680
- Immunities to COVID-19, acquired, DOT hiring or rehiring of maintenance/preservation employees with: HB 1963
- Immunization, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
- Immunization, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
- Immunization, COVID-19 vaccine, immune protection from recovery from COVID-19 as at least as protective as: HB 1680
- Immunization, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
- Immunization, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
- Immunization, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065

Immunization, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
 Immunization, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
 Immunization, right to decline, religious/philosophical/personal objections: HB 1006
 Immunization, role of emergency medical technicians via collaborative care with public health agencies: HB 1893
 Immunization, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720
 Immunization/antibody status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695
 Immunizations, minimum required for schools/day care centers, prohibiting board of health from establishing: HB 1968
 Information technology, state, cloud computing services, agency adoption/migration to, for vital services: HB 1274
 Insurance adjusters, emergency, nonresident independent adjusters as: HB 1037
 Insurance rates/underwriting rules/etc., exceptions when credit information impacted by extraordinary life events: HB 1351
 Labor and industries, department of, safety/health rules/guidance/policies/penalties, restricting: HB 1609
 Labor standards, for health emergency, establishing: ***ESSB 5115, CH 252 (2021)**
 Legislators, access to legislative/Newhouse/Cherberg/O'Brien buildings and house/senate floors, requiring: HB 1696
 Legislators, vaccination/antibody status of, segregation/discrimination/privileged status due to, prohibiting: HB 1695
 Legislature, 2021 cutoff dates, exempting HB 1557 and state of emergency gubernatorial authority matters from: HCR 4402
 Legislature, joint committee hearings, member remote participation: ***HCR 4400 (2021)**
 Legislature, joint sessions, member remote participation due to pandemic: ***HCR 4400 (2021), *HCR 4401 (2021)**
 Licensing, distance supervision of independent clinical social workers for: HB 1007
 Liquor licenses, annual renewal date extension due to COVID, when: HB 1011
 Liquor licenses, businesses with, privileges granted to mitigate pandemic effects for, extending: HB 1480, SSB 5417
 Liquor licenses, fees, reducing for certain restaurant/hotel/nightclub/theater/caterer licenses: HB 1359
 Liquor licenses, fees, waiving for one year, unless licensee has violated COVID-19/emergency requirements: ***ESSB 5272, CH 6 (2021)**
 Long-term care facilities, communications/resident contact information/stop placement orders/visitation, improving: HB 1218
 Long-term care facilities, comprehensive disaster preparedness plans of: HB 1218
 Long-term care facilities, epidemic disease preparedness and response guidelines for, developing: SSB 5294
 Long-term care facilities, essential support person and resident representative for each resident: HB 1218
 Long-term care facilities/workers, impact of emergency operations on, modifications due to: HB 1120
 Long-term care providers, during COVID-19 pandemic, life/work/sacrifice of, recognizing and honoring: ***HR 4624 (2021)**
 Meat processing facilities, pandemic impact on, license/intrastate inspection program to address: HB 1102
 Meetings, public, in virtual settings, public agency authority for holding: HB 1180
 Meetings, public, remote or limited during declared emergency, requirements: HB 1056
 Mental health treatment, certain nonprofit organizations providing, B&O tax deduction for, reenacting: ***HB 1296, CH 124 (2021)**
 Mental health, behavioral health provider grant program and workforce pilot program/training support grants: HB 1504
 Mental health, counselor/MFT/social worker associates, license renewal waiver during emergency: ***HB 1063, CH 57 (2021)**
 Mental health, limited mental health staff certificate, for trauma-informed counseling of COVID-impacted students: HB 1444
 Motor vehicle dealers, sales transaction electronic, internet, and location options: ***EHB 1049, CH 201 (2021)**
 Open safe, open now plan, for reopening Washington, presenting Phase 3 regulations applying in all counties: HB 1553
 Parks, local, budget needs due to COVID, local sales/use tax for: HB 1025
 Parks/trails/outdoor spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292
 Personal protective equipment, Washington producers of, website of/report about/tax exemptions for: HB 1489
 Plastic and paper carryout bags, delaying requirements due to supply chain problems: HB 1053
 Postpartum/pregnant persons, medicaid postpartum coverage for, extending after COVID emergency: ***SSB 5068, CH 90 (2021)**
 Property taxes, interest/penalties suspension and payment extensions/tax deferral, due to COVID emergency: HB 1332
 Property taxes, state, antidisplacement property exemption for portion of residential property's assessed value: HB 1494

- Property taxes, state, residential real property exemption from, when, constitutional amendment for: HB 1494
- Protective devices/equipment, during public health emergency, requirements for employers: ***SSB 5254, CH 146 (2021)**
- Public assistance, for households in need, CEAP/need standards/cash benefit/transitional food assistance: HB 1151
- Public assistance, minimum service expectations and requirements for DSHS, establishing: HB 2075
- Public assistance, need standards for households, expanding goods/services included in: HB 1151
- Public assistance, one-time cash benefit and transitional food assistance for certain households: HB 1151
- Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442
- Public health services, foundational, comprehensive public health districts for, creating: HB 1152
- Public health services, foundational, covered lives assessment funds use for: HB 1201
- Public health, knowledge/skills needed by students in grades 9-12, and education advisory committee: HB 1149
- Quarantine, housing/rental assistance for persons in, revenue use for: HB 1069
- Quarantine, involuntary detention or isolation or, to control contagious/infectious disease, prohibiting: HB 2030
- Quarantine, participation in self-isolation or, mandating of, prohibiting: HB 1305
- Quarantine, participation in self-isolation or, mandating of, prohibition and exception: HB 1317
- Real property, sales under execution, electronic media use for, during public health crises: ***EHB 1271, CH 122 (2021)**
- Recreation, outdoor, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292
- Recreation, outdoor, bicycle tour permit for groups of 6 or more not in same household, in rural counties: HB 1435
- Rental assistance, emergency rental assistance grant program and account, creating: HB 1228, HB 1398
- Rental assistance, eviction prevention rental assistance program, creating: HB 1277
- Reopening Washington, "open safe, open now" plan for, presenting Phase 3 regulations applying in all counties: HB 1553
- Reopening Washington, safely, places/organizations at phase 2 of Roadmap to Recovery plan: HB 1321
- Resiliency, statewide strategy, developing and administering: HB 1147
- Resiliency, Washington state office of, establishing, and creating advisory board within office: HB 1147
- Restaurants, that ceased engaging in business during pandemic, pandemic tax forgiveness for: HB 2133
- Retirement benefits/service credit, state systems, impact of COVID-related expenditure reductions on: ***SB 5021, CH 12 (2021)**
- Retirement, early during pandemic, SERS and TRS plans 2 and 3: HB 1032
- Revenues, local government tax/other, supplanting of and flexibility with existing: HB 1069
- Roadmap to Recovery, phase 2, places/organizations reopening/resuming at: HB 1321
- Roadmap to Recovery, reverting county to more restrictive phase, COVID-19 vaccine equitable dose allocation before: HB 1580
- School districts, basic education funds for, OSPI withholding for certain noncompliance during pandemic, prohibitions: HB 2000
- Schools, adopting/filing/implementing reopening plan, immunity from COVID infection-related claims liability if: HB 1338
- Schools, charter public, local effort assistance funding for: HB 1591
- Schools, enrichment levies/local effort assistance/learning assistance program, using 2019-2020 enrollments for: HB 1476, HB 1590
- Schools, enrollment stabilization allocations for local education agencies, when: HB 1476, HB 1590
- Schools, graduation requirements, changes to and emergency waivers of: HB 1162
- Schools, graduation requirements, credit/subject area, emergency waivers for individual students: ***EHB 1121, CH 7 (2021)**
- Schools, in-person instruction, resuming via certain options, prioritizing delivery to certain students when: HB 1366
- Schools, learning assistance program, using appropriations to address COVID-caused academic deficits: HB 1208
- Schools, learning devices/computers/peripheral devices in, plan and programs for: HB 1365, HB 1450
- Schools, learning loss/extracurricular activities missed, bridge year pilot program establishment to address: 2SSB 5265
- Schools, private, emergency waivers of hours/days requirements for: ***EHB 1131, CH 8 (2021)**
- Schools, requiring K-8 students to eat or drink outside, prohibiting, and limiting student option to eat/drink outside: HB 1976
- Schools, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
- Schools, staff paid emergency leave pool, when ill or in quarantine and with limited sick leave balance: HB 1992
- Schools, student transportation services, funds allocation/expanded services during remote instruction: ***E2SSB 5128, CH 234 (2021)**
- Shelter communities, temporary emergency, sponsors/managing agencies/services/permits/responsibility plans: HB 2085

Sport practices/competitions, mandatory mask/face covering or COVID-19 testing for, prohibiting, when: HB 1887
 Student athletes, newly recruited, four-year colleges to reserve 50% of athletic scholarship funding for: HB 1390
 Student success, supporting, 2015 WSU report/recommendations on, updating due to COVID-19 pandemic: HB 1746
 Substance use disorder professional trainees, certification renewal waiver during emergency: ***HB 1063, CH 57 (2021)**
 Substance use disorder treatment, certain nonprofit organizations providing, B&O tax deduction for, reenacting: ***HB 1296, CH 124 (2021)**
 Substance use disorder, provider grant program and workforce pilot program/training support grants: HB 1504
 Suicide, 988 crisis hotline coordination with hotline centers, 911 systems, and behavioral health crisis system: HB 1182, HB 1477
 Suicide, prevention organizations and crisis intervention information for students on websites of schools: HB 1373
 Suicide, thoughts of, agricultural workers with, agricultural community mental health hotline services for: HB 1434
 Suicide, youths up to age 24 who died by, impact of COVID-19 pandemic on suicide rates among: HB 1354
 Task force, statewide pandemic preparation and response, establishing, and creating account for: HB 1340
 Tenants and landlords, COVID hardship protections and requirements for: HB 1228, HB 1398, ***E2SSB 5160, CH 115 (2021) PV**
 Tenants and landlords, eviction resolution pilot program, for rent nonpayment cases, establishing: ***E2SSB 5160, CH 115 (2021) PV**
 Tenants, COVID hardship protections for: HB 1236
 Unemployment benefits, extended, benefit and eligibility periods and job search requirements for: HB 1492, ***SSB 5425, CH 107 (2021)**
 Unemployment benefits, for health care employees, when: ***ESSB 5190, CH 251 (2021)**
 Unemployment benefits, forgiven, for certain employers, reimbursement by unemployment insurance relief account: HB 1568
 Unemployment benefits, forgiven, for certain employers, reimbursement of UC fund by unemployment insurance relief account for: ***ESSB 5478, CH 292 (2021)**
 Unemployment benefits, reimbursing from COVID-19 unemployment account: HB 1021
 Unemployment insurance, aiding employees and employers during public health emergency: HB 1098, HB 1343, ***ESSB 5061, CH 2 (2021)**
 Unemployment insurance, claim adjudicators, training program for, creating: HB 1487, ***ESSB 5193, CH 271 (2021)**
 Unemployment insurance, effective/equitable claims processing, demand thresholds, and emergency drills: HB 1487, ***ESSB 5193, CH 271 (2021)**
 Utilities, electric light/space heating service, termination due to unpaid charges, prohibitions, when/for whom: HB 1490
 Utilities, electric, impacts on, conservation acquisition targets, when events beyond control prevent meeting of: HB 1446
 Utilities, lien imposition against customer premises, after emergency declaration expires: HB 1069
 Vaccination, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
 Vaccination, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
 Vaccination, COVID-19 vaccine, immune protection from recovery from COVID-19 as at least as protective as: HB 1680
 Vaccination, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
 Vaccination, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
 Vaccination, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
 Vaccination, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
 Vaccination, minimum required for schools/day care centers, prohibiting board of health from establishing: HB 1968
 Vaccination, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
 Vaccination, right to decline, religious/philosophical/personal objections: HB 1006
 Vaccination, role of emergency medical technicians via collaborative care with public health agencies: HB 1893
 Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720
 Vaccination/antibody status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695
 Vulnerable populations, protections for, via consumer protection improvement act: ***SSB 5025, CH 228 (2021)**
 Workers, agricultural, agricultural community mental health hotline services for: HB 1434
 Workers, behavioral health, provider grant program and workforce pilot program for training support grants: HB 1504
 WorkFirst TANF program, extension beyond 60 months limit for months when unemployment rate at/above 7 percent: ***2SSB 5214, CH 239 (2021)**
 Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319

CREDIT AND DEBIT CARDS

Licensing, department of, cost recovery of agency credit card/financial transaction fees: ***HB 1115, CH 32 (2021)**
 Payment card processing companies, B&O tax exemption for certain amounts for, when: ESSB 5459
 Tow truck operators, card company charges paid by, credit/debit card user convenience fee to offset: HB 1954

CRIMES (See also CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; DRUGS; FIREARMS; SENTENCES AND SENTENCING; VICTIMS OF CRIMES)

Abortion, performing by means of medication, prohibiting, class C felony: HB 1679
 Abortion/attempted abortion due to Down syndrome, class C felony: HB 1008
 Abuse or neglect of children, removal of child from parent, standards for: HB 1227
 Abuse or neglect, Christian Science treatment exemption references, removing: HB 1048
 Abuse or neglect, health care faith-based practices exemption, when: HB 1048
 Abuse or neglect, placement of child with relative or other suitable person: HB 1227
 Abuse or neglect, release of child to parent unless evidence shows imminent physical harm: HB 1227
 Aggravating circumstances, negative perception of non-hate crime offense victim as motivation: HB 1071
 Animal cruelty, second degree, provisions: HB 1038
 Assault, 3rd degree, offender release/escape/etc., victim notification: ***ESSB 5245, CH 82 (2022)**
 Assault, 3rd degree, provider's gametes/reproductive material implanted without consent into patient, class C felony: HB 1848
 Assault, of a child, examination of suspected victim of, L&I to pay all costs: ***SSB 5814, CH 171 (2022)**
 Assault, of a child, use of force by peace officer to protect against: HB 1726
 Assault, use of force by peace officer to protect against, when: HB 1726
 Ballots, drop boxes, unofficial collection site misrepresented as official: ***SB 5015, CH 85 (2021)**
 Ballots, returning on behalf of person when lacking an established relationship with them, class C felony: HB 2115
 Blacklisting, as prohibited labor practice, revisions to: HB 1005
 Branding of another person, unlawful, crime of, class B felony: HB 1844
 Bribery, commercial, enforcement of tainted contract in favor of participant in, prohibiting, when: HB 2103
 Catalytic converter theft task force, Washington state, establishing: HB 1815
 Catalytic converter, deceiving purchaser or purchasing despite deception, second offense, class C felony: HB 1873
 Catalytic converter, purchase by scrap metal business that knows it is stolen, gross misdemeanor: HB 1873
 Catalytic converter, theft with certain damage to owner's property, theft in second degree, seriousness level: HB 1873, HB 1994
 Catalytic converters, confrontation with owner/3rd party trying to prevent theft, special allegation and verdict: HB 1994
 Catalytic converters, stolen by defendant to sell/transfer/exchange online, special allegation and verdict: HB 1873
 Coercive control, against family or household member or intimate partner, crime of, gross misdemeanor: HB 1449
 Cyber harassment, involving electronic communication, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyber harassment, of criminal justice participant, class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyberstalking, using electronic tracking device, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**
 Death, wrongful, civil actions for, when person killed due to committing felony, complete defense to: ***ESSB 5263, CH 325 (2021)**
 Demonstrations, permitted, knowingly open carrying firearm/weapon at or near, gross misdemeanor: ***ESSB 5038, CH 261 (2021)**
 Disorderly conduct, adding certain abusive language use toward and insulting/taunting of peace officer to crime of: HB 1575
 Driving under the influence, provisions: HB 1585, HB 1817, HB 2021, ESB 5054, ***SSB 5728, CH 162 (2022)**
 Drug offenses, cannabis retail outlets, attempt or incident of robbery in first or second degree at, reporting of: HB 2029, SB 5927
 Drug offenses, consuming or opening package containing controlled or counterfeit substance in public, civil infraction: HB 1578
 Drug offenses, controlled substance distribution to person under 18, mandatory confinement of at least 7 years: HB 1561
 Drug offenses, controlled substance/counterfeit, manufacture/sale/distribution/etc., offenses/penalties, expanding: HB 1561
 Drug offenses, controlled substance/counterfeit/legend drug, knowingly possessing more than personal use amount: HB 1578

- Drug offenses, controlled substance/counterfeit/legend drug, unlawfully possessing, restricting to knowingly possessing, when: HB 1560, HB 1578
- Drug offenses, controlled substance/counterfeit/legend drug/marijuana, unlawfully possessing, restricting to knowingly possessing, when: ***ESB 5476, CH 311 (2021) PV**
- Drug offenses, controlled substance/counterfeits/legend drugs personal use possession, ending criminal penalties: HB 1499, HB 1578
- Drug offenses, controlled substances personal use possession, vacating prior conviction records, when: HB 1499
- Drug offenses, controlled substances, endangerment with, to include any controlled substance: HB 1561
- Drug offenses, controlled substances, sentencing enhancement for certain, eliminating: HB 1169
- Drug offenses, controlled/counterfeit substances possession, laws/ordinances enactment by municipalities, authority for: HB 1562
- Drug offenses, drug paraphernalia use, prohibitions, modifying: HB 1578, ***ESB 5476, CH 311 (2021) PV**
- Drug offenses, drug paraphernalia, prohibitions, exempting fentanyl testing equipment from: SB 5509
- Drug offenses, excluding from offender score, when: SSB 5035
- Drug offenses, fentanyl, knowingly possessing without prescription, criminal penalties for: HB 1922, HB 1937
- Drug offenses, involving controlled substances, persons convicted of, resentencing hearing for, when: ***SSB 5361, CH 286 (2021)**
- Drug offenses, State v. Blake reimbursement account, creating: HB 1578
- Drug offenses, State v. Blake, resentencing hearings and hearings to vacate convictions related to, conducting: HB 1578, ***ESB 5476, CH 311 (2021) PV**
- Election officials, harassing an election official, class C felony, when: SSB 5148
- Election-related offices/facilities, firearms/weapons in, gross misdemeanor: HB 1618
- Elections, fraud committed by election official/employee/volunteer, class C felony: HB 2115
- Elections, fraud during an election, knowingly committing, class C felony: HB 2115
- Emergency medical services provider or firefighter, interfering with, gross misdemeanor: HB 1826, SSB 5839
- Emergency services, theft from, in the first degree, class B felony: HB 2120
- Emergency services, theft from, in the second degree, class C felony: HB 2120
- Firearm/weapon, in election-related offices/facilities, gross misdemeanor: HB 1618
- Firearm/weapon, in facilities during school district board of directors meetings, gross misdemeanor: HB 1630
- Firearm/weapon, knowingly open carrying at state capitol or in or near permitted demonstration, gross misdemeanor, when: ***ESSB 5038, CH 261 (2021)**
- Firearm/weapon, knowingly open carrying in location of governing body meeting, gross misdemeanor: HB 1630
- Firearms, ghost guns/ghost gun kits, prohibitions, misdemeanor/gross misdemeanor, when: HB 1705
- Firearms, untraceable, and unfinished frames/receivers, prohibitions, misdemeanor/gross misdemeanor: HB 1705
- Firefighter or emergency medical services provider, interfering with, gross misdemeanor: HB 1826, SSB 5839
- Fur farming and fur products manufacturing/production, prohibitions, misdemeanor: HB 1375, HB 1718
- Harassment, of an election official, class C felony, when: SSB 5148
- Harassment, victim terminating tenancy, landlord mitigation program role: HB 1593
- Hate crime offenses, as crimes against persons: HB 1071
- Hazing, by person attending college and causing substantial bodily harm to another person, class C felony: HB 1758
- Hazing, by person in attendance at college, changing from misdemeanor to gross misdemeanor: HB 1758
- Imprisonment, unlawful, offender release/escape/etc., victim notification: ***ESSB 5245, CH 82 (2022)**
- Kidnapping, failure to register as offender, offender score, deleting cross reference: ESB 5054
- Knives, spring blade, legalizing manufacture, sale, and possession: HB 1224
- Knives, spring blade, unlawful carrying or possession on certain premises: HB 1224
- Laser, unlawful discharge of a, first degree, class A felony: HB 1394
- Laser, unlawful discharge of a, second degree, class C felony: HB 1394
- Laser, unlawful discharge of a, third degree, gross misdemeanor: HB 1394
- Law enforcement officer, unlawfully summoning a: ***ESB 5135, CH 330 (2021)**
- Metal property, private, scrap metal business purchasing/receiving when known to be stolen, gross misdemeanor: HB 1873
- Metal property, scrap, deceiving purchaser or purchasing despite deception, second offense, class C felony: HB 1873
- Metal property, theft with certain damage to owner's property, theft in second degree, seriousness level: HB 1873, HB 1994
- Mischief, criminal, to include openly carrying/displaying deadly weapon in threatening manner, class C felony: HB 1283

Murder, first degree, aggravated, eliminating firearm discharge from/near motor vehicle as basis for: HB 1692
 Negligent driving with vulnerable user victim, in first degree, gross misdemeanor: HB 1972
 Negligent driving with vulnerable user victim, in second degree, revising provisions: HB 1972
 Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322
 Persons, crimes against, hate crime offenses as: HB 1071
 Physical control of vehicle under the influence, provisions: HB 1817, HB 2021, ESB 5054, ***SSB 5728, CH 162 (2022)**
 Reproduction, assisted, false representation in, by persons/health care providers/entities, class C felony: HB 1848
 Robbery, first or second degree, attempt or incident at cannabis retail outlet, reporting requirements: HB 2029, SB 5927
 Robbery, second degree, as persistent offender finding basis, conditional commutation: E2SSB 5036
 Robbery, second degree, as persistent offender finding basis, resentencing hearing for offender: ***ESB 5164, CH 141 (2021)**
 Sales suppression device/phantom-ware, knowingly selling/manufacturing/using/etc., extending statute of limitations for: HB 2099
 Sleeping outdoors on public property, by homeless individuals, prohibiting criminal sanctions for, when: HB 1576
 Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322
 Stalking, victim terminating tenancy, landlord mitigation program role: HB 1593
 Tax return, making false or fraudulent or making false statement in, extending statute of limitations for: HB 2099
 Theft, definition of, to include concealing another's property to deprive them of its use or benefit: HB 1656
 Theft, from emergency services, in the first degree, class B felony: HB 2120
 Theft, from emergency services, in the second degree, class C felony: HB 2120
 Theft, in second degree, metal property theft with certain damage to owner's property, seriousness level: HB 1873, HB 1994
 Theft, organized retail theft in 2nd degree, with multiple accomplices participating in: SB 5781
 Theft, organized retail theft, Washington state organized retail theft task force, establishing: HB 2113
 Trafficking of persons, indigenous survivors of, services and resources for, grant funding to provide and support: HB 1571
 Trafficking offenses, using motor vehicle in committing, disqualification from driving commercial vehicle for life: ***SSB 5631, CH 51 (2022)**
 Trafficking, human, informational posters in safety rest areas, modifying requirements: HB 2077
 Vehicular assault under influence, of more than one intoxicating substance, increasing standard sentence range: HB 2021
 Vehicular homicide under influence, of more than one intoxicating substance, increasing standard sentence range: HB 2021
 Violent crimes, victims and the survivors amongst them, recognizing their plight and honoring them: ***HR 4665 (2022)**
 Weapon/firearm, in facilities during school district board of directors meetings, gross misdemeanor: HB 1630
 Weapon/firearm, knowingly open carrying in location of governing body meeting, gross misdemeanor: HB 1630
 Weapons, in election-related offices/facilities, gross misdemeanor: HB 1618

CRIMINAL JUSTICE TRAINING COMMISSION (See also LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC))

Assault, sexual, cases of, annual review program for, including role of prosecutors, CJTC role: HB 1916
 Assault, sexual, cases of, statewide resource prosecutor for, grant program for establishing, CJTC role: HB 1916
 Assault, sexual, training for officers investigating/prosecuting cases and interacting with victims, CJTC role: HB 1916
 Assault, sexual, training for persons prosecuting cases involving adult victims: HB 1916
 Commission, purpose/powers/duties/membership, modifying: HB 1082, ***E2SSB 5051, CH 323 (2021)**
 Coroner's/medical examiner's offices, medicolegal investigative personnel employed by, required training, CJTC role: HB 1326
 Coroners/medical examiners, medicolegal forensic investigation training, requirements, CJTC role: HB 1326
 Diversity, professional development outreach grant program, CJTC role: ***HB 1001, CH 52 (2021)**
 Force, deadly, use by peace officers, agency requirements compliance audits, CJTC role: HB 1089
 Force, excessive, officer's use of, other officer's duty to intervene, model policy for, CJTC role: ***SSB 5066, CH 321 (2021)**
 Force, use by officers of, investigations, and investigator training for conducting, CJTC role: HB 1267
 Force/deadly force, use by officers of, permissible/excessive and de-escalation tactics, training: HB 1310
 Law enforcement agencies, one-time new-hire/retention/body camera programs funding awards, CJTC role: HB 1787
 Law enforcement professionals development outreach, retention, and support programs, CJTC role: HB 1787

Officers, peace and corrections, state oversight and accountability of, CJTC role: HB 1082, *E2SSB 5051, CH 323 (2021)

Officers, peace/reserve/corrections, applicant background investigation, eye-based truth verification test, CJTC role: HB 1262

Peace officers, certification, denying/revoking/suspending, unless certain conduct in good faith for public safety: HB 1737

Peace officers, limited authority or specially commissioned, background investigation by agency, CJTC role: HB 1737

Peace officers, suspended or on probation, agency termination due to, restricting: HB 1737

Security, for public higher education institution or K-12 system, training for, CJTC role: HB 1737

Sexual assault investigations, case review program, provisions: HB 1109

Sexual assault investigations, race/ethnicity impact on outcomes, analysis of, CJTC role: HB 1109

Substance use disorders, law enforcement interactions with persons with, basic training concerning, CJTC role: HB 1499, HB 1558, HB 1578, *ESB 5476, CH 311 (2021) PV

Training, basic law enforcement, personnel to commence during first three months of employment: HB 1787

Trainings, statewide basic law enforcement, providing additional, CJTC role: HB 1787

Tribal police officers, CJTC authority and role: HB 1082, *E2SSB 5051, CH 323 (2021)

Tribal sovereignty/customs/culture/traditions/spirituality, training for coroners and law enforcement in, CJTC role: HB 1571

Vehicular pursuits, by law enforcement, model policy and information repository for, CJTC role: HB 1054

CRIMINAL OFFENDERS (See also BAIL AND BAIL BONDS; CLEMENCY AND PARDONS BOARD; CORRECTIONAL FACILITIES AND JAILS; CORRECTIONS, DEPARTMENT; CRIMES; CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; SENTENCES AND SENTENCING; SEX OFFENDER POLICY BOARD)

Arrest/conviction history, denial of housing to criminal legal system-impacted persons through use of, restricting: HB 2017

Community custody, terms of, tolling of, limiting: HB 1126

Competency to stand trial, restoration treatment, felony/nonfelony and outpatient/inpatient, court-ordered: *2SSB 5664, CH 288 (2022) PV

Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: *E2SSB 5304, CH 243 (2021) PV

Conviction records, vacating: HB 1681, *ESSB 5180, CH 237 (2021)

Criminal record, persons with, applying to be long-term care workers with access to vulnerable adults: HB 1411

Deferred prosecution, for SUD/mental health disorder, when DUI/physical control of vehicle under influence: HB 1817

Domestic violence offenders, serious domestic violence offender central registry, establishing: HB 1678

Drug offenses, controlled substance/counterfeit/legend drug/marijuana, diversion to assessment/services: HB 1892

Drug offenses, controlled substances personal use possession, vacating prior conviction records, when: HB 1499

Drug offenses, involving controlled substances, persons convicted of, resentencing hearings for, when: *SSB 5361, CH 286 (2021)

Earned early release time, awarding of, when: 2SSB 5692

Earned release date, recalculating, when: HB 1169, HB 1282

Earned release time, receiving credits when convicted of violent offense with firearm enhancement, prohibiting: HB 2094

Earned release time, various provisions: HB 1169, HB 1282

Education, postsecondary, cognitive impairments and special education: HB 1044

Education, postsecondary, inmate participation before and after release: HB 1044

Escape/release/etc. of offender, victim/others notification, expanding list of crimes eligible for: *ESSB 5245, CH 82 (2022)

Graduated reentry program, eligibility for, expanding: *ESSB 5121, CH 266 (2021)

Incarcerated individuals, currently or formerly, sensitive records of, definition and disclosure exemption: HB 1956

Incarcerated individuals, DOC programs with top participation, evaluating: 2SSB 5692

Incarcerated individuals, formerly, use of arrest/conviction history to deny housing to, restricting: HB 2017

Incarcerated individuals, untried indictment or complaint pending, bringing to trial: *ESSB 5118, CH 265 (2021)

Incompetent to stand trial, competency restoration treatment, outpatient, court-ordered: SSB 5210

Kidnapping or sex offender, failure to register as, offender score, deleting cross reference: ESB 5054

Legal financial obligations, crime victim penalty assessment/DNA database fee/criminal filing fee, waiver/reduction: HB 1412

- Legal financial obligations, indigency, revised standard of: HB 1412
- Legal financial obligations, restitution/non-restitution and fines/fees, when offender is indigent, court's discretion: HB 1412
- Legal financial obligations, willfully failing to pay or not willfully failing to pay, impact of: HB 1412
- Licensure, professional, person with conviction seeking, determination of conviction's relevance, factors to consider: ***HB 1874, CH 32 (2022)**
- Licensure, professional, person with conviction seeking, determination of conviction's relevance, procedures: ***HB 1399, CH 194 (2021)**
- Life without possibility of parole, for offense committed when 16 to 24 years of age, resentencing and release: HB 1344
- Long sentences, for offenses committed before age of 25, release from confinement, when: HB 1344
- Medical assistance, medicaid suspense status, prohibiting for persons incarcerated for less than 30 days: HB 1348
- Medical assistance, medicaid suspense status, reinstatement from, for confined persons before release: ***E2SSB 5304, CH 243 (2021) PV**
- Men/male youth/boys, gender-based disparities and disproportionate negative outcomes for, efforts to reduce: HB 1917
- Mental health sentencing alternative to incarceration, eligibility for: ***2SSB 5293, CH 242 (2021) PV**
- Misdemeanants, probation supervision services for, limited jurisdiction court interlocal agreements for: HB 1294
- Name change, filing/recording orders for, waiving auditor's fees due to hardship, when: HB 1961
- Offender reentry community safety program, renaming as reentry community services program: ***E2SSB 5304, CH 243 (2021) PV**
- Persistent offenders, confined for long sentences for offenses committed before age of 25, release, when: HB 1344
- Persistent offenders, when robbery in second degree, conditional commutation: E2SSB 5036
- Persistent offenders, when robbery in second degree, resentencing hearing for offender: ***ESB 5164, CH 141 (2021)**
- Probation supervision services, for misdemeanants, limited jurisdiction court interlocal agreements for: HB 1294
- Reentry community services program, evaluation of: 2SSB 5692
- Reentry community services program, renaming offender reentry community safety program as: ***E2SSB 5304, CH 243 (2021) PV**
- Reentry services work group, convening: ***E2SSB 5304, CH 243 (2021) PV**
- Reentry services/postconviction legal assistance, certain appropriations for: HB 1827
- Release from correctional facility, housing assistance/rental voucher: HB 1818
- Sex or kidnapping offender, failure to register as, offender score, deleting cross reference: ESB 5054
- Supervision, cost of supervision, parole, or probation assessments charged to offenders, eliminating: HB 1818, HB 1970
- Supervision, transfer out-of-state of, application fee for processing application for, eliminating: HB 1818, HB 1970
- Victims of sex offenses/domestic violence, vacation of conviction records of, applying for, when: ***ESSB 5180, CH 237 (2021)**
- Voting rights restoration, inmate notification of process for: HB 1078
- Voting, right to vote, offender not serving sentence in total confinement, automatic restoration of right: HB 1078

CRIMINAL PROCEDURE (See also ATTORNEYS; BAIL AND BAIL BONDS; CORRECTIONAL FACILITIES AND JAILS; COURTS; CRIMES; CRIMINAL OFFENDERS; DOMESTIC VIOLENCE; FORENSIC INVESTIGATIONS COUNCIL; INDETERMINATE SENTENCE REVIEW BOARD; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; SENTENCES AND SENTENCING)

- Competency to stand trial, restoration treatment, felony/nonfelony and outpatient/inpatient, court-ordered: ***2SSB 5664, CH 288 (2022) PV**
- Competency to stand trial, restoration treatment, outpatient, court-ordered: SSB 5210
- Deferred prosecution, for SUD/mental health disorder, when DUI/physical control of vehicle under influence: HB 1817
- Fingerprinting, of juvenile defendants in felony convictions, eliminating: SB 5609
- Impeachment disclosures, potential, acts by officer potentially exculpatory to criminal defendant: HB 1088
- Indigency, court authority to refrain from imposing costs on indigent defendant, when: HB 1412
- Indigency, in connection with legal financial obligations, revised standard of: HB 1412
- Indigency, when offender has restitution obligations and fines/fees, court's discretion: HB 1412
- Insanity, not guilty by reason of, restoration of right to possess firearms: HB 1026, ESB 5561
- Interrogations, in custody, uniform electronic recordation of custodial interrogations act: HB 1174, HB 1223
- Interrogations, in custody, use of deception by officers, inadmissibility of statement due to: HB 1690

CURRENCY

- Bullion, precious metal or monetized, as legal tender: HB 1417

Financial intangible assets, Washington state wealth tax on, creating to achieve equity and provide funding: HB 1406
 Money transmitters, small, serving diverse communities, impact of de-risking on, requesting that congress act to reduce:
 SJM 8004
 Transactions, blockchain technology work group, establishing: HB 1729, *ESSB 5544, CH 226 (2022)

DEAF (See also PROFESSIONS)

Closed captioning, on televisions in places of public accommodation: *SB 5027, CH 229 (2021)

DEATH (See also CAPITOL CAMPUS, STATE; CRIMES; HEALTH AND SAFETY, PUBLIC; HUMAN REMAINS)

Certificates, birth resulting in stillbirth, issuance, when: *HB 1031, CH 55 (2021)
 Coroner's and medical examiner's offices, accreditation of, requirements: HB 1326
 Coroner's and medical examiner's offices, medicolegal investigative personnel employed by, required training: HB 1326
 Coroner, county, body/remains of indigenous person, coroner duties in connection with: HB 1571
 Coroner, county, in certain counties, prosecutor as ex officio coroner, removing authority for: HB 1326
 Coroners and medical examiners, continuity of operations during public health crises: *EHB 1271, CH 122 (2021)
 Coroners and medical examiners, medicolegal forensic investigation training, requirements: HB 1326
 Coroners, tribal sovereignty/customs/culture/traditions/spirituality training for: HB 1571
 Death with dignity act, end-of-life care in connection with, requirements: HB 1141
 Death with dignity act, expanding access via qualified medical and counseling provider options: HB 1141
 Deaths, in-custody, and potential criminal acts by involved police officer, investigations of: HB 1267
 Fatalities, in connection with law enforcement officer use of force, data collection and reporting: HB 1092, *E2SSB
 5259, CH 326 (2021)
 Fatality review teams, overdose and suicide, establishing: HB 1074
 Incarcerated/confined inmate, unexpected death of, unexpected fatality review of: *ESSB 5119, CH 139 (2021)
 Indigenous persons, body/remains of, identifying and contacting family members and tribes: HB 1571
 Indigenous persons, murdered/missing, regional liaisons for, duties of: HB 1571
 Suicide, youth up to age 24 who died by, youth suicide review team to investigate: HB 1354
 Wrongful death, civil actions for, when person killed due to committing felony, complete defense to: *ESSB 5263, CH
 325 (2021)

DENTISTS AND DENTISTRY (See also ENVIRONMENTAL HEALTH AND SAFETY; HEALTH AND SAFETY, PUBLIC; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; PUBLIC ASSISTANCE)

Dental quality assurance commission, member composition, qualifications, and other changes: *SSB 5753, CH 240
 (2022)
 Dental therapists, licensing and practicing of: HB 1885
 Dental therapy and dental hygiene, Washington state board of, creating: HB 1885
 Dental therapy, profession/practice of, establishing: HB 1885
 Dentists, impaired practitioner program, changes to: HB 1654, *SSB 5496, CH 43 (2022)
 Denturists, board of, member compensation and quorums for: *SSB 5753, CH 240 (2022)
 Teledentistry, for delivery of dental care services, definition and requirements: HB 1950
 Teledentistry, orthodontia services delivery via, services and provider requirements: HB 1950

DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH (See also DISABILITIES, INDIVIDUALS WITH; LONG-TERM CARE)

Adult family homes, for persons with development/intellectual disabilities, property tax exemption, when: HB 1789
 Child care deserts, with a focus on families of children with developmental/intellectual disabilities, statewide assessment:
 HB 2082
 Civil actions due to discrimination, requirements, modifying, when: HB 1574
 Community access program services and employment program services, concurrent, authorizing: HB 1980
 Community residential service businesses, Snohomish county provider rate: HB 1045
 Community residential service providers, contracted, medicaid rates for, studying: *ESSB 5268, CH 219 (2022)
 Community residential settings and services, expanding: *ESSB 5268, CH 219 (2022)
 Developmental disabilities administration, no-paid service caseload clients, case resource management services: *SSB
 5819, CH 247 (2022)
 Developmental disabilities administration, no-paid service caseload, new employees to review and maintain: *SSB 5819,
 CH 247 (2022)

- Developmental disabilities administration, services provided by, eligibility and delivery of, reviewing: ***ESSB 5268, CH 219 (2022)**
- Developmental disabilities council, role of: HB 1566, HB 1802
- Dogs, courthouse facility dogs for witness use, access authority and certified handlers for: SSB 5127
- Down syndrome, abortion or attempted abortion due to, prohibiting: HB 1008
- Employment program services and community access program services, concurrent, authorizing: HB 1980
- Foster family homes, placement of children with developmental disabilities: HB 2038
- Foster youth, when exiting foster care system: HB 1061
- Funding, persons with developmental disabilities or mental health services property tax levy: HB 1965
- Institutional education program, for youth in/released from secure facilities, duties of agencies and work group: HB 1295
- Intellectual and developmental disabilities, individuals with, school to work program, establishing: ***SSB 5790, CH 167 (2022)**
- Intellectual and developmental disabilities, individuals with, statewide council, establishing: ***SSB 5790, CH 167 (2022)**
- Intellectual and developmental disabilities, use of IQ scores to determine eligibility for services, discontinuing: HB 2008
- Intellectual disabilities, individuals with, task force and other statutory entity membership to include, when : HB 1566, HB 1802
- Intelligence quotient (IQ) scores, determination of eligibility for services using, discontinuing: HB 2008
- Intermediate care facilities, redesigning for short-term crisis stabilization and intervention: ***ESSB 5268, CH 219 (2022)**
- Legislative process, access and representation for individuals with developmental disabilities in: HB 1566, HB 1802
- Medicaid waiver services, determining individuals dependent and eligible for: HB 1061
- Mental health/medical/functional needs of individuals, cross-system coordination to include: ***ESSB 5268, CH 219 (2022)**
- Ombuds, developmental disabilities, office of, authority and role, modifying: HB 2082
- Personal care attendants, care worker center, establishing: HB 1872
- Personal care attendants, care worker sector, transformation grant pilot program: HB 1872
- Providers, rate enhancements for, using federal medicaid matching funds and other funds for: ***HB 1367, CH 5 (2021)**
- Providers, rate enhancements for, using freed-up federal coronavirus funds for: HB 1368
- Public works, subprevailing wage certificates for persons with disabilities, eliminating: ***SB 5763, CH 55 (2022)**
- Sexually violent predators, conditional release of, disability accommodations: ***E2SSB 5163, CH 236 (2021)**
- Special education, enrollment stabilization allocations for, when: HB 1476, HB 1590
- Special education, incarcerated individuals eligible for: HB 1044
- Special education, students with IEPs, individual transportation of: HB 1808, SSB 5581
- Special education, students, transition plans/high school and beyond plans/school to work program/etc.: ***SSB 5790, CH 167 (2022)**
- Students, with disabilities, improving attendance via necessary services: HB 1113
- Students, with disabilities, school buses for transporting, video recording devices for, requirements: HB 2054
- Supportive services/technical assistance/other programs, DSHS to continue: ***ESSB 5284, CH 97 (2021)**
- Task forces/committees/other statutory entities, membership to include persons with developmental disabilities, when: HB 1566, HB 1802
- Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071
- Wages, subminimum, certificates for persons with disabilities for, prohibiting issuance of: ***ESSB 5284, CH 97 (2021)**
- Waivers, individual and family services/basic plus/core, various provisions: ***ESSB 5268, CH 219 (2022)**

DIKING AND DRAINAGE

- Diking, drainage, and sewerage improvement districts, fee collection authority of: HB 1996
- Diking, drainage, and sewerage improvement districts, stormwater control facility within, district prior consent for: HB 1996

DISABILITIES, INDIVIDUALS WITH (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; HOMES AND HOUSING; MILITARY; RETIREMENT AND PENSIONS; VETERANS; WORKERS' COMPENSATION)

- Aged, blind, or disabled assistance program, eligibility for victims of human trafficking: ***HB 1748, CH 208 (2022)**
- Cognitive impairments, incarcerated individuals, educational accommodation: HB 1044
- Disability issues and employment, governor's committee on, role of: HB 1566, HB 1802
- Discrimination, against persons with disabilities, civil actions alleging, modifying requirements, when: HB 1574
- Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

Electric light/space heating service, residential, termination for persons with disabilities, prohibitions/conditions: HB 1490

Fishers/hunters with disabilities, advisory committee on, modifications: HB 1649

Home care services, hiring family member or friend with criminal record, informed consent process for, identifying: HB 1411

Legislative process, access and representation for individuals with disabilities in: HB 1566, HB 1802

Personal care attendants, care worker center, establishing: HB 1872

Personal care attendants, care worker sector, transformation grant pilot program: HB 1872

Property tax exemption program, combined disposable income, health care/insurance deductions from: HB 1438

Property tax exemption program, manufactured/mobile home community landlord exemption under, when: HB 1248

Property tax exemption program, manufactured/mobile home community tenants additional exemption: HB 1247

Public works, subprevailing wage certificates for persons with disabilities, eliminating: *SB 5763, CH 55 (2022)

School employees, disabled under TRS, PEBB medical/dental plans for: HB 1040

Sensory/mental/physical disabilities, discrimination due to, civil actions alleging, modifying requirements, when: HB 1574

Service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

Sexually violent predators, conditional release of, disability accommodations: *E2SSB 5163, CH 236 (2021)

Special education, enrollment stabilization allocations for, when: HB 1476, HB 1590

Special education, incarcerated individuals eligible for: HB 1044

Special education, students with IEPs, individual transportation of: HB 1808, SSB 5581

Students, with disabilities, improving attendance via necessary services: HB 1113

Students, with disabilities, school buses for transporting, video recording devices for, requirements: HB 2054

Task forces/committees/other statutory entities, membership to include persons with disabilities, when: HB 1566, HB 1802

Veterans with disabilities, long-term services/supports trust program exemption, when: HB 1733

Veterans/national guard members, college tuition/fees waiver for surviving spouse/domestic partner of: *SB 5545, CH 45 (2022)

Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071

Wages, subminimum, certificates for persons with disabilities for, prohibiting issuance of: *ESSB 5284, CH 97 (2021)

Wheelchair lift or carrier, temporary obstruction of single vehicle license plate by, allowing, when: *EHB 1784, CH 130 (2022)

DISCOVER PASS

Recreation sites/lands, state, extending free days when discover pass not required to: *SB 5504, CH 83 (2022)

Repealing discover pass and daily permit fees for recreation access: HB 1824

DISCRIMINATION (See also CORRECTIONAL FACILITIES AND JAILS; CRIMINAL JUSTICE TRAINING COMMISSION; ENVIRONMENTAL HEALTH AND SAFETY; EQUITY, WASHINGTON STATE OFFICE; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; MEN; MINORITIES; RELIGION AND RELIGIOUS ORGANIZATIONS; SEXUAL ORIENTATION)

Abortion care, equal rights to access, regardless of gender/gender identity/race/ethnicity/income level/etc.: *EHB 1851, CH 65 (2022)

Civil rights act, Washington state, repealing short title and preferential treatment prohibition: HB 1288

Closed captioning, on televisions in places of public accommodation: *SB 5027, CH 229 (2021)

Critical race theory, definition and prohibition of K-12 instruction and discussion of: HB 1886

Disabilities, persons with, civil actions alleging discrimination against, modifying requirements, when: HB 1574

Dog guides, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

Employee, employer discrimination against, nondisclosure/nondisparagement agreements, void/unenforceable: HB 1795

Executive order 9066, eightieth anniversary, acknowledging: *HR 4645 (2022)

Executive order 9066, seventy-ninth anniversary, acknowledging: *HR 4609 (2021)

Farming, equity in, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395

Ferry employees, newly hired/from underrepresented communities, impact of bargaining agreements on: HB 1608

Gender-affirming health care treatment, insurance coverage for, requirements for/unfair practices by carriers: *2SSB 5313, CH 280 (2021)

Gender-based disparities and disproportionate negative outcomes for men/male youth/boys, efforts to reduce: HB 1917

Hate crime offenses, as crimes against persons: HB 1071

Higher education, diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: *E2SSB 5227, CH 275 (2021)

Holocaust remembrance day, recognizing: *HR 4627 (2021)

Housing, racial inequities, addressing via estate tax revenue deposits in equity in housing account: HB 1465

Housing, racially disparate impacts/displacement/exclusion in, addressing at local level: HB 1220

Human rights commission, closed captioning in public accommodations role of: *SB 5027, CH 229 (2021)

Human rights commission, whistleblower qui tam actions on behalf of: HB 1076

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: *HR 4609 (2021), *HR 4645 (2022)

Labor rights, countries that provide, as eligible to sell for use or provide transportation fuels in state, criteria and list: HB 1551

Legislators, vaccination/antibody status of, segregation/discrimination/privileged status due to, prohibiting: HB 1695

Licensure, professional, competency-based assessment alternative for, reducing discrimination via: HB 1400

Native American names/symbols/images, use by public schools as mascots/logos/team names, prohibiting: HB 1356

Organ donors, living, insurer discrimination against, prohibitions: *SSB 5003, CH 172 (2021)

Peace officers, force/deadly force use, permissible/excessive and de-escalation tactics, model policies on: HB 1310

Preferential treatment prohibition, repealing: HB 1288

Protected classes, racial/other restrictions against, in existing covenants/deeds, city/county review/notices of: HB 1335

Real estate brokers, buyer unfair practice letters, not presenting to seller if seller instructs broker not to: HB 2059

School sports, equitable competition, prohibiting male students from competing against female students, when: HB 1556

Schools, cultural competency/diversity/equity/inclusion standards and training for district directors/staff/educators: *ESSB 5044, CH 197 (2021)

Schools, discrimination/sexual harassment, model student handbook language for policies and complaints: HB 1900

Schools, each district's primary contact regarding compliance with prohibition of discrimination, designating: HB 1900

Schools, institutional racism, training in order to dismantle: *ESSB 5044, CH 197 (2021)

Service animals, persons with disabilities using, discrimination against, civil actions alleging: HB 1574

Tenants, prospective, unpaid rent-based discrimination against, prohibiting after eviction moratorium: HB 1441

Transportation network companies, nondiscrimination policy: HB 2076

Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071

Vulnerable populations, protections for, via consumer protection improvement act: *SSB 5025, CH 228 (2021)

Worker protection act, whistleblower qui tam actions on behalf of state: HB 1076

Workplace bullying, subjecting employee to abusive work environments, as unfair labor practice: HB 1935

DOMESTIC RELATIONS (See also ADOPTION; CHILDREN; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; COURTS; JUVENILES AND JUVENILE COURT; SCHOOLS AND SCHOOL DISTRICTS)

Child support, action by former parent against adoptive parent for, prohibiting: HB 1635

Child support, child care expenses paid by, documentation of: HB 1397

Child support, enforcement, income withholding and withholding orders and forms: HB 1171

Child support, enforcement, withholding orders and liens, insurance company compliance: HB 1416

Child support, when child incarcerated in juvenile rehabilitation facility, repealing parent pay statute: HB 1897, HB 2050

Child welfare services, caregiver liaison program and caregivers automated notification system: HB 1945

Child welfare services, certain DCYF workers, training concerning placement of children experiencing disruption: HB 2038

Child welfare services, dependency proceedings, legal representation for child in, when: HB 1219

Child welfare services, dependency proceedings, returning child home, casework supervision of certain parents: HB 1944

Child welfare services, dependency proceedings, student who is the subject of, education requirements for: HB 1955

Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: *2SSB 5331, CH 285 (2021)

Child welfare services, exceptional cost payments to foster parents accepting placement of certain children: HB 2038

Child welfare services, medical/dental/behavioral health care for children in DCYF custody: HB 1205

Child welfare services, social services specialist three job classification, increasing staffing level of: HB 2038

Families and parents of Washington state's students, recognizing their important role and honoring: *HR 4649 (2022)

Family and medical leave, for railroad workers, and related employment protections: ESSB 5065

Family and medical leave, paid, actuarial services, office of, establishing: *2SSB 5649, CH 233 (2022)

- Family and medical leave, paid, applicants to disclose if leave related to COVID-19 pandemic: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, approved voluntary plans, list of employers that have: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, collective bargaining, in connection with: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, eligibility for coverage, expanding: HB 1073, ***ESSB 5097, CH 232 (2021)**
- Family and medical leave, paid, employee premium rate, decreasing: HB 2031
- Family and medical leave, paid, implementation of, performance audit analyzing: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, information from employer reports, private/confidential: ***HB 1613, CH 18 (2022)**
- Family and medical leave, paid, leave used in postnatal period, requirements: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, legislative task force on paid family and medical leave insurance premiums, establishing: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, transportation network companies, drivers for: HB 2076
- Family and medical leave, paid, using after death of family member, when: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, unpaid, pre-2020 rights, liabilities, and obligations: ***HB 1087, CH 59 (2021)**
- Family resource center, defining consistently in RCW: ***HB 1237, CH 39 (2021)**
- Men/male youth/boys, gender-based disparities and disproportionate negative outcomes for, efforts to reduce: HB 1917
- Parental rights, terminated, open adoption agreements/birth parent deficiencies/child-birth parent visitation petitions: HB 1903
- Parenting plans, modifying residential time restrictions due to alcohol/drug use when parent maintains sobriety: SSB 5920
- Parents and families of Washington state's students, recognizing their important role and honoring: ***HR 4649 (2022)**
- Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for: HB 2032
- Working families fiscal impact statements, in fiscal notes, creating: HB 2006
- Working families' tax exemption, providing sales/use tax exemption, annual remittance reductions rate adjustment: ***HB 1888, CH 33 (2022)**
- Working families' tax exemption, providing sales/use tax exemption, clarifications/technical corrections: ***EHB 2096, CH 41 (2022)**
- Working families' tax exemption, providing sales/use tax exemption, expanding eligibility/increasing remittance: HB 2015
- Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319
- Working families' tax exemption, replacing "exemption" with "credit" and "remittance" with "refund": ***EHB 2096, CH 41 (2022)**

DOMESTIC VIOLENCE

- Abusive litigation, chapter on, correcting incorrect RCW citation in: ***EHB 1192, CH 65 (2021)**
- Coercive control, against family or household member or intimate partner, crime of, gross misdemeanor: HB 1449
- Deferred prosecution, provisions relevant to domestic violence: HB 1817
- Force, use by peace officer to protect against domestic violence: HB 1726
- Offenders, conviction records for misdemeanor or gross misdemeanor offense, vacating of, prohibiting, when: HB 1681
- Offenders, release/escape/etc. of, victim notification: ***ESSB 5245, CH 82 (2022)**
- Offenders, serious domestic violence offender central registry, establishing: HB 1678
- Protection orders, domestic violence, adding coercive control to "domestic violence" for purposes of: HB 1901
- Protection orders, domestic violence, moving to a single civil protection orders chapter: HB 1320
- Protection orders, domestic violence, updating and modifying: HB 1901
- Strangulation, nonfatal, forensic nurse examiners for victims of: ***2SSB 5183, CH 269 (2021)**
- Survivors of domestic violence, offenses committed by, sentencing alternative or resentencing for, when: HB 1293
- Victim, terminating tenancy, landlord mitigation program role: HB 1593
- Victims and survivors of victims, statement during conviction sentencing by: ***SB 5612, CH 229 (2022)**
- Victims of violent crimes and the survivors amongst them, recognizing their plight and honoring them: ***HR 4665 (2022)**
- Victims, vacation of conviction records of, applying for, when: HB 1293, ***ESSB 5180, CH 237 (2021)**
- Workplace resources, domestic violence and, task force on, convening: ***HB 1315, CH 43 (2021)**

DRIVERS AND DRIVERS' LICENSES (See also MOTOR VEHICLES; TRAFFIC; TRAFFIC OFFENSES)

- Commercial vehicle, disqualification for life from driving a, for using motor vehicle in committing trafficking offense: ***SSB 5631, CH 51 (2022)**

- Driver licensing technology support subaccount of highway safety fund, revising as separate account: ***2SSB 5616, CH 157 (2022)**
- Driver licensing, DOL employees with in-person interaction, as frontline employees for workers' compensation: ***SB 5875, CH 290 (2022)**
- Driver's licenses, personal/identity information associated with records held by DOL, prohibiting release of: HB 2013
- Drivers, fee transactions, recouping agency credit card/financial transaction fees via: ***HB 1115, CH 32 (2021)**
- Driving record, personal/identity information associated with records held by DOL, prohibiting release of: HB 2013
- Driving records, abstracts of, fee per record, increasing and depositing in move ahead WA flexible account: HB 2119, ***ESSB 5974, CH 182 (2022)**
- Driving records, releasing to various persons and entities, when: ***SSB 5152, CH 93 (2021)**
- Education courses, driver's, vouchers for minors enrolled in apprenticeship programs: ***E2SSB 5600, CH 156 (2022)**
- Infractions, when driver detained for, driver-law enforcement interactive best practices training about: HB 1585
- Licenses and learner's permits, commercial, fees, deposits of: HB 1036, HB 1091
- Licenses and permits, "slow down and move over law" written materials/signage in connection with: SSB 5907
- Licenses, applicants for renewal, late merge zipper method information for: HB 1231
- Licenses, enhanced, citizenship determination role for voter registration purposes of: HB 1796
- Licenses, enhanced, fees for, deposits of: HB 1036, HB 1091
- Licenses, enhanced, fees for, increasing and depositing in move ahead WA flexible account: HB 2119, ***ESSB 5974, CH 182 (2022)**
- Licenses, issuance period of, extending, and increasing fees in keeping with: HB 1207
- Licenses, motorcycle endorsement of, issuance period of, extending, and increasing fees in keeping with: HB 1207
- Licenses, online renewal of, expanding: HB 1207
- Licenses, photo and update only fee, increasing and depositing in move ahead WA flexible account: HB 2119, ***ESSB 5974, CH 182 (2022)**
- Licenses, regular or enhanced, applications for original or renewal, additional fee and use of fee: ***ESSB 5226, CH 240 (2021)**
- Licenses, suspended or revoked, administrative reinstatement, authority for, when: ***ESSB 5226, CH 240 (2021)**
- Licenses, suspended or revoked, driving when license is, provisions concerning: ***ESSB 5226, CH 240 (2021)**
- Licenses, suspension or revocation, and reinstatement, provisions concerning: ***ESSB 5226, CH 240 (2021)**
- Permits, instruction, online issuance and renewal of, allowing: HB 1207
- Training courses/schools, driver-law enforcement interactive best practices for traffic stops for infractions: HB 1585
- Transportation network companies, drivers for, deactivation of: HB 2076
- Transportation network companies, uniform regulation of: HB 2076
- Transportation network companies, wages/driver resource center/sick leave/industrial insurance/family and medical leave: HB 2076
- Trucks, commercial, commercial/port district parking lots/spaces construction for use by drivers of, tax exemptions: HB 1657
- Trucks, commercial, reopening safety rest areas for use by drivers of: HB 1655
- Trucks, drivers of, restroom access for common carriers and drayage truck operators, when: HB 1706

DRUGS (See also HEALTH CARE; INSTITUTIONAL REVIEW BOARD, WASHINGTON STATE; MENTAL HEALTH; PHARMACIES AND PHARMACISTS; SENTENCES AND SENTENCING; SUBSTANCE USE DISORDER)

- Cannabinoids, artificial/synthetically derived, medical marijuana products with, sales/use tax exemption exclusion of: HB 2122
- Cannabinoids, definitions for artificial and synthetically derived cannabinoids: HB 1668
- Cannabinoids, definitions for artificial, synthetically derived, and impairing cannabinoids: HB 2122
- Cannabinoids, definitions for artificial, synthetically derived, and impairing cannabinoids, scientific panel to review: HB 2123
- Cannabinoids, products with THC above 0.3%, limiting sellers of, compliance/enforcement grant program: HB 2123
- Cannabinoids, products with THC above 0.3%, sales only by licensed marijuana producers/processors/retailers: HB 1668, HB 2122, HB 2123
- Cannabinoids, scientific panel concerning, convening to review research/data/other jurisdictions' regulations: HB 2123
- Cannabinoids, that may be impairing, enforcement operations regarding, fee surcharge for certain licensees to fund: HB 2122
- Cannabinoids, that may be impairing, regulation of and definitions and requirements for: HB 1668, HB 2122

Cannabinoids, that may be impairing, to be sold only by licensed marijuana producers, processors, and retailers: HB 1668, HB 2122

Cannabis industry, social equity in, grant/pilot program/legislative task force/social equity license applicants: HB 1443

Cannabis laboratory quality standards, interagency coordination team for, creating: ***HB 1859, CH 135 (2022)**

Cannabis product use prevention/cessation, funding via dedicated cannabis account appropriations: ***E2SSB 5796, CH 169 (2022)**

Cannabis social equity technical assistance grant program, funds from dedicated cannabis account for: ***E2SSB 5796, CH 169 (2022)**

Cannabis, business/nonprofit entity applicants for licenses, ownership interest holders/additional application fee: HB 1667

Cannabis, cannabis equity grant program, establishing with certain funds: HB 1827

Cannabis, cannabis policy, task force on, establishing: HB 1260

Cannabis, concentrates with high THC concentrations, regulation of: HB 1463

Cannabis, craft cannabis endorsement for licensed marijuana producers and processors: HB 1855

Cannabis, craft cannabis producer/processor license, creating: HB 1260

Cannabis, dedicated cannabis account, appropriations for cannabis- and health-related matters: ***E2SSB 5796, CH 169 (2022)**

Cannabis, dedicated cannabis account, appropriations for tobacco/substance use and drug enforcement: ***E2SSB 5796, CH 169 (2022)**

Cannabis, dedicated cannabis account, renaming dedicated marijuana account as, appropriations from: ***E2SSB 5796, CH 169 (2022)**

Cannabis, licenses, cannabis social equity grant, low-interest loan, and technical assistance program: HB 2022

Cannabis, licenses, marijuana producers/processors, social equity license applicants to include, when: HB 2022

Cannabis, licenses, social equity program, grants/loans/roster of mentors for technical assistance, funding for: HB 2022

Cannabis, licenses, social equity program, license mobility and lifting of distance restrictions, when: HB 2022

Cannabis, medical use, various provisions: HB 1105, HB 1463, ESSB 5004

Cannabis, replacing "marijuana" with "cannabis" throughout Revised Code of Washington: HB 1210

Cannabis, retail licenses, social equity license applicants, modifying provisions: HB 2022

Cannabis, retail outlets, attempt or incident of robbery in first or second degree at, reporting requirements: HB 2029, SB 5927

Cannabis, testing laboratory quality standards, establishing and maintaining: ***HB 1859, CH 135 (2022)**

Cannabis, Washington state cannabis commission, establishment and role of: HB 1710

Clinical trials, demographic diversity program for, establishing: SSB 5723

Controlled and counterfeit substances possession, laws and ordinances enactment by municipalities, authority for: HB 1562

Controlled substance homicide offenses, offender release/escape/etc., victim notification: ***ESSB 5245, CH 82 (2022)**

Controlled substance, juvenile consuming, delivery from law enforcement custody to evaluation/treatment facility: HB 1559

Controlled substances act, civil asset forfeiture under, certain amounts to be remitted to state for deposit: ***SSB 5728, CH 162 (2022)**

Controlled substances act, convictions under, excluding from offender score, when: SSB 5035

Controlled substances act, convictions under, resentencing hearing for offender, when: ***SSB 5361, CH 286 (2021)**

Controlled substances, imitation, convictions for crimes involving, resentencing hearing for offender, when: ***SSB 5361, CH 286 (2021)**

Controlled substances, uniform act, dedicated cannabis account funds for administration of: ***E2SSB 5796, CH 169 (2022)**

Correctional facilities, body scanner pilot program, drug free prisons act for: ***2SSB 5695, CH 160 (2022)**

COVID-19, health care provider use of "known" drug/biological product/mineral/vitamin remedies to prevent/treat/cure: HB 2065

Fentanyl, equipment for testing for, exempting from "drug paraphernalia" prohibitions: SB 5509

Fentanyl, knowingly possessing without prescription, criminal penalties for: HB 1922, HB 1937

Fentanyl, public outreach campaign concerning dangers of, developing: HB 1937

HIV antiviral drugs, medicaid coverage when FDA-approved: HB 2079

Infants, drug-exposed, pediatric transitional care services for, parent-child interaction during: HB 1903

- Injection sites, supervised, city/county prohibitions as condition for imposing certain local sales/use taxes: HB 1526, HB 1541
- Insulin, maximum insurance enrollee payment for 30-day supply, reducing: ***SSB 5546, CH 10 (2022)**
- Insulin, purchase and distribution of, health care authority partnerships for: ***ESSB 5203, CH 274 (2021)**
- Insulin, total cost of insulin work group, extending deadlines/expiration of: HB 1728
- Legend drug act, exemption, dialysate/dialysis device manufacturers dispensing directly to patients: HB 1675
- Marijuana, business/nonprofit entity applicants for licenses, ownership interest holders/additional application fee: HB 1667
- Marijuana, businesses, license issuance for, prohibiting due to written objection based on zoning ordinances: HB 1414
- Marijuana, cannabis policy, task force on, establishing: HB 1260
- Marijuana, cannabis retail outlets, attempt or incident of robbery in first or second degree at, reporting requirements: HB 2029, SB 5927
- Marijuana, concentrates with high THC concentrations, regulation of: HB 1463
- Marijuana, craft cannabis producer/processor license, creating: HB 1260
- Marijuana, dedicated cannabis account, appropriations for cannabis- and health-related matters: ***E2SSB 5796, CH 169 (2022)**
- Marijuana, dedicated cannabis account, appropriations for tobacco/substance use and drug enforcement: ***E2SSB 5796, CH 169 (2022)**
- Marijuana, dedicated cannabis account, renaming dedicated marijuana account as, appropriations from: ***E2SSB 5796, CH 169 (2022)**
- Marijuana, excluding hemp from definition of, when: HB 1668
- Marijuana, licensed producers and processors, craft cannabis endorsement for, requirements: HB 1855
- Marijuana, licensed producers and processors, excise tax on, smaller local government authority to impose: HB 1933
- Marijuana, licensed producers/processors/retailers, limiting sales of cannabinoids that may be impairing to sales by: HB 1668, HB 2122
- Marijuana, licenses, cannabis social equity grant, low-interest loan, and technical assistance program: HB 2022
- Marijuana, licenses, producers and processors, social equity license applicants to include, when: HB 2022
- Marijuana, licenses, social equity in cannabis, legislative task force on, adding members/purposes/duties: HB 1443
- Marijuana, licenses, social equity in marijuana, legislative task force on, replacing "marijuana" with "cannabis": HB 1443
- Marijuana, medical use, arrest protections for qualifying patients and designated providers: HB 1105
- Marijuana, medical use, concentrates with high THC concentration, requirements/prohibitions/age restriction: HB 1463
- Marijuana, medical use, excise tax exemption for sales, when: ESSB 5004
- Marijuana, medical use, sales/use tax exemption, excluding products with artificial/synthetically derived cannabinoids from: HB 2122
- Marijuana, replacing "marijuana" with "cannabis" throughout Revised Code of Washington: HB 1210
- Marijuana, residential production, processing, or possession: HB 1019
- Marijuana, retail licenses, cannabis social equity assistance grant program, pilot program related to, creating: HB 1443
- Marijuana, retail licenses, cannabis social equity license applicants, modifying provisions: HB 2022
- Marijuana, retail licenses, cannabis social equity technical assistance competitive grant program, modifications: HB 1443
- Marijuana, retail licenses, social equity license applicants, modifying provisions: HB 1443
- Marijuana, Washington state cannabis commission, establishment and role of: HB 1710
- Marketing/advertising to minors via internet/mobile application, prohibitions: HB 1697
- Naloxone, opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**
- Naloxone, opioid overdose reversal medication dispensing/distributing or prescribing in hospital/in connection with treatment: ***2SSB 5195, CH 273 (2021)**
- Offenses, consuming or opening package containing controlled or counterfeit substance in public, civil infraction: HB 1578
- Offenses, controlled substance distribution to person under 18, mandatory confinement of at least 7 years: HB 1561
- Offenses, controlled substance, sentencing enhancement for certain, eliminating: HB 1169
- Offenses, controlled substance/counterfeit, manufacture/sale/distribution/etc., offenses/penalties, expanding: HB 1561
- Offenses, controlled substance/counterfeit/legend drug, knowingly possessing more than personal use amount: HB 1578
- Offenses, controlled substance/counterfeit/legend drug, unlawfully possessing, restricting to knowingly possessing, when: HB 1560, HB 1578

Offenses, controlled substance/counterfeit/legend drug/marijuana, statewide drug diversion database, developing: HB 1892

Offenses, controlled substance/counterfeit/legend drug/marijuana, unlawfully possessing, restricting to knowingly possessing, when: ***ESB 5476, CH 311 (2021) PV**

Offenses, controlled substances, endangerment with, to include any controlled substance: HB 1561

Offenses, controlled substances/counterfeits/legend drugs personal use possession, criminal penalties, eliminating: HB 1499, HB 1578

Offenses, controlled/counterfeit substances possession, laws/ordinances enactment by municipalities, authority for: HB 1562

Offenses, criminal, excluding from offender score, when: SSB 5035

Offenses, drug paraphernalia use, prohibitions, modifying: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Offenses, drug paraphernalia, prohibitions, exempting fentanyl testing equipment from: SB 5509

Offenses, fentanyl, knowingly possessing without prescription, criminal penalties for: HB 1922, HB 1937

Offenses, level I, offender score sentencing grid for, modification of: HB 1307

Offenses, special drug offender sentencing alternative for impaired driving offenses: ESB 5054

Offenses, State v. Blake reimbursement account, creating: HB 1578

Offenses, State v. Blake, resentencing hearings and hearings to vacate convictions related to, conducting: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**

Opioid overdose reversal medication, dispensing or distribution of or prescription for, when: ***2SSB 5195, CH 273 (2021)**

Opioid overdose reversal medication, dispensing/distribution by nurse in hospital ER, requirements: ***HB 1761, CH 25 (2022)**

Over-the-counter drugs, shop local and save sales and use tax holiday to include: HB 2018

Personal use amount, definition and possession of, provisions: HB 1499, HB 1578

Personal use amounts, legend drugs and controlled and counterfeit substances, reviewing, when: HB 1578

Prescription drug affordability board, establishing: HB 1671, ***2SSB 5532, CH 153 (2022)**

Prescription drug and OTC medication information, on school district/educational service district websites: HB 1759

Prescription, compounding of drugs, revising definition to exclude reconstitution and mixing: HB 1445

Prescription, cost-sharing amounts to be counted against out-of-pocket maximum, deductible, etc.: HB 1713, ***SSB 5610, CH 228 (2022)**

Prescription, for mental health conditions, continuity of coverage of, requirements/prohibitions, when: ESSB 5794

Prescription, generic, production/distribution/purchase of, health care authority partnerships for: ***ESSB 5203, CH 274 (2021)**

Prescription, label/container for, language requirements for directions for use/side effects on: HB 1852

Prescription, prescribing psychologists, certification to exercise prescriptive authority as: HB 1863

Prescription, take-back program, modifying provisions: HB 1161

Prescription, warehousing/reselling, preferential B&O tax rate, eliminating to provide SUD recovery funding: HB 2091

Regulating cannabis/tobacco/alcohol/vapor products, behavioral health prevention/equity impact framework for: HB 2035

ECOLOGY, DEPARTMENT (See also ENVIRONMENT; FLOODS AND FLOOD CONTROL; RIVERS AND STREAMS; SHORELINES AND SHORELINE MANAGEMENT; WATER; WATER POLLUTION)

Alternative energy facilities, decommissioning of, facility agreements to include plans/financial assurance for: EHB 1964

Anadromous fish protection and recovery, state goal for, role of ecology: HB 1653

Batteries, large format, possible battery stewardship program participation by producers of, ecology role: HB 1896

Batteries, portable and medium-format, battery stewardship organizations and plans, ecology role: HB 1896

Cannabis product testing laboratories, accreditation of, dedicated cannabis account appropriations for: ***E2SSB 5796, CH 169 (2022)**

Climate commitment act, Washington, assistance program for offset projects on tribal land, establishing, ecology role: ***E2SSB 5126, CH 316 (2021) PV**

Climate commitment act, Washington, environmental justice review as part of, ecology role: ***E2SSB 5126, CH 316 (2021) PV**

Climate commitment act, Washington, implementing, ecology role: ***E2SSB 5126, CH 316 (2021) PV**

- Cosmetic products, marketed to women of color and with potentially harmful ingredients, plan for testing, ecology role:
HB 1853, 2SSB 5703
- Food serviceware, single-use, food service business supplying only when customer wants, ecology role: ***E2SSB 5022, CH 313 (2021)**
- Fuels, for transportation, clean fuels program, ecology role: HB 1036, HB 1091
- Greenhouse gas emissions, emissions-intensive trade-exposed facilities, compliance pathway for, ecology role: HB 1682
- Greenhouse gas emissions, from on-demand transportation services, reducing, ecology role: HB 1075
- Greenhouse gas emissions, methane from landfills, emission limits and collection/control systems, ecology role: HB 1663
- Greenhouse gas emissions, reducing, ecology role: HB 1577
- Groundwaters, from Columbia river basin project, agreements, area/subarea establishment prior to, ecology role: ***SSB 5230, CH 185 (2021)**
- Hydrofluorocarbons, regulating and reducing emissions from, ecology role: HB 1050
- Justice, environmental, aiding overburdened communities and vulnerable populations, ecology role: HB 1577
- Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
- Litter control, "pick it up, Washington" program, ecology oversight and operation of: HB 1501
- Litter control, litter prevention messaging/emphasis patrols/clean-up activities on highway ramps/pickup, ecology role: ***SB 5040, CH 231 (2021)**
- Oil spills, financial responsibility requirements, including certificates, ecology role: HB 1691
- Oil spills, statewide master oil and hazardous substance spill prevention and contingency plan, modifying provisions: ***SB 5747, CH 54 (2022)**
- Organic materials management, comprehensive provisions for, role of ecology: HB 1799
- Packaging and paper products, producer responsibility organizations for, provisions governing: HB 2003
- Packaging, plastic, postconsumer recycled content, minimum, requirements, ecology role: HB 1488, HB 1932, HB 2003
- Packaging, plastic, postconsumer recycled content, stakeholder advisory committee, establishing, ecology role: HB 1488
- Packaging, plastic, producer responsibility programs for, ecology role: HB 1118
- PFAS chemicals, priority consumer products for, when identified in ecology's final chemical action plan: HB 1694
- Plastic beverage containers, minimum postconsumer recycled content requirements, ecology role: ***E2SSB 5022, CH 313 (2021)**
- Plastic packaging, postconsumer recycled content for, stakeholder advisory committee on, convening, ecology role: ***E2SSB 5022, CH 313 (2021)**
- Plastic packaging/film/food service/other products, compostable/noncompostable, labeling for, ecology role: HB 1799
- Plastic resin markets, studying, ecology role: ***E2SSB 5022, CH 313 (2021)**
- Polystyrene products, expanded, sales and distribution prohibitions, ecology role: ***E2SSB 5022, CH 313 (2021)**
- Puget Sound shoreline, 360 degree on-the-water view of, baseline survey for, conducting, ecology role: E2SSB 5885
- Puget Sound water quality, office of, establishing, ecology role: HB 1822
- Recycling and waste reduction, renew advisory council, establishing, ecology role: HB 2003
- Refrigerant management program, establishing, ecology role: HB 1050
- Shoreline master program guidelines, addressing sea level rise/storm severity, ecology role: HB 1099
- Solar energy systems, photovoltaic module stewardship/takeback program, delaying certain implementation dates: ***HB 1393, CH 45 (2021)**
- Stormwater, NPDES municipal permit, monitoring urban heat island effect impact on salmon via: HB 1211
- Sustainable food management, Washington center for, establishing, ecology role: HB 1799
- Wastewater discharges, illicit, from vehicles used as residences, identifying potential for and preventing, ecology role: HB 1540
- Wastewater, municipal permits, fee schedule for, advisory committee for adjusting, forming, ecology role: ***SB 5585, CH 227 (2022)**
- Water rights, relinquished by ecology for nonuse, good faith purchaser retention of right, when: HB 1132

ECONOMIC DEVELOPMENT (See also COMMUNITY ECONOMIC REVITALIZATION BOARD; LAND USE PLANNING AND DEVELOPMENT; WATER RIGHTS)

- BEST manufacturing act, Washington, building economic strength through manufacturing: HB 1170
- Community reinvestment account, appropriations to aid development from: HB 1827
- Investment projects, manufacturing/research and development, in certain counties, sales/use tax deferral program: ***ESB 5901, CH 257 (2022) PV**
- Local economic inclusion grants, for local government, implementing: 2SSB 5241

Main street program, economic development as a program mission: HB 1353
 Public financial cooperative, Washington state, establishing: E2SSB 5188
 Research and development, qualified clean technology, spending for, B&O tax credit: HB 1820, HB 1864
 Sites, shovel-ready certification program, developing and implementing: HB 1958
 Space economy, employment and training opportunities in, studying: HB 1190
 US 395 north Spokane corridor and I-90 projects, limited project for community purposes to remedy impacts: ***ESSB 5853, CH 59 (2022)**

EDUCATION, STATE BOARD OF

Dual credit courses/programs, annual report concerning, board role: HB 1867
 Elections of members of board, Washington state school directors' association to conduct: ***HB 1974, CH 79 (2022)**
 Financial education public-private partnership, board role: HB 1938
 Graduation requirements, changes to and emergency waivers of, board role: HB 1162
 Graduation requirements, credit/subject area, emergency waivers for individual students, board role: ***EHB 1121, CH 7 (2021)**
 Graduation requirements, U.S. history and government minimum credits, increasing: HB 1396
 Institutional education program, for youth in/released from secure facilities, duties of board and work group: HB 1295
 Mastery-based learning in Washington state, barriers to, work group on, membership and duties of: ***SSB 5249, CH 144 (2021)**
 Members of board, student members, voting authority for: ***SSB 5497, CH 44 (2022)**
 Physical education, credits, earning via voluntary community service actions, board rule-making role: HB 1452
 Private schools, instructional hours and days/year, emergency waiver, board role: ***EHB 1131, CH 8 (2021)**
 Student performance goals, for students not meeting academic standards, adopting/revising, board role: HB 1208

ELECTIONS (See also EDUCATION, STATE BOARD OF; GOVERNOR; INITIATIVE AND REFERENDUM; REDISTRICTING COMMISSION; SECRETARY OF STATE)

Audits, of elections/equipment, comprehensive provisions: HB 2115
 Audits, of elections/equipment, state election audit board, creating to oversee forensic audit process for general elections: HB 2115
 Audits, of general elections, independent forensic audits, legislative authorization of: HB 1884
 Audits, post-certification, of ballots and counting systems, independent company to conduct: HB 1506
 Audits, post-certification, of ballots and tabulation equipment, independent company to conduct: HB 1554
 Ballot measures, defining for expenditures reporting purposes and modifying related provisions: HB 1919
 Ballots, absentee, mailing by auditors, timing of, requirements: HB 1377
 Ballots, absentee, received without postmark, voter declaration requirement for counting: HB 1377
 Ballots, absentee, requirements: HB 1377
 Ballots, counting center activities, video recording of: HB 2005
 Ballots, downloading at campus engagement hub of, discontinuing: HB 1003
 Ballots, drop boxes, influencing or interfering with voter near: HB 1716
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Long-term care facilities, communications/resident contact information/stop placement orders/visitation, improving: HB 1218

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Public health emergency, child care provider license fees during, prohibiting: ***SSB 5151, CH 304 (2021) PV**

Public health emergency, child care provider license fees during, waiving: HB 1278

Public health emergency, child care provider professional development/education requirements, suspending: HB 1278

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Public health emergency, county elected officials, offices of, electronic media use/continuity of operations: ***EHB 1271, CH 122 (2021)**

Public health emergency, COVID-19 public health response account, reenacting: ***2SSB 5616, CH 157 (2022)**

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- Public health emergency, electric utility conservation targets, when events beyond control prevent meeting of: HB 1446
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- Public health emergency, frontline employees, DOL driver licensing employees as, for workers' compensation: ***SB 5875, CH 290 (2022)**
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- Public health emergency, fur farming/products manufacturing, spread of COVID via, prohibitions to reduce: HB 1375
- Public health emergency, health care and behavioral health professionals, workforce expansion programs for: HB 1504
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- Public health emergency, insurance rates/rules exceptions due to impact of extraordinary life events: HB 1351
- Public health emergency, L&I rules/guidance/policies and penalties imposed on employers, restricting: HB 1609
- Public health emergency, labor standards for, establishing: ***ESSB 5115, CH 252 (2021)**
- Public health emergency, labor standards for, personal protective equipment, employer requirements: ***SSB 5254, CH 146 (2021)**
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- Public health emergency, long-term care providers during, life/work/sacrifice of, recognizing and honoring: ***HR 4624 (2021)**
- Public health emergency, measures infringing on any constitutional rights, prohibiting enforcement of: HB 1442
- Public health emergency, personal data regarding, private and public sector privacy: 2SSB 5062
- Public health emergency, price increases, excessive/unjustified during state of emergency, prohibiting: ESSB 5191
- Public health emergency, property revenue reduction due to COVID emergency, property tax deferral: HB 1332
- Public health emergency, public assistance minimum service expectations/requirements for DSHS, establishing: HB 2075
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- Public health emergency, school staff paid emergency leave pool: HB 1992
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- Public health emergency, schools resuming in-person instruction, prioritizing delivery to certain students: HB 1366
- Public health emergency, schools, enrichment levies/LEA/LAP allocations, using 2019-2020 enrollments for, when: HB 1476, HB 1590
- Public health emergency, schools, enrollment stabilization allocations for local education agencies, when: HB 1476, HB 1590
- Public health emergency, sport practices/competitions, mandatory mask/COVID-19 testing for, prohibiting, when: HB 1887
- Public health emergency, state employees working from home, expenditures reimbursement/state internet use: E2SSB 5395

Public health emergency, state employees working from home, remote working environment work group, establishing: E2SSB 5395

Public health emergency, statewide pandemic preparation and response task force and account, establishing: HB 1340

Public health emergency, student athletes newly recruited, 4-year colleges to reserve 50% of athletic scholarship funding for: HB 1390

Public health emergency, student learning loss/missed extracurricular activities, bridge year pilot program: 2SSB 5265

Public health emergency, student success, 2015 WSU report/recommendations on, updating due to COVID: HB 1746

Public health emergency, student transportation services funding, during school remote instruction: ***E2SSB 5128, CH 234 (2021)**

Public health emergency, telecommunications/broadband services in unserved areas, provided by PUDs/port districts: ***2SSB 5383, CH 293 (2021)**

Public health emergency, tenant protections, legal representation, landlord mitigation, and pilot program: ***E2SSB 5160, CH 115 (2021) PV**

Public health emergency, tenant protections, limiting termination and eviction and penalizing unlawful lease provisions: HB 1236

Public health emergency, tenant/landlord protections, emergency rental assistance grant program, creating: HB 1398

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Public health emergency, unemployment and workers' compensation benefits for health care employees: ***ESSB 5190, CH 251 (2021)**

Public health emergency, unemployment benefits, extended, benefit/eligibility periods and job searches for: HB 1492, ***SSB 5425, CH 107 (2021)**

Public health emergency, unemployment benefits, forgiven, for certain employers, reimbursement of, when: HB 1568, ***ESSB 5478, CH 292 (2021)**

Public health emergency, unemployment insurance revisions to aid employees and employers during: HB 1098, HB 1343, ***ESSB 5061, CH 2 (2021)**

Public health emergency, wage liens for employee wage claims, Washington wage recovery act: HB 1369, ***ESSB 5355, CH 102 (2021)**

Public health emergency, WISHA violations, civil penalties when emergency proclamation in effect, prohibiting: HB 1244

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Resiliency, Washington state office of, establishing, and creating advisory board within office: HB 1147

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Vaccination, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420

Vaccination, law/rule/order requiring receipt of, prohibitions and exemption: HB 1065

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Vaccination, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317

Vaccination, role of emergency medical technicians via collaborative care with public health agencies: HB 1893

Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720

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- Agricultural workers, agricultural labor work group, establishing: HB 1516
- Agricultural workers, employer exemption from payment of overtime to, removing: HB 1516, ***ESSB 5172, CH 249 (2021)**
- Agricultural workers, modifying overtime compensation requirement to include, when: HB 1516, ***ESSB 5172, CH 249 (2021)**
- Agricultural workers, overtime compensation for 50+ hours during special circumstance weeks: HB 1750
- Agricultural workers, specific needs of farmworkers, comprehensive study of, conducting: HB 1847, HB 2102
- Agricultural workers, temporary housing for farmworkers, sales/use tax exemptions for, expanding: ***SSB 5396, CH 250 (2021)**
- Agricultural workers, with mental health stresses/suicidal thoughts, agricultural community mental health hotlines for: HB 1434
- Airports, municipal, minimum labor standards enactment, when: ***SB 5385, CH 106 (2021)**
- Bullying, subjecting employee to abusive work environments, as unfair labor practice: HB 1935
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- Discrimination/harassment/retaliation/wage or hour violation/sexual assault by employer, certain agreements, void: HB 1795
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- Employers, L&I safety/health rules/guidance/policies and penalties imposed on, restricting: HB 1609
- Employers, postings for job openings, disclosing wage scale/salary range and benefits/other compensation in: ***ESSB 5761, CH 242 (2022)**
- Family and medical leave, for railroad workers, and related employment protections: ESSB 5065
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- Family and medical leave, paid, applicants to disclose if leave related to COVID-19 pandemic: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, approved voluntary plans, list of employers that have: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, collective bargaining, in connection with: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, eligibility for coverage, expanding: HB 1073, ***ESSB 5097, CH 232 (2021)**
- Family and medical leave, paid, employee premium rate, decreasing: HB 2031
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- Family and medical leave, paid, information from employer reports, private/confidential: ***HB 1613, CH 18 (2022)**
- Family and medical leave, paid, leave used in postnatal period, requirements: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, legislative task force on paid family and medical leave insurance premiums, establishing: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, transportation network companies, drivers for: HB 2076
- Family and medical leave, paid, using after death of family member, when: ***2SSB 5649, CH 233 (2022)**
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- Farmworkers, L&I administration of various matters applicable to, performance audits of: HB 1847, HB 2102
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- Farmworkers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**
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- Leave, paid administrative, for health care workers during public health emergency, when: HB 1242
- Leave, volunteer firefighters firefighting for certain political subdivisions or the state, requirements: ***SSB 5384, CH 105 (2021)**
- Liquor manufacturers/producers, production facilities of, allowing employees 18 to 20 years of age to work in: HB 1483
- Military spouses, employment of, assistance for and removal of barriers to: HB 1592
- Military spouses, employment of, termination of employment contract: HB 1592
- Retaliation by employer, nondisclosure/nondisparagement agreements, void and unenforceable: HB 1795
- Space force, reserve members of, military leave of absence for: HB 1625
- Temporary workers, protection of, staffing agency and worksite employer requirements for: HB 1206
- Temporary workers, with nonimmigrant visa, long-term services/supports trust program exemption: HB 1733
- Vaccination, law/rule/order requiring receipt as employment condition, prohibitions and exemption: HB 1065
- Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720
- Vehicles of employees, employer searches of, prohibitions: HB 1257
- Whistleblower qui tam actions on behalf of state agency: HB 1076
- Wineries, production facilities of, allowing employees 18 to 20 years of age to work in: ***HB 1289, CH 123 (2021)**
- Workers, working in WA but residing outside WA, long-term services/supports trust program exemption: HB 1733
- Workforce housing, affordable, infrastructure/facilities, public facilities sales/use tax revenue use for: ***SB 5868, CH 175 (2022)**
- Working families fiscal impact statements, in fiscal notes, creating: HB 2006
- Working families' tax exemption, providing sales/use tax exemption, annual remittance reductions rate adjustment: ***HB 1888, CH 33 (2022)**
- Working families' tax exemption, providing sales/use tax exemption, clarifications/technical corrections: ***EHB 2096, CH 41 (2022)**
- Working families' tax exemption, providing sales/use tax exemption, expanding eligibility/increasing remittance: HB 2015
- Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319
- Working families' tax exemption, replacing "exemption" with "credit" and "remittance" with "refund": ***EHB 2096, CH 41 (2022)**
- Workplace resources, domestic violence and, task force on, convening: ***HB 1315, CH 43 (2021)**

EMPLOYMENT SECURITY DEPARTMENT (See also EMPLOYMENT AND EMPLOYEES; LABOR; UNEMPLOYMENT COMPENSATION)

- Claim adjudicators, for unemployment insurance claims, training program for, ESD role: HB 1487, ***ESSB 5193, CH 271 (2021)**
- Claims, for unemployment insurance, data dashboard, emergency drills, and certain phone lines, ESD role: HB 1487, ***ESSB 5193, CH 271 (2021)**
- Claims, for unemployment insurance, effective/equitable processing of, measures to ensure, ESD role: HB 1487, ***ESSB 5193, CH 271 (2021)**
- Claims, for unemployment insurance, monitoring of job search contacts and activities, ESD role: HB 1493
- Employers, violations by, audits and penalties for, ESD role: HB 1474
- Family and medical leave, paid, actuarial services, office of, establishing, ESD role: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, applicants to disclose if leave related to COVID-19 pandemic: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, approved voluntary plans, list of employers that have: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, collective bargaining, in connection with: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, eligibility for coverage, expanding: HB 1073, ***ESSB 5097, CH 232 (2021)**
- Family and medical leave, paid, employee premium rate, decreasing: HB 2031
- Family and medical leave, paid, implementation of, performance audit analyzing: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, information from employer reports, private/confidential: ***HB 1613, CH 18 (2022)**
- Family and medical leave, paid, leave used in postnatal period, requirements: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, legislative task force on paid family and medical leave insurance premiums, establishing: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, paid, transportation network companies, drivers for: HB 2076
- Family and medical leave, paid, using after death of family member, when: ***2SSB 5649, CH 233 (2022)**
- Family and medical leave, unpaid, pre-2020 rights, liabilities, and obligations: ***HB 1087, CH 59 (2021)**
- Long-term care reinsurance association, Washington, creating: HB 1913

Long-term care reinsurance program, Washington, establishing: HB 1913
 Long-term services/supports trust program, beneficiaries residing outside WA: HB 1596, HB 1742
 Long-term services/supports trust program, employee with long-term care insurance, exemption for: HB 1742
 Long-term services/supports trust program, exempting certain populations: HB 1733
 Long-term services/supports trust program, exempting recent graduates: HB 1599
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 Long-term services/supports trust program, hardship exemption from: HB 1597
 Long-term services/supports trust program, implementation of, delaying: HB 1732
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 Long-term services/supports trust program, information from employer reports, private/confidential: ***HB 1613, CH 18 (2022)**
 Long-term services/supports trust program, modifications: HB 1323
 Long-term services/supports trust program, premiums for, refunding, when: HB 1732
 Long-term services/supports trust program, premiums, wage amounts subject to assessment for: HB 1742
 Long-term services/supports trust program, repealing: HB 1594
 Long-term services/supports trust program, repealing and replacing with WA long-term care reinsurance program: HB 1913
 Long-term services/supports trust program, self-employed persons electing coverage: HB 1323
 Long-term services/supports trust program, unclaimed benefit units transfer: HB 1598
 Military spouse employment act, ESD role: HB 1592
 Railroad workers, protections for, ESD role: ESSB 5065
 Social security numbers, used as personal identifiers by ESD, replacing, when: HB 1455

ENERGY (See also AIR QUALITY AND POLLUTION; ENERGY FACILITY SITE EVALUATION COUNCIL; UTILITIES; UTILITIES AND TRANSPORTATION COMMISSION)

Alternative energy facilities, decommissioning of, facility agreements to include plans/financial assurance for: EHB 1964
 Alternative energy facilities, moratorium on EFSEC/governor actions on pending siting recommendations: HB 1871
 Alternative energy facility siting, joint select committee on, establishing: HB 1871
 Alternative energy resources, equipment/products for producing/retaining energy from, facilities for, siting of: HB 1812
 Alternative energy siting inequity, report on: HB 1871
 Blackouts, rolling/inadequacy events, risk of, utilities/stakeholders meetings to address: HB 1527
 Buildings, residential, state energy code for, statewide residential reach code adoption as alternative to adopting: HB 1770
 Buildings, residential/nonresidential construction, net energy consumption reduction under state energy codes for: HB 1770
 Buildings, tier 2 covered, state energy management/benchmarking requirement for: HB 1774, ***SSB 5722, CH 177 (2022)**
 Clean energy product manufacturing facilities, as clean energy projects, definitions/proposals/reviews/appeals: HB 2002
 Clean energy product manufacturing facilities, siting of, energy facility site evaluation council role: HB 1812
 Clean energy projects, for infrastructure to reduce greenhouse gas emissions, proposals/reviews/appeals: HB 2002
 Clean energy transformation act, impact on electric utility customer bill total, disclosure of: HB 1327
 Clean energy transition workforce account, creating: ***2SSB 5616, CH 157 (2022)**
 Clean energy, Washington sustainable transformative recovery opportunities for the next generation act: HB 1513
 Clean heat act, concerning gas company clean heat transition plans and regulatory changes: HB 1766
 Commercial property assessed clean energy and resiliency (C-PACER) program, assessments and liens: ***SSB 5862, CH 101 (2022)**
 Conservation projects, distributed energy resources deployment, state agencies/school districts: HB 1768
 Conservation, tree planting and utility cool roof programs for: HB 1114
 Conservation/efficiency opportunities, for single-/multi-family rental housing, roles of owner and utility: HB 1125, HB 1498
 Efficiency standards, various products: HB 1619
 Electrical transmission facilities, as clean energy projects for energy infrastructure, proposals/reviews/appeals: HB 2002
 Electricity, all-electric energy systems, public policy of the state to include use of: ***HB 1280, CH 178 (2022)**
 Electricity, high-efficiency electric heat pumps and other equipment: HB 1084

Electrification, building/transportation system, resource adequacy for, utilities/stakeholders meetings to address: HB 1527

Electrification, targeted, including plans for, public electric utility engagement in: HB 1767

Energy efficiency account, reenacting and amending, and continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Energy independence act, impact on electric utility customer bill total, disclosure of: HB 1327

Hog fuel, sales and use tax exemptions, extending expiration of: HB 1387, HB 1924

Hydropower, fee structure for, extending expiration: ***EHB 1931, CH 139 (2022)**

Renewable energy facilities, solar/wind, property taxes, exemption from and payment of fee in lieu of, when: HB 1921

Renewable energy facilities, valuation for property taxation of, guidance for county assessors for: ***SSB 5910, CH 292 (2022)**

Renewable energy production incentive program, community and shared commercial solar projects: HB 1814

Renewable energy system cost recovery program, modifications: HB 1814

Renewable energy/energy efficiency technology, energy efficiency account, reenacting and amending: ***2SSB 5616, CH 157 (2022)**

Renewable power, electric utility requirements for use of, impact on customer bill totals, disclosure of: HB 1327

Renewable resources, storage facilities for electricity from, sales/use tax deferral: HB 1988

Renewable/nonemitting resources projects, declaratory order/utility petition: ***SSB 5678, CH 92 (2022)**

Resource adequacy, electric generation, rolling blackouts/inadequacy events, addressing: HB 1623

Solar canopies, commercial property with parking lot or other area for, sales/use tax deferral, when: ***ESSB 5714, CH 161 (2022)**

Solar energy facilities, property taxes, exemption from and payment of fee in lieu of, when: HB 1921

Solar, community and shared commercial projects, access to: HB 1814

Solar, community projects, program for utility electricity purchases from: HB 1046

Solar, community solar incentive program, establishing: HB 1814

Solar, manufacturers of systems and components, preferential B&O tax rate, extending expiration of: ***ESB 5849, CH 172 (2022)**

Solar, photovoltaic module stewardship/takeback program, delaying certain implementation dates: ***HB 1393, CH 45 (2021)**

Storage facilities, for renewable resource electricity, sales/use tax deferral: HB 1988

Urban heat island effects, mitigating with shade tree and cool roof programs: HB 1114

Urban heat island effects, stormwater permittee monitoring of impact on salmon via permit: HB 1211

Water power, hydropower fee structure, extending expiration: ***EHB 1931, CH 139 (2022)**

Wind energy facilities, property taxes, exemption from and payment of fee in lieu of, when: HB 1921

ENERGY FACILITY SITE EVALUATION COUNCIL (See also FUELS; UTILITIES)

Alternative energy facilities, moratorium on EFSEC/governor actions on pending siting recommendations: HB 1871

Alternative energy facility siting, joint select committee on, establishing: HB 1871

Alternative energy siting inequity, report on: HB 1871

Clean energy product manufacturing facilities, siting of, EFSEC role: HB 1812

Fossil fuels, dependence on, EFSEC role in reducing: HB 1812

Membership, changes to: HB 1812

Operations of council, revising: HB 1812

Powers/duties/functions performed for EFSEC by UTC, transferring to EFSEC: HB 1812

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Capitol building lands, DES role, modifying statutory provisions: EHB 2073

Capitol campus design technical advisory work group, renaming capitol campus design advisory committee as: EHB 2073

Life-cycle cost analysis, in design of public facilities, guidelines to include all-electric energy systems: ***HB 1280, CH 178 (2022)**

Risk management, office of, law enforcement use of force data collection role: HB 1092

State capitol committee, as interbranch advisory committee of state government, re-establishing, DES role: EHB 2073

State patrol workforce, consultant for tasks related to, procurement process for hiring, DES role: HB 2057

ENVIRONMENT (See also AIR QUALITY AND POLLUTION; CLIMATE; ENVIRONMENTAL HEALTH AND SAFETY; FISH; HYDRAULIC PERMITS AND PROJECTS; SOLID WASTE)

- Building materials manufacturing, environmental product declarations, buy clean and buy fair Washington act: HB 1103
- Environmental mitigation sites, state highway/DOT properties that are, conveyance to tribal governments, when: ***HB 1934, CH 184 (2022)**
- Fish passage barriers, culvert and other correction projects, DOT to forgo review, when: HB 1606
- Fish passage barriers, DOT correction projects, environmental permitting process for: ***SSB 5381, CH 289 (2021)**
- Justice, environmental, assessment by agencies as part of Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
- Justice, environmental, assessments by state agencies, when: ***E2SSB 5141, CH 314 (2021)**
- Justice, environmental, environmental health disparities map, developing and maintaining further: ***E2SSB 5141, CH 314 (2021)**
- Justice, environmental, environmental health disparities, state agency obligation/actions to reduce: ***E2SSB 5141, CH 314 (2021)**
- Justice, environmental, environmental justice and economic equity panel, establishing: HB 1577
- Justice, environmental, environmental justice council, duties: ***E2SSB 5842, CH 181 (2022)**
- Justice, environmental, environmental justice council, duties when established: HB 1513, ***E2SSB 5126, CH 316 (2021) PV**
- Justice, environmental, environmental justice council, establishing: ***E2SSB 5141, CH 314 (2021)**
- Justice, environmental, health disparities/justice/equity focused tools to identify wildfire-impacted communities: HB 1168
- Justice, environmental, in climate commitment act as modified: ***E2SSB 5842, CH 181 (2022)**
- Justice, environmental, review for assuring greenhouse gas emissions reductions under climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
- Justice, environmental, review of fish passage barrier correction projects, DOT to forgo: HB 1606
- Organic materials management, comprehensive provisions for: HB 1799
- Preservation/protection of environment/natural resources, rights of all people in relation to, constitutional amendment: HJR 4205
- Project permitting and review processes, for clean energy projects: HB 2002
- Right to clean/healthy environment, and state/political subdivisions as natural resources trustees: HJR 4209
- SEPA, administrative/judicial appeals, exemption for city middle housing types-related regulations/actions: HB 1782
- SEPA, administrative/judicial appeals, exemption for city/county accessory dwelling units authorization: HB 1337
- SEPA, appeals, exemption for various city actions to increase residential building capacity: ***SSB 5818, CH 246 (2022)**
- SEPA, development costs, for transit-oriented development under GMA: SB 5312
- SEPA, exemptions, categorical, city or county establishment for infill development, various provisions: HB 2066
- SEPA, exemptions, categorical, involving single-family/multifamily residential project types/units: ***SSB 5818, CH 246 (2022)**
- SEPA, exemptions, temporary shelters or transitional encampments for homeless, permit actions to site, when: ESSB 5428

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- Batteries, large format, possible battery stewardship program participation by producers of: HB 1896
- Batteries, portable and medium-format, battery stewardship organizations and plans, producer participation in: HB 1896
- Biodegradable products, labeling supported by national/international test methods: HB 1686
- Cosmetic products, marketed to women of color and with potentially harmful ingredients, plan for testing: HB 1853, 2SSB 5703
- Cosmetic products, toxic chemicals in, prohibitions: 2SSB 5703
- Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: HB 1853
- Disparities, environmental health disparities map, developing and maintaining further: ***E2SSB 5141, CH 314 (2021)**
- Disparities, environmental health disparities map, using in connection with greenhouse gas emissions reduction: HB 1577
- Disparities, environmental health, state agency actions to reduce: ***E2SSB 5141, CH 314 (2021)**
- Disparities, environmental health/justice/equity focused tools to identify wildfire-impacted communities: HB 1168
- Greenhouse gas emissions, outdoor recreation and climate adaptation account, creating: HB 1823

Hydrofluorocarbons, as refrigerants, reducing greenhouse gas emissions from: HB 1050
 Methane emissions from landfills, limits and collection/control systems, new chapter: HB 1663
 Methane emissions from organic material solid waste, reducing: HB 1799
 Model toxics control capital account, grant/loan program for local government remedial cleanup actions, modifying: ***SB 5895, CH 102 (2022)**
 New title in 2020, reorganization/recodification that created, RCW citation corrections due to: ***EHB 1192, CH 65 (2021)**
 Packaging and paper products, producer responsibility organizations for, provisions governing: HB 2003
 PFAS chemicals, priority consumer products for, identification of: HB 1694
 PFAS chemicals, priority consumer products for, to include firefighting personal protective equipment: HB 1694
 Plastic packaging/film/food service/other products, compostable/noncompostable, labeling to indicate: HB 1799
 Plastic products, biodegradable, labeling supported by national/international test methods: HB 1686
 Plastic products, postconsumer recycled content, minimum, requirements for: HB 1932, HB 2003
 Plastic products/packaging, tubs/thermoform containers/single-use cups, postconsumer recycled content: HB 1932, HB 2003
 Refrigerants, hydrofluorocarbons and others, management of: HB 1050
 Water systems, public, acquisition and rehabilitation program for, climate resilience element role of: SSB 5626
 Water systems, public, fluoridation of drinking water in, requirements: HB 1684
 Water systems, public, group A community, climate resilience element to be part of system plans for: SSB 5626

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Cannabis social equity program, prioritizing applicants and reviewing applications for licenses, office role: HB 2022
 Cannabis social equity program, roster of mentors for technical assistance, approval through office: HB 2022
 Digital equity forum, Washington, establishing, office role: HB 1723
 Disabilities, persons with, representation on task forces/committees/etc., role of office: HB 1566, HB 1802
 Equity impact statements for bills and other proposed legislation, office training role: HB 1264
 Farming, equity in, historically underrepresented farmers/ranchers, ensuring inclusion of, when, office role: HB 1395
 Oral health, fluoridation/unmet needs, oral health equity assessment in relation to, conducting, office role: HB 1684

ESTATES, TRUSTS, AND PROBATE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - ESTATE)

Fiduciary income and principal act, uniform: ***SB 5132, CH 140 (2021)**
 Guardians, certified professional, training course curriculum and materials, availability for copying/disclosure: HB 1977
 Guardianship, conservatorship, and other protective arrangements act, effective date, clarifying references to: ***EHB 1192, CH 65 (2021)**
 Guardianship, conservatorship, or other protective arrangement, discharge from acute care hospital to: HB 2083
 Minor guardianships, various provisions, modifying: ***SB 5788, CH 243 (2022)**
 Powers of appointment, repealing/recodifying chapter: ***SB 5132, CH 140 (2021)**
 Powers of appointment, uniform powers of appointment act: ***SB 5132, CH 140 (2021)**
 Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**
 Wills, electronic, uniform electronic wills act: ***SB 5132, CH 140 (2021)**

ETHICS IN GOVERNMENT (See also EXECUTIVE ETHICS BOARD; JUDICIAL CONDUCT, COMMISSION ON; LEGISLATIVE ETHICS BOARD)

Higher education faculty, state resources acceptable private uses/more than de minimis costs within job requirements: ***SB 5854, CH 173 (2022)**
 Legislators, attendance at nongovernmental events, using public moneys for, prohibiting: HB 1946
 Legislators/staff, use of public resources, allowing activities with legislative nexus, definition and requirements: HB 2046

EVIDENCE (See also CRIMINAL PROCEDURE; FORENSIC INVESTIGATIONS COUNCIL)

Interrogations, in custody, use of deception by officers, inadmissibility of statement due to: HB 1690

FARMS AND FARMING (See also AGRICULTURE; AGRICULTURE, DEPARTMENT; BUILDING CODES AND PERMITS; FOOD AND FOOD PRODUCTS; LIVESTOCK; PEST CONTROL AND PESTICIDES; WATER RIGHTS)

Agricultural products or farm machinery/equipment, persons hauling for farmer, public utility tax exemption: HB 1380

Career and technical education and student organizations, in agriculture, food, and natural resource sciences: HB 1544
 Compost reimbursement pilot program, for farming operations, establishing and implementing: HB 1799
 Custom farming services, person performing or hauling for person performing, tax exemptions for, when: ***HB 1641, CH 119 (2022)**
 Custom farming services, persons performing for a farmer, B&O tax exemption for: HB 1380
 Custom farming services, persons performing, persons doing certain hauling for, public utility tax exemption: HB 1380
 Disasters, farmers/ranchers, short-term disaster recovery financial assistance program, developing/implementing: HB 2051
 Employees, farm internship pilot project, adding Benton county to: SB 5812
 Equity in farming, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development, etc.: HB 1395
 Farmers markets, nonprofit conducting activities related to, property tax exemption, when: HB 1906, HB 1967
 Farmers markets, property owned by certain nonprofits and used for, property tax exemption: HB 1906, HB 1967, ***SB 5505, CH 84 (2022)**
 Farmers, future farmers of America, as youth development program promoting agriculture education and fair/youth show/exhibition participation: 2SSB 5643
 Fertilizer, commercial, application/license/inspection/late fees, increasing: ***SSB 5318, CH 282 (2021)**
 Fur farming, fur farm transition grant program and account, establishing: HB 1718
 Fur farming, prohibitions, when: HB 1375, HB 1718
 Fur farms, spread of COVID-19 via, fur farming and fur products manufacturing/production prohibitions to reduce: HB 1375
 Housing, temporary, for farmworkers, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**
 Lands, agricultural, current use classification, involuntary removal, inspection before/documentation for refund: HB 1683
 Milk producers, small-scale farms, direct sales by, milk testing requirements: HB 1256
 Slaughterers, custom farm, annual custom meat licenses for mobile units: HB 1102
 Sustainable farms and fields grant program, advisors network for, establishing: HB 1631
 Sustainable farms and fields grant program, compost spreading equipment, using grant funds for: HB 1799
 Sustainable farms and fields grant program, creating or maintaining pollinator habitat via: ***2SSB 5253, CH 278 (2021)**
 Woodland, Planters Days, centennial celebration of, recognizing June 16th through 19th, 2022, as: ***HR 4654 (2022)**
 Workers, agricultural, overtime compensation for 50+ hours during special circumstance weeks: HB 1750
 Workers, L&I administration of various matters applicable to, performance audits of: HB 1847, HB 2102
 Workers, specific needs of, comprehensive study of, conducting: HB 1847, HB 2102
 Workers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**

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Construction or replacement, as public works, 988 suicide prevention hotline on signs for: HB 1600
 Electric ferries, design and procurement by counties, process for: HB 1502
 Electrification program, vessel and terminal, intention to fully fund: ***ESSB 5974, CH 182 (2022)**
 Employees, newly hired/from underrepresented communities, impact of bargaining agreements on: HB 1608
 Fares, fare-free policy for walk-on riders and vehicle passengers 18 years of age and younger, adopting: HB 2119, ***ESSB 5974, CH 182 (2022)**

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Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**
 Cooperatives, Washington state public financial cooperative, establishing: E2SSB 5188
 Credit unions, as public depositaries, repealing section: ***SB 5106, CH 91 (2021)**
 Credit unions, Washington state credit union act, revising: ***EHB 1165, CH 15 (2022)**
 Depositaries, public, linked deposit program, revising provisions of: ***SB 5787, CH 99 (2022)**
 Equitable access to credit program, grants to lending institutions for underserved communities: HB 1015
 Financial services de-risking by financial institutions, requesting that congress pass legislation to reduce: SJM 8004
 Garnishment, writs of, in cases of consumer debt and private student loan debt, duties of institutions: HB 1447, ***HB 1525, CH 50 (2021)**
 Interest/investment earnings, on public funds, public depositaries receiving, B&O tax deduction for: HB 1531

Linked deposit program, surplus treasury funds investment options, expanding to investment instruments: ***SB 5787, CH 99 (2022)**

Linked deposit program, time certificate of deposit investment program, renaming as surplus funds investment program: ***SB 5787, CH 99 (2022)**

London interbank offered rate (LIBOR), discontinuance of, protecting consumers from: SSB 5946

London interbank offered rate (LIBOR), transitioning certain financial contracts away from: SSB 5946

Service providers, providing service to institution, examination of: ***SB 5602, CH 49 (2022)**

FINANCIAL INSTITUTIONS, DEPARTMENT

Data provided to department, by out-of-state or federal agency or regulatory association, disclosure exemption, when:

***HB 1899, CH 8 (2022)**

FINANCIAL MANAGEMENT, OFFICE (See also PUBLIC EMPLOYMENT AND EMPLOYEES)

Capital projects, 4-year colleges, supporting health care/behavioral health programs enrollment, OFM role: HB 1949

Education data center, contracting with WSU child and family research unit to update 2015 report: HB 1746

Education data center, dual credit programs annual reporting duties: HB 1867

Equity impact statements for bills and other proposed legislation, OFM role: HB 1264

Fiscal impact statements, for measures increasing/decreasing state tax revenues, deadline for filing of: HB 1357

Fiscal impact, dynamic fiscal impact statements, instituting, OFM role: HB 1179

Fiscal impact, working families fiscal impact statements, in fiscal notes, creating, OFM role: HB 2006

Fiscal notes, various provisions: HB 1179, HB 2006

Home security fund account, homeless housing/assistance document recording surcharge deposits into, OFM role: HB 2010

Medicaid, medicaid expenditure forecast work group, creating, OFM role: SSB 5620

Performance audits of government account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Personnel service fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Public service loan forgiveness program, federal, program for state agencies to certify employment for, OFM role:

***ESSB 5847, CH 248 (2022)**

School districts, boards of directors, compensation and future needs of, examining, OFM role: HB 1803

State employees, working from home, reimbursement of necessary expenditures by, OFM policy/procedures role: E2SSB 5395

State employees, working from home, remote working environment work group, establishing, OFM role: E2SSB 5395

State trooper and sergeant salaries, competitive for recruitment, OFM reporting role, removing expiration: ***HB 1785, CH 131 (2022)**

State trooper and sergeant salaries, continued competitiveness, OFM role: ***HB 1785, CH 131 (2022)**

Vehicle lane departure, preservation program safety measures to reduce, OFM role: HB 1605

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Aviation assurance fund board, convening and staffing: HB 2086

Aviation assurance fund office, creating: HB 2086

Aviation assurance funding program, for defraying private aerial fire response costs, administering: HB 2086

Dampers, fire and/or smoke, installation/inspection/maintenance/testing of: HB 1971

Districts, commissioner elections, ranked choice voting for: HB 1156

Districts, commissioners, changes in number of, modifying provisions: ***HB 1159, CH 34 (2021)**

Districts, training/resources to mitigate injuries/reduce harm in calls responded to, interlocal agreements for: ***SB 5338, CH 19 (2021)**

Districts, treasurer of, board authority to designate other person as: ***SB 5565, CH 90 (2022)**

Districts, volunteer firefighters on behalf of, leave from employment for firefighting, requirements: ***SSB 5384, CH 105 (2021)**

Fire benefit charges, for city/town fire protection services, imposition of, when: HB 1811

Fire department vehicles, rear-facing blue lights and red lights at scene of emergency: SSB 5907

Fire department vehicles, rear-facing blue lights in combination with red lights at scene of emergency: ***HB 2033, CH 279 (2022)**

Fire departments, fire suppression vehicles with emissions or fuel reduction technology, sales/use tax exemptions: HB 1479

Fire departments, safe station pilot programs for substance use disorder aid: ESSB 5074

Fire protection services, competitive grant program for rural-county local government capital projects for, establishing:
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Fire protection sprinkler system contractors, increasing licensing fees/fines/penalties and investigating alleged violations:
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Fireworks, consumer, city or county limits or prohibition: HB 1059, HB 1638

Personal protective equipment for firefighting, as priority consumer product for PFAS chemicals: HB 1694

Rangeland fire protection association pilot project, conducting, and requirements for associations: HB 1891

Regional fire protection service authority, treasurer of, authority to designate other person as: ***SB 5565, CH 90 (2022)**

Smoke control systems, installation/inspection/maintenance/testing of: HB 1971

Wildfires, 20-year forest health strategic plan, implementation progress and funding of: HB 1168

Wildfires, 2020 forest action plan, activities for implementing, fully funding: HB 1168

Wildfires, caused by electric utility's equipment, electric utility wildfire mitigation plans for mitigating, requirements:
E2SSB 5803

Wildfires, danger of, creating outdoor recreation and climate adaptation account partly to reduce: HB 1823

Wildfires, highly impacted communities, using environmental health disparities/justice/equity tools to identify: HB 1168

Wildfires, prevention/preparedness, forest health advisory committee role: HB 1168

Wildfires, prevention/preparedness, wildland fire advisory committee role: HB 1168

Wildfires, single-family dwellings damaged by natural disaster, improvements to, property tax exemption: ***ESB 5454, CH 192 (2021)**

Wildfires, utility wildland fire prevention advisory committee, electric utility wildfire mitigation plans duties of: E2SSB 5803

Wildfires, utility wildland fire prevention advisory committee, renaming task force as: ***ESB 5158, CH 183 (2021)**

Wildfires, utility wildland fire prevention task force, recommendations of, implementing: ***ESB 5158, CH 183 (2021)**

Wildfires, volunteer firefighter leave from employment for firefighting for certain political subdivisions or the state:
***SSB 5384, CH 105 (2021)**

Wildfires, wildfire response, forest restoration, and community resilience act: HB 1168

Wildfires, wildland fire aviation program and support plan, provisions: HB 1168

Wildfires, wildland fire protection 10-year strategic plan, implementation progress and funding of: HB 1168

Wildfires, wildland fire risk map, comprehensive statewide: E2SSB 5803

Wildfires, wildland fire risk reduction/prevention/suppression, state agency coordination of: E2SSB 5803

FIREARMS (See also WEAPONS)

Aiming or discharge of firearm or dangerous weapon, unlawful, provisions: HB 1038

Ammunition, large capacity magazines, definition and prohibitions: HB 1164, ***ESSB 5078, CH 104 (2022)**

Assault weapon, defining with list of specific firearms: HB 1229

Assault weapons, requirements and prohibitions: HB 1229

Election-related offices/facilities, firearms/weapons in, gross misdemeanor: HB 1618

Extreme risk protection orders, moving to a single civil protection orders chapter: HB 1320

Extreme risk protection orders, updating and modifying: HB 1901

Firearm rights, voluntary waiver of, firearm possession or control after, civil infraction: SB 5491

Firearm rights, voluntary waiver of, various provisions, modifying: SB 5491

Firearms/ammunition, replacing "military equipment" prohibition for law enforcement with "prohibited equipment" list:
HB 1737, HB 2036

Firearms/ammunition, when "military equipment," acquisition/use by law enforcement, clarifying prohibiting of: HB 1634, ***HB 1719, CH 3 (2022)**

Firearms/ammunition, when "military equipment," acquisition/use by law enforcement, prohibiting of: HB 1054

Forfeited firearms, destroying of, policies/criteria for when: HB 1134

Ghost guns and ghost gun kits, prohibitions/penalties: HB 1705

Governing body meetings, firearm/weapon knowingly open carrying in location of, prohibiting: HB 1630

Loss or theft, owner/possessor who suffers, mandatory reporting and failure to report: HB 1133

Marketing/advertising to minors via internet/mobile application, prohibitions: HB 1697

Murder, first degree, aggravated, eliminating firearm discharge from/near motor vehicle as basis for: HB 1692

Open carrying, for certain capitol campus memorial events, when: ESSB 5690

Open carrying, knowingly, at permitted demonstration or state capitol, prohibiting, when: ***ESSB 5038, CH 261 (2021)**

Openly carrying/displaying in threatening manner, as criminal mischief, class C felony: HB 1283

Possession, by school personnel with valid concealed pistol license: HB 1481

Possession, in certain places, local government regulation of, in addition to or more restrictive than state law: HB 1313
 Possession, in election-related offices/facilities, gross misdemeanor: HB 1618
 Possession, in state capitol campus buildings, on west capitol grounds, or in certain other buildings, prohibiting: HB 1234
 Possession, right to possess, petitioning court to restore, when: HB 1026, ESB 5561
 Possession, unlawful, after aiming/discharging or animal cruelty conviction: HB 1038
 Possession, unlawful, in second degree, various provisions: HB 1038
 Possession, unlawful, when voluntary waiver of firearm rights in effect: SB 5491
 Purchasing a firearm, voter registration at time of: HB 2081
 Regulation of firearms, local government regulation of, in addition to or more restrictive than state law: HB 1313
 Regulation of firearms, state preemption of, repealing: HB 1313
 School district boards of directors, firearms/weapons in facilities during meetings of, prohibiting: HB 1630
 School districts/educational service districts, information on firearms/ammunition on websites of: HB 1759
 Sentencing enhancements for firearms, consecutive, resentencing, petition for: HB 1169
 Sentencing enhancements for firearms, earned release time, when: HB 1282
 Sentencing enhancements for firearms, served consecutively, removing requirement that they be: HB 1169
 Sentencing enhancements for firearms, when convicted of violent offense, prohibiting earned early release credits: HB 2094
 Suicide, by veterans/military members, firearm temporary storage by dealer to prevent: HB 1181
 Transfers, temporary, between owner and museum/historical society, background check requirement exemption for: SSB 5856
 Untraceable firearms and unfinished frames/receivers, prohibitions/penalties: HB 1705

FIREFIGHTERS (See also FIRE PROTECTION; FIRST RESPONDERS; RETIREMENT AND PENSIONS)

Firefighters, injury/disease/death due to other's neglect/willful omission/conduct, action for recovery/damages: HB 1341
 Interfering with firefighter, gross misdemeanor: HB 1826, SSB 5839
 Professional rescue doctrine, repealing to allow certain public safety employee actions in certain cases: HB 1341
 Rescuers, public service company contractor/subcontractor liability for loss/damages/injury to, when: HB 1341
 Volunteer firefighters, leave from employment for firefighting for certain political subdivisions or the state, requirements: *SSB 5384, CH 105 (2021)
 Volunteer firefighters, payments for services of, deduction from unemployment benefit payments, prohibiting: HB 1448
 Washington's firefighters, honoring: *HR 4620 (2021)

FIRST RESPONDERS (See also EMERGENCY MANAGEMENT AND SERVICES; FIREFIGHTERS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL)

Emergency medical services provider or firefighter, interfering with, gross misdemeanor: HB 1826, SSB 5839
 Professional rescue doctrine, repealing to allow public safety employee actions in certain cases of neglect/omission/etc.: HB 1341
 Public safety employees, injury/disease/death due to other's neglect/omission/conduct, action for recovery/damages: HB 1341
 Rescuers, public service company contractor/subcontractor liability for loss/damages/injury to, when: HB 1341
 Statewide first responder building mapping information system, repealing: HB 1484

FISH (See also FISH AND WILDLIFE, DEPARTMENT; FISHING; FOOD AND FOOD PRODUCTS; HYDRAULIC PERMITS AND PROJECTS; LAKES AND RESERVOIRS; MARINE WATERS, STATE; RIVERS AND STREAMS)

Anadromous fish, recovery, supporting through GMA and SMA planning revisions: HB 1117
 Anadromous fish, recovery/protection, statewide interagency coordination for: HB 1653
 Anadromous fish, salmon cabinet for statewide interagency recovery coordination, establishing: HB 1653
 Anadromous fisheries, preservation/enhancement in critical areas under GMA, requirements: HB 1838
 Barriers to passage, culvert and other correction projects, DOT to forgo review, when: HB 1606
 Barriers to passage, DOT correction projects, environmental permitting process for: *SSB 5381, CH 289 (2021)
 Barriers to passage, public projects for, shoreline substantial development permit requirements exemption: *SSB 5381, CH 289 (2021)
 Barriers to passage, removal projects, additive transportation funding for: *SSB 5975, CH 187 (2022)

Barriers to passage, removal projects, national flood insurance program, requirements/fees for administering: HB 1268, HB 1478

Barriers to passage, removal under growth management act: HB 1117

Habitat enhancement, projects for, national flood insurance program, requirements/fees for administering: HB 1268, HB 1478

Habitat improvement, public projects for, shoreline substantial development permit requirements exemption: ***SSB 5381, CH 289 (2021)**

Habitat recovery pilot program, creating for freshwater/estuarine/marine fish habitat restoration projects: HB 1382

Habitat, fish and wildlife habitat conservation areas, designating under GMA, using best available science for: HB 1838

Protection of fish life, marine shoreline stabilization/armoring replacement options for: ***SSB 5273, CH 279 (2021)**

Protection of fish life, marine shoreline stabilization/armoring replacement, residential/nonresidential: HB 1838

Salmon, anadromous fisheries preservation/enhancement in critical areas under GMA, requirements: HB 1838

Salmon, habitat recovery pilot program, creating for habitat restoration projects: HB 1382

Salmon, impact of urban heat island effect on waters bearing, activities to reduce: HB 1211

Salmon, managing sea lions/pinnipeds to enhance recovery, panels to consider: HB 1364

Salmon, maximum lethal take of sea lions/seals/pinnipeds to enhance recovery: HB 1364

Salmon, recovery, salmon recovery technical panel, to consist of directors of DFW and 3 other agencies: HB 1869

Salmon, recovery, state/tribal riparian management oversight committee, convening: HB 1838

Salmon, recovery, statewide riparian habitat conservation grant program, developing: HB 1838

Salmon, recovery, statewide salmon recovery advisory committee, appointing of: HB 1869

Salmon, recovery, supporting through GMA and SMA planning revisions: HB 1117, HB 1838

Salmon, restoration, grants for, B&O tax deduction and sales tax exemption for: ***ESB 5220, CH 143 (2021)**

Salmon, salmon recovery element, optional, within city/county comprehensive plan under GMA: HB 1869

Salmon/steelhead, recovery/protection, statewide interagency coordination for: HB 1653

Salmon/steelhead, riparian management zones/ecosystems, restoration and protection of: HB 1838

Salmon/steelhead, salmon cabinet for statewide interagency recovery coordination, establishing: HB 1653

Salmon/steelhead/trout management, fishing rights/management agreements, repealing ch. 77.110 to affirm: HB 1172

FISH AND WILDLIFE COMMISSION (See also FISH AND WILDLIFE, DEPARTMENT; FISHING; WILDLIFE)

Anadromous fish protection and recovery, state goal for, commission role: HB 1653

Department of fish and wildlife, governance of, joint legislative task force on, establishing: HB 2027

Disabilities, fishers/hunters with, advisory committee on, commission role: HB 1649

Electronic licensing practices, commission authority to include: HB 1626

Projects, fish/shellfish/wildlife, federal funding for, commission indemnifying of U.S. government as condition: ***SB 5146, CH 182 (2021)**

FISH AND WILDLIFE, DEPARTMENT (See also FISH; FISH AND WILDLIFE COMMISSION; FISHING; HUNTING; HYDRAULIC PERMITS AND PROJECTS; RIVERS AND STREAMS; SHELLFISH; WILDLIFE)

Anadromous fish protection and recovery, state goal for, DFW role: HB 1653

Bees/pollinators, habitat for, DFW role: ***2SSB 5253, CH 278 (2021)**

Electric-assisted bicycles, use on trails/roads closed to motor vehicles, where/which bicycle classes, DFW role: ***ESSB 5452, CH 191 (2021)**

Enforcement program, fish/wildlife, adequate commissioned personnel/funding/resources for, maintaining: HB 2110

Enforcement program, fish/wildlife, marine resources/public safety protection, 25 percent of field officers for: HB 2110

Fish passage barriers, DOT correction projects, DFW permitting review/approval process: ***SSB 5381, CH 289 (2021)**

Governance of the department of fish and wildlife, joint legislative task force on, establishing: HB 2027

Lands, DFW game lands, payments to counties in lieu of property taxes: ***SB 5159, CH 184 (2021) PV**

Officers, fish/wildlife, outreach/retention program, with recruitment/new-hire/retention programs, DFW to establish: HB 1787

Public safety, hunting cougar with aid of dogs for, county agency employee/agent authority to assist when DFW authorizes: SSB 5613

Salmon, recovery, statewide salmon recovery advisory committee, DFW to appoint: HB 1869

Salmon, salmon recovery element, optional under GMA, work plan requirement, DFW role: HB 1869

Salmon, salmon recovery technical panel, to consist of directors of DFW and 3 other agencies: HB 1869

Salmon/steelhead, riparian management zones/ecosystems, restoration and protection of, DFW role: HB 1838

Trails, DFW-managed, electric-assisted bicycle use on, when: HB 1524

Wildlife, taking or effort to harvest, licensee/permittee reporting requirements, violation penalty, increasing: HB 1261
 Wolves, livestock injury/loss due to, payments from fish and wildlife account for costs, DFW role: ***SB 5058, CH 14 (2021)**

Youth fishing opportunities account, creating, DFW role: HB 1431

FISHING (See also BOATS AND BOATING; COMMERCIAL VESSELS AND SHIPPING; FISH; SHELLFISH)

Commercial, crewmember license and identifying documentation: ***HB 1437, CH 46 (2021)**

Disabilities, fishers/hunters with, advisory committee on, modifications: HB 1649

Enforcement program, fish/wildlife, adequate commissioned personnel/funding/resources for, maintaining: HB 2110

Enforcement program, fish/wildlife, marine resources/public safety protection, 25 percent of field officers for: HB 2110

Equipment rental systems, local, establishing with certain grant funds: HB 1431

Fishing and shellfishing opportunity grant program, creating to increase youth participation: HB 1431

Licenses, age threshold for mandatory licensing, raising to increase youth participation: HB 1431, SB 5552

Licenses, combination, various provisions: SB 5552

Licenses, personal use shellfish and seaweed license, age threshold for mandatory licensing, raising: SB 5552

Licenses, personal use shellfish and seaweed license, issuing vehicle access pass with: SB 5552

Licensing practices, electronic, fish and wildlife commission authority: HB 1626

Licensing requirements, miscellaneous provisions affecting, modifying: SB 5552

Resident, for licensing purposes, certain provisions involving armed forces members and veterans, revising: SB 5552

Traditional methods, fishing and hunting using, as individual right, constitutional amendment for: HJR 4210

Youth fishing opportunities account, creating: HB 1431

FLOODS AND FLOOD CONTROL

National flood insurance program regulation requirements, local administering of, requirements/fees for: HB 1268, HB 1478

Risk mitigation, creating outdoor recreation and climate adaptation account partly to aid: HB 1823

FOOD AND FOOD PRODUCTS (See also AGRICULTURE; ALCOHOLIC BEVERAGES; BUSINESSES; DRUGS; FARMS AND FARMING; LIVESTOCK; PUBLIC ASSISTANCE; SALES; SCHOOLS AND SCHOOL DISTRICTS)

Beef, raised/processed in WA, retail seller information display requirements for: HB 1909

Beverage containers, plastic, minimum postconsumer recycled content requirements: ***E2SSB 5022, CH 313 (2021)**

Career and technical education and student organizations, in agriculture, food, and natural resource sciences: HB 1544

Contaminants, monitoring in food supplies, federal FDA information related to, disclosure exemption for: ***SB 5303, CH 99 (2021)**

Cottage food operations, latex gloves use in food handling/preparation, prohibiting: HB 1698

Cottage food operations, maximum sales limit for permit, increasing: HB 1685

Dairy products, manufacturers/sellers of manufactured products, B&O tax exemptions, removing expiration of: HB 1858

Delivery, food delivery providers, greenhouse gas emissions from: HB 1075

Edible food, donation of, good samaritan food donation act provisions for: HB 1799

Equity in farming, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395

Establishments, latex gloves use in food handling/preparation, prohibiting: HB 1698

Food service products, expanded polystyrene, sales and distribution prohibitions: ***E2SSB 5022, CH 313 (2021)**

Food serviceware, single-use, food service business supplying only when customer wants: ***E2SSB 5022, CH 313 (2021)**

Food waste, reducing, coordinating statewide efforts: HB 1799

Fruit/vegetables, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285

Fruit/vegetables, manufacturers/processors/sellers of, B&O tax exemption, removing expiration of: HB 1858

Fruit/vegetables/horticultural plants, temporary growing structures/greenhouses for, building code exemption for: SB 5641

Grain/legume/nut products, manufacturers of, B&O tax exemption: HB 1858

Hospitality industry, restaurants/hotels/nightclubs/theaters/caterers, certain liquor licenses for, reducing fees: HB 1359

Latex gloves, in handling/preparation of food for sale, prohibiting use of: HB 1698

Manufacturers/processors/sellers of various food products, B&O tax exemptions, removing expiration of: HB 1858

Meat products, slaughtering/breaking/processing/selling, B&O tax exemption: HB 1858

Meat, custom meat facilities, annual custom meat license for operating: HB 1102

Meat, custom meat facilities, intrastate meat inspection program, establishing: HB 1102
 Meat, meat and poultry processing and inspection within conservation district, grant program for access to: 2SSB 5045
 Meat, meat and poultry processing and marketing assistance program, creating: 2SSB 5045
 Meat/poultry/finfish analogues, not actual meat or poultry, misbranding using identifiable meat term: HB 1909
 Microenterprise home kitchen operations, regulation of and permits and pilot program for: HB 1258
 Milk, small-scale-farm producers, direct sales by, milk testing requirements: HB 1256
 Packaging and paper products, producer responsibility organizations for, provisions governing: HB 2003
 Packaging, plastic, and film/food service/other products, compostable or noncompostable, labeling to indicate: HB 1799
 Packaging, plastic, biodegradable, labeling supported by national/international test methods: HB 1686
 Packaging, plastic, postconsumer recycled content for, stakeholder advisory committee on, convening: ***E2SSB 5022, CH 313 (2021)**
 Packaging, plastic, postconsumer recycled content, minimum, requirements: HB 1488, HB 1932, HB 2003, ***E2SSB 5022, CH 313 (2021)**
 Packaging, plastic, postconsumer recycled content, stakeholder advisory committee, establishing: HB 1488
 Poultry, custom meat facilities, license/intrastate inspection program, establishing: HB 1102
 Poultry, meat and poultry processing and inspection within conservation district, grant program for access to: 2SSB 5045
 Poultry, meat and poultry processing and marketing assistance program, creating: 2SSB 5045
 Prepared food, certain businesses making retail sales of, B&O tax preferential rate: HB 1299
 Prepared foods, sold by grocery stores, sales and use tax exemptions: HB 1535
 Processing plants, latex gloves use in food handling/preparation, prohibiting: HB 1698
 Restaurants, that ceased engaging in business during pandemic, pandemic tax forgiveness for: HB 2133
 School meal programs, income information electronic repository for, establishing: ***HB 1833, CH 111 (2022)**
 School meal programs, reduced-price lunches, eliminating copays: ***EHB 1342, CH 74 (2021)**
 Seafood products, manufacturers/sellers of manufactured products, B&O tax exemption, removing expiration of: HB 1858
 Sustainable food management, Washington center for, establishing: HB 1799
 Vegetables/fruit, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285

FORENSIC INVESTIGATIONS COUNCIL

Forensic laboratory services, bureau of, state toxicology laboratory rule-making and reporting role of: SSB 5710
 State toxicology laboratory, reducing contamination in, council role: SSB 5710

FOREST LAND (See also FIRE PROTECTION; FOREST PRACTICES AND PRODUCTS; GROWTH MANAGEMENT; NATURAL RESOURCES, DEPARTMENT)

Biochar, using in state agency and local government-funded projects, when: ***SSB 5961, CH 293 (2022)**
 Burning, flammable materials/refuse/waste forest materials on DNR-protected lands, permit requirement, violations of: HB 1423
 Community and urban forestry program, revising name and expanding: HB 1216
 Designation under GMA, action removing: ***SB 5042, CH 218 (2022)**
 Doumit, Mark L., director, WA forest protection association, and former state legislator, honoring and remembering: ***HR 4650 (2022)**
 Forest health advisory committee, role of: HB 1168
 Forest health and treatment framework, various provisions: HB 1168
 Forest health, creating outdoor recreation and climate adaptation account partly to aid: HB 1823
 Forest resiliency account, reenacting: ***2SSB 5616, CH 157 (2022)**
 Landowners, small forest, integrated small forestland owner assistance program for forest health activities, developing: HB 1168
 Landowners, small forest, small forestland owner work group, establishing as part of Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
 Landowners, small forest, working forests special license plates, creating: HB 1253
 Lands, natural and working, carbon sequestration and storage, programs/activities/projects to increase: HB 1577
 Lands, timber, current use classification, involuntary removal, inspection before/documentation for refund: HB 1683
 Northern spotted owl, programmatic safe harbor agreements for, for forestland owner: SSB 5411
 Timber and land sales, by DNR, sale notices and location, and applicability of requirements: SB 5201
 Timber harvesters, county tax on, revenue appropriations for administering, reducing to increase distributions: HB 2093
 Timber lands, current use classification, involuntary removal, inspection before/documentation for refund: HB 1683

Weeds, noxious, forestland owner requirements: HB 1355

Wildfires, highly impacted communities, using environmental health disparities/justice/equity tools to identify: HB 1168

Wildfires, prevention and risk mitigation, task force recommendations: ***ESB 5158, CH 183 (2021)**

Wildfires, small forestland owners within wildfire risk areas, mapping tool to identify and steps to aid: HB 1168

Working and nonworking forest conservation and reforestation plan, voluntary/incentive-based, establishing: HB 1895

FOREST PRACTICES AND PRODUCTS (See also FIRE PROTECTION; FOREST LAND)

Biochar facilities, marketing/selling forest products to, costs/benefits of, pilot project for evaluating: ***SSB 5961, CH 293 (2022)**

Biochar, manufacture of, sourcing forest products for, feasibility of, evaluating: ***SSB 5961, CH 293 (2022)**

Biochar, using in state agency and local government-funded projects, when: ***SSB 5961, CH 293 (2022)**

Hog fuel, sales and use tax exemptions, extending expiration of: HB 1387, HB 1924

Hydraulic projects, DNR-approved for habitat/fish passage, substantial development permit requirements exemption: ***SSB 5381, CH 289 (2021)**

Timber and land sales, by DNR, sale notices and location, and applicability of requirements: SB 5201

Timber and timber products, business of selling, lowering B&O tax rates: HB 1858

Timber harvesters, county tax on, revenue appropriations for administering, reducing to increase distributions: HB 2093

Timber, extraction and products manufacturing and processing for hire, lowering B&O tax rates: HB 1858

Timber, privately owned, purchaser of, reporting for property tax purposes: ***HB 1055, CH 24 (2021)**

Timber, state land easements/rights-of-way for transport of, when federal government claims right to grant: ***HB 1491, CH 49 (2021)**

Tree farm program, funding via creation of working forests special license plates: HB 1253

Urban and community forestry program, revising previous program name to be: HB 1216

Urban forestry management, shifting from Ch. 35.105 to Ch. 76.15: HB 1216

Urban forestry, evergreen community designation program: HB 1216

Urban forestry, program, needs, assistance, plans, ordinances, and DNR role: HB 1216

Working and nonworking forest conservation and reforestation plan, voluntary/incentive-based, establishing: HB 1895

FOREST PRACTICES BOARD

Northern spotted owl, programmatic safe harbor agreements for, for forestland owner, board role: SSB 5411

FOSSILS

Dinosaur, official state, *Suciasaurus rex* as: HB 1067

FOSTER CARE

Abuse or neglect, removal of child from parent and placement of child in foster care, when: HB 1227

Children in foster care, supreme court's commission on, children's representation work group in, duties: HB 1219

Children in foster care, supreme court's commission on, duties of: HB 1219

College students, homeless and foster care students pilot program, expanding access to: HB 1166

College students, homeless and foster care students pilot program, further expanding access to: HB 1601

Developmental disabilities, dependent foster youth with, exiting care system/dependency: HB 1061

Foster family homes, placement of children ages 13-17 or medically fragile or with developmental disabilities: HB 2038

Foster family homes, recruiting/retaining as placement resources for certain children, dedicating employees to: HB 2038

Foster parents, exceptional cost payments to, for accepting placement of certain children: HB 2038

Foster youth subcommittee, DCYF oversight board to convene: HB 1936

Liaisons, foster care, for each school district, duties of: ***SB 5184, CH 95 (2021)**

Licenses, child-specific, issuing to a relative: ***SSB 5151, CH 304 (2021) PV**

Maintenance payments, for foster parents, when child exhibits certain mental health/behavioral tendencies: HB 1347

Placement disruption, foster children experiencing, best practices for finding placement options for: HB 2038

Students in foster care, building point of contact in all K-12 public schools for: ***SB 5184, CH 95 (2021)**

Students in foster care, individual transportation outside normal boundaries: HB 1808, SSB 5581

Students in foster care, school in-person instruction resumption priority groups for delivery to include: HB 1366

FUELS (See also MOTOR VEHICLES; OIL AND GAS; TAXES - MOTOR VEHICLE FUEL)

Alternative fuel vehicles, various tax preferences for: HB 1503, HB 2119, ***SSB 5000, CH 171 (2021)**, ***ESSB 5974, CH 182 (2022)**

- Border area fuel tax, maximum authority for certain cities/towns to impose, increasing: HB 2119, ***ESSB 5974, CH 182 (2022)**
- Border area motor vehicle fuel and special fuel tax, rate limit in 2021 and adjustments: HB 1284
- Clean fuels program, establishing: HB 1036, HB 1091
- Clean fuels program, modifying certain provisions: HB 2119, ***ESSB 5974, CH 182 (2022)**
- Clean fuels, clean energy product manufacturing facilities for, siting of: HB 1812
- Clean fuels, production facilities for, sales/use tax deferral: HB 1988
- Electric vehicles, electricity sold as vehicle fuel and fueling systems and charging stations for, requirements: ***2SSB 5192, CH 238 (2021)**
- Fire departments, fire suppression vehicles with emissions or fuel reduction technology, sales/use tax exemptions: HB 1479
- Fossil fuels, carbon pollution tax on sales/use of, imposing: HB 1577
- Fossil fuels, carbon pollution tax on sales/use of, imposing on energy-intensive trade-exposed industries: HB 1534
- Fossil fuels, certain tax preferences for fossil fuel products, terminating: HB 1537
- Fossil fuels, dependence on, energy facility site evaluation council role in reducing: HB 1812
- Fossil fuels, for space/water heating, reducing use to reduce greenhouse gas emissions: HB 1084
- Fossil fuels, public electric utility conversion to targeted electrification of customer's end-use equipment: HB 1767
- Fuel pumps, posting motor vehicle fuel tax rate information at: HB 1222, ***SSB 5975, CH 187 (2022)**
- Hog fuel, sales and use tax exemptions, extending expiration of: HB 1387, HB 1924
- Hydrogen fuel cell electric vehicles, pilot sales/use tax exemption program: ***2SSB 5000, CH 171 (2021)**
- Hydrogen, distribution by gas pipeline, standard for, requirements before establishing: HB 1766
- Hydrogen, green electrolytic, definition, for certain tax exemptions and PUD production and sales purposes: HB 1569
- Hydrogen, green electrolytic, definition, for certain tax exemptions and PUD/city production and sales purposes: HB 1792
- Hydrogen, green electrolytic, electricity sales to businesses producing/processing, public utility tax exemption: HB 1792
- Hydrogen, green electrolytic, production and sales by public utility districts: HB 1569, HB 1792, ***SSB 5910, CH 292 (2022)**
- Hydrogen, green electrolytic, production facilities as "electric vehicle infrastructure" for sales/use/leasehold tax exemptions: HB 1569, HB 1792, ***SSB 5910, CH 292 (2022)**
- Hydrogen, green electrolytic, production facilities, adding to tax exemptions for renewable hydrogen production: ***SSB 5910, CH 292 (2022)**
- Hydrogen, green electrolytic/renewable, clean energy product manufacturing facilities for, siting of: HB 1812
- Hydrogen, green electrolytic/renewable, gas company notice when replacing natural gas with: ***SSB 5910, CH 292 (2022)**
- Hydrogen, green electrolytic/renewable, production facilities for, sales/use tax deferral: HB 1988
- Hydrogen, regional clean hydrogen hub, applying for funding to develop in Washington state: ***SSB 5910, CH 292 (2022)**
- Hydrogen, renewable, certain tax exemptions and production and sales by cities: HB 1792
- Hydrogen, renewable, electricity sales to businesses producing/processing, public utility tax exemption: HB 1792
- Hydrogen, renewable, gas company clean heat transition plans and purchase of: HB 1766
- Motor vehicle fuel, exported after production in WA, tax exemption for, repealing and replacing with credit system: HB 2119
- Petroleum/other hydrocarbons, future purchases from Russia of, urging congress to support restricting/prohibiting: HJM 4003
- Renewable fuels, statewide office of, establishing: ***SSB 5910, CH 292 (2022)**
- Transportation fuels, clean fuels program for carbon intensity reduction, establishing: HB 1036, HB 1091
- Transportation fuels, domestic market, countries eligible to sell for use or provide in Washington, criteria and list: HB 1551

GAMBLING

- Amusement games/bingo/raffles, conducted by charitable or nonprofit organization up to 12 times per year: HB 2025
- Bingo, unlicensed, nonprofit operators to include community centers and nonprofit senior housing organizations: HB 2025
- Raffles, conducted by nonprofit/charity, ticket sales in person or by mail, fax, or telephone: HB 2069
- Raffles, enhanced, conducted by nonprofit/charity, grand prize value: ***HB 1469, CH 81 (2021)**
- Sports events, wagering on, crimes involving: HB 1674

Sports events, wagering on, involvement by certain persons, prohibitions: HB 1674

Sports events, wagering on, sports wagering lounges and sports boards: HB 1674

Sports events, wagering on, through pools by cardrooms or racetracks, authorizing: HB 1674

GAMBLING COMMISSION

Raffles, enhanced, conducted by nonprofit/charity, commission reporting role: ***HB 1469, CH 81 (2021)**

Sports events, wagering on, involvement by certain persons, prohibitions: HB 1674

Sports events, wagering on, through pools by cardrooms or racetracks, commission regulatory role: HB 1674

GENDER IDENTITY (See also SEXUAL ORIENTATION; WOMEN)

Abortion care, equal rights to access, regardless of gender/gender identity/race/ethnicity/income level/etc.: ***EHB 1851, CH 65 (2022)**

Gender-affirming care, access to, when health entity material change transactions occur, requirements: HB 1809

Gender-affirming health care treatment, insurance coverage for, requirements for/unfair practices by carriers: ***2SSB 5313, CH 280 (2021)**

Inmate, in facility housing persons of different biological sex if inmate convicted of sex offense, prohibiting, when: HB 1960

School sports, individual competition intended for female students, prohibiting students assigned male sex at birth from participation: HB 1556

Transgender students, school policies/procedures related to, district primary contact regarding: HB 1900

Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071

GOVERNOR (See also BUDGETS; CLEMENCY AND PARDONS BOARD; COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; EQUITY, WASHINGTON STATE OFFICE; GUBERNATORIAL APPOINTMENTS; LEGISLATURE; STATE GOVERNMENT)

988 crisis hotline system and behavioral health crisis response services, governor's role: HB 1182, HB 1477

Apprenticeship programs, developing, agency human resources managers committee for, governor to establish: ***E2SSB 5600, CH 156 (2022)**

Authority of governor during state of emergency, legislation relating to, 2021 session cutoff dates exemption for: HCR 4402

Broadband office, governor's statewide, "broadband"/"broadband service" minimum speed for purposes of: ***SB 5715, CH 237 (2022)**

Broadband office, governor's statewide, anchor institution digital equity program, establishing, office role: HB 1723

Broadband office, governor's statewide, capital broadband investment acceleration program, creating in office: ESSB 5357

Broadband office, governor's statewide, competitive grant program for broadband access in unserved areas: ESSB 5357

Broadband office, governor's statewide, coordination with public housing agencies and certain communities: HB 1723

Broadband office, governor's statewide, rural infrastructure grant program for public facilities in rural counties: HB 1263

Broadband office, governor's statewide, state universal teleconnect service program, establishing: HB 1460

Broadband office, governor's statewide, telecommunications services by PUDs/port districts in unserved areas, office role: ***2SSB 5383, CH 293 (2021)**

Broadband office, governor's statewide, transportation system needs and collaboration with DOT: ESSB 5439

Broadband office, governor's statewide, Washington digital equity forum establishment role: HB 1723

Climate commitment, state's, governor's role in implementing Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**

Climate oversight board, creating within governor's office: HB 1513

Commutation of sentences, conditional, governor's role: E2SSB 5036

Disability issues and employment, governor's committee on, role of: HB 1566, HB 1802

Education ombuds, office of, duties of, modifying: ***SSB 5376, CH 222 (2022)**

Education ombuds, office of, services available through, notifications by public/charter/tribal schools of: ***SSB 5376, CH 222 (2022)**

Education ombuds, office of, services available through, notifications of, by institutional education providers: ***SSB 5376, CH 222 (2022)**

Election of governor, by county and electoral votes: HB 1014

Emergency actions, OSPI withholding of school district basic education funds due to noncompliance, prohibitions: HB 2000

Emergency orders by governor, actions to determine validity of, declaratory and other relief: HB 1563
 Emergency orders by governor, consolidated emergency assistance program benefits availability: HB 1151
 Emergency orders by governor, content and duration, and role of legislature: HB 1029, HB 1381, HB 1772
 Emergency orders by governor, content of: HB 1158
 Emergency orders by governor, duration of, and role of legislature: HB 1020, HB 1158, HB 1557, HCR 4402
 Emergency orders by governor, legislative extension of certain orders: HB 1381, ***SCR 8402 (2021)**
 Emergency orders by governor, selected health care laws/regulations, timely consideration of waiver/suspension of, when: ***ESSB 5178, CH 268 (2021)**
 Emergency orders, issued by governor, infringement on any constitutional rights by, prohibiting: HB 1381
 Emergency orders/proclamations/directives, issued by governor, "open safe, open now" plan in relation to: HB 1553
 Emergency proclamations by governor, content/duration/judicial review, and role of legislature: HB 1029
 Emergency proclamations by governor, duration of, and role of legislature: HB 1060, HB 1381, HB 1557, HB 1772, HCR 4402, SB 5909
 Emergency proclamations, civil penalties for activity/operations violations under, amnesty for and prohibition of: HB 1547
 Emergency, state of, governor's authority during, legislation relating to, 2021 session cutoff dates exemption for: HCR 4402
 Eviction moratorium, governor's, tenant protections in relation to: HB 1441, ***E2SSB 5160, CH 115 (2021) PV**
 Ferry employees, newly hired/underrepresented, bargaining agreements' impact, governor role in analyzing: HB 1608
 Housing benefit district advisory board, establishing, governor role: HB 1128, HB 1880
 Inaugural address, joint legislative session for: ***HCR 4401 (2021)**
 Independent investigations, office of, advisory board for, creation of, governor role: HB 1267
 Independent investigations, office of, establishing within governor's office: HB 1267
 Indian affairs, office of, salmon recovery, state/tribal riparian management oversight committee, convening: HB 1838
 Indian affairs, office of, salmon/steelhead recovery statewide interagency coordination role of: HB 1653
 Indian affairs, office of, tribal consultations about climate commitment act funds use, office role: HB 1753
 Interbranch advisory committee, with governor's office representative, creating: ***ESSB 5490, CH 284 (2022) PV**
 Lifeline for independent living task force, establishing: HB 1883
 Lifeline for independent living, for certain youth/young adults, establishing, governor role: HB 1883
 Marcus Whitman statue, in U.S. capitol's national statuary hall, location after removal, governor role: HB 1372
 Marine resources advisory council, extending expiration of: ***SSB 5590, CH 91 (2022)**
 Resiliency, Washington state office of, establishing within governor's office: HB 1147
 Roadmap to Recovery, phase 2, places/organizations reopening/resuming at: HB 1321
 Roadmap to Recovery, reverting county to more restrictive phase, COVID-19 vaccine equitable dose allocation before: HB 1580
 Rural commission, Washington state, establishing in governor's office: HB 2136
 Salmon recovery office, governor's, salmon recovery and salmon cabinet establishment roles of: HB 1653
 Service members, veterans, and their families suicide prevention advisory committee, duties: HB 1181
 State of the state address, joint legislative session for: ***HCR 4406 (2022)**
 Term limit, constitutional amendment: HJR 4207

GROWTH MANAGEMENT

Agricultural, forest, or mineral resource lands, action removing designation: ***SB 5042, CH 218 (2022)**
 Community, fully contained, action establishing: ***SB 5042, CH 218 (2022)**
 Comprehensive planning, built environment livability element, adding: HB 1981
 Comprehensive planning, city or county SEPA categorical exemption for infill development, various provisions: HB 2066
 Comprehensive planning, climate change and resiliency/land use/transportation/park and recreation elements: HB 1099
 Comprehensive planning, climate change mitigation goal and greenhouse gas emissions reduction subelement: HB 1099
 Comprehensive planning, compensatory mitigation, mitigation hierarchy, and net ecological gain: HB 1117
 Comprehensive planning, container port elements, Indian tribe collaboration: HB 1717
 Comprehensive planning, county/regional, Indian tribe participation/coordination agreements and consultations: HB 1458
 Comprehensive planning, county/regional, Indian tribe participation/coordination agreements and dispute resolution: HB 1717
 Comprehensive planning, emergency housing and shelters and permanent supportive housing: HB 1220

- Comprehensive planning, housing element, existing and projected needs inventory and analysis: HB 1220
- Comprehensive planning, housing, affordable and sustainable, enacting programs for: HB 2020
- Comprehensive planning, housing, affordable for families at all low-income levels: HB 1220
- Comprehensive planning, housing, all types of, housing element and planning requirements: HB 1232, HB 1981
- Comprehensive planning, housing, middle types development and zoning: HB 1782
- Comprehensive planning, housing, middle types near "major transit stops": HB 1782
- Comprehensive planning, housing, multiple types in multiple locations with urban densities: HB 1157
- Comprehensive planning, housing, sustainable and affordable, enacting programs for: HB 2020
- Comprehensive planning, housing, sustainable equitable affordable measured board, establishing: HB 2020
- Comprehensive planning, housing, tiny house communities for lower-income persons under GMA: HB 2001
- Comprehensive planning, housing/affordable, housing/capital facilities plan/economic development elements: HB 1981
- Comprehensive planning, housing/services for homeless persons, proposals to authorize, review process for: HB 1952
- Comprehensive planning, increasing residential building capacity, legal challenge exemption under GMA: ***SSB 5818, CH 246 (2022)**
- Comprehensive planning, juvenile offender community group care facilities as essential public facilities: ***ESSB 5118, CH 265 (2021)**
- Comprehensive planning, organic materials management facilities, siting of and development regulations for: HB 1799
- Comprehensive planning, port container elements, Indian tribe collaboration: HB 1458
- Comprehensive planning, salmon recovery element, optional, adoption by county or city: HB 1869
- Comprehensive planning, transit-oriented development under, and environmental review costs: SB 5312
- Comprehensive plans and shoreline master programs, review/revision schedules coordination: HB 1241
- Comprehensive plans, implementation work programs and progress reports: HB 1241
- Comprehensive plans, local jurisdiction implementation of, grants for: HB 1981
- Comprehensive plans, resources to assist local governments with, various: HB 1981
- Comprehensive plans, review/revision by counties/cities, costs for each jurisdiction size for, evaluating: HB 1981
- Comprehensive plans, updates, existing covenants/deeds, restrictions against protected classes in, review/notices: HB 1335
- Comprehensive plans/regulations, county/city schedule for reviews/revisions, extending periodic deadlines: HB 1241
- Critical areas on agricultural land, voluntary stewardship program for, extending date for counties to join: HB 1856
- Dwelling units, accessory, city/county adoption of model code requirements for, incentives: HB 1337
- Dwelling units, accessory, city/county policies to encourage use for long-term housing: HB 1711
- Dwelling units, accessory, city/county waiver or deferral of fees, tax payment, or specific regulations: HB 1711
- Dwelling units, accessory, defining "major transit stop" in terms of frequency for purposes of: HB 1711
- Dwelling units, accessory, occupant limits in relation to short-term rentals and relevant to: HB 1660, ***ESSB 5235, CH 306 (2021) PV**
- Effective dates, initial, for certain actions under GMA: ***SB 5042, CH 218 (2022)**
- Fish and wildlife habitat conservation areas, designating, using best available science for: HB 1838
- Fish passage barriers, removal under GMA: HB 1117
- Hearings board, review of certain actions under GMA by, petition filed for: ***SB 5042, CH 218 (2022)**
- Hearings board, review of certain actions under GMA by, petition filed for, finding of noncompliance: ***2SSB 5368, CH 312 (2021) PV**
- Hearings board, review of certain actions under GMA by, petition for, persons qualified to file: HB 1144
- Project permits, exemption from requirement for, when: HB 1436
- Resort, master planned, action creating or expanding: ***SB 5042, CH 218 (2022)**
- Rural development, encouraging through various measures: HB 1233, ***2SSB 5368, CH 312 (2021) PV**
- Rural development, limited areas of more intensive, action creating or expanding: ***SB 5042, CH 218 (2022)**
- Rural development, limited areas of more intensive, any building size/scale/use/intensity, when: ***2ESSB 5275, CH 220 (2022)**
- Rural development, limited areas of more intensive, boundaries of, defining and expanding: HB 1233
- Rural development, limited areas of more intensive, logical outer boundary of: HB 1233
- Rural development, limited areas of more intensive, mixed-use area, commercial (re)development in, when: ***2ESSB 5275, CH 220 (2022)**
- Salmon/anadromous fish, preservation/enhancement in critical areas under GMA, requirements: HB 1838
- Salmon/anadromous fish, recovery of, supporting through GMA planning revisions: HB 1117
- Salmon/steelhead, recovery of, supporting through GMA: HB 1653, HB 1838

Urban growth areas, accessory dwelling unit construction in, funds distribution as incentive for: HB 1337
 Urban growth areas, accommodating development patterns/future pressure by revising: ***ESSB 5593, CH 287 (2022)**
 Urban growth areas, action expanding: ***SB 5042, CH 218 (2022)**
 Urban growth areas, annexation of unincorporated territory within, county/code city interlocal agreements: ***2SSB 5368, CH 312 (2021) PV**
 Urban growth areas, annexation of unincorporated territory within, qualifying for annexation sales tax credit, when: ***2SSB 5368, CH 312 (2021) PV**
 Urban growth areas, detached accessory dwelling units located outside of, requirements: HB 1298
 Urban growth areas, water/storm drain/sanitary sewage facilities extension beyond: HB 1627
 Water/storm drain/sanitary sewage facilities, extension beyond municipal and UGA boundaries: HB 1627

GUARDIANSHIP

Discharge from acute care hospital, to guardianship, petition in superior court for: HB 2083
 Guardians, certified professional, training course curriculum and materials, availability for copying/disclosure: HB 1977
 Guardianship, conservatorship, and other protective arrangements act, effective date, clarifying references to: ***EHB 1192, CH 65 (2021)**
 Minor guardianships, various provisions, modifying: ***SB 5788, CH 243 (2022)**

HARASSMENT

Antiharassment protection orders, moving to a single civil protection orders chapter: HB 1320
 Antiharassment protection orders, updating and modifying: HB 1901
 Cyber harassment, involving electronic communication, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyber harassment, of criminal justice participant, class C felony: ***ESSB 5628, CH 231 (2022)**
 Employer harassment of employee, nondisclosure/nondisparagement agreements, void and unenforceable: HB 1795
 Schools, harassment/intimidation/bullying, model student handbook language for policies and complaints: HB 1900
 Victim, terminating tenancy, landlord mitigation program role: HB 1593

HAZARDOUS MATERIALS

Cosmetic products, toxic chemicals in, prohibitions: 2SSB 5703
 Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: HB 1853
 Hydrofluorocarbons and ozone-depleting substances, as refrigerants, regulating: HB 1050
 Latex gloves, in handling/preparation of food for sale, prohibiting use of: HB 1698
 Lead, in school drinking water, sampling/testing at outlets, requirements: HB 1139
 Oil spills, financial responsibility requirements, including certificates: HB 1691
 Oil spills, statewide master oil and hazardous substance spill prevention and contingency plan, modifying provisions: ***SB 5747, CH 54 (2022)**
 Petroleum/petrochemicals, high hazard facilities, skilled journeypersons in, wage rate criteria for: HB 1776
 PFAS chemicals, priority consumer products for, identification of: HB 1694

HAZARDOUS WASTE (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS MATERIALS; SOLID WASTE)

Batteries, large format, possible battery stewardship program participation by producers of: HB 1896
 Batteries, portable and medium-format, battery stewardship organizations and plans, producer participation in: HB 1896
 Model toxics control capital account, grant/loan program for local government remedial cleanup actions, modifying: ***SB 5895, CH 102 (2022)**
 Nuclear site, Hanford, replacing with "radiological hazardous waste facility" for occupational disease presumption: ***SSB 5890, CH 62 (2022)**
 Plastic carryout bags, single-use, alternatives to, delaying requirements for: HB 1053
 Plastic packaging material, nonbiodegradable, suspending production/usage/sale in favor of biodegradable materials: HB 2116
 Plastic packaging, producer responsibility programs for: HB 1118
 Plastic packaging/film/food service/other products, compostable/noncompostable, labeling to indicate: HB 1799
 Plastic products, biodegradable, labeling supported by national/international test methods: HB 1686
 Polystyrene products, expanded, sales and distribution prohibitions: HB 1118, ***E2SSB 5022, CH 313 (2021)**
 Radioactive waste, all radiological hazardous waste facility personnel exposed to, occupational disease presumption: ***SSB 5890, CH 62 (2022)**

HEALTH AND SAFETY, PUBLIC (See also ABORTION; ANDY HILL CANCER RESEARCH ENDOWMENT (CARE) FUND; COVID-19 AND CORONAVIRUS; DRUGS; EMERGENCY, STATE OF; ENVIRONMENTAL HEALTH AND SAFETY; FIRE PROTECTION; HAZARDOUS MATERIALS; HAZARDOUS WASTE; HEALTH CARE; HEALTH CARE PROFESSIONS AND PROVIDERS; HEALTH DEPARTMENTS, LOCAL; HEALTH DISTRICTS, LOCAL; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT; LABOR; LABOR AND INDUSTRIES, DEPARTMENT; MINORITIES; SCHOOLS AND SCHOOL DISTRICTS; SOLID WASTE; SPORTS AND RECREATION; WATER)

Alzheimer's disease/dementia, dementia action collaborative, establishing: HB 1646

Blood donation, including via apheresis, by persons age 16 or 17: ***SSB 5179, CH 16 (2021)**

Bone marrow donation, awareness of, public school instruction in: SSB 5594

Breast implant surgery, informing patient and receiving informed consent for, physician requirements: 2ESSB 5441

Breast milk, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**

Breast pumps/repair/parts/supplies, sales and use tax exemptions: HB 1535

Cancer, biomarker testing prior authorization exemption for patients with, when: HB 1689

Cancer, comprehensive private nonprofit center, public-private collaboration with higher education institution: ***EHB 1744, CH 71 (2022)**

Cancer, positive colorectal screening test for, colonoscopy due to, prohibiting insurance cost sharing for: HB 1939

Cancer, research concerning, increasing funding with modified vapor products excise tax structure: HB 1676

Cardiac and stroke emergencies, current system response for, evaluating: HB 1995, ***SSB 5821, CH 58 (2022)**

Cognitive impairment, person with, when lacking capacity to provide informed consent for health care treatment: ***SSB 5185, CH 270 (2021)**

Contraception, immediate postpartum, health insurers to pay separately for: ***HB 1651, CH 122 (2022)**

Cosmetic products, marketed to women of color and with potentially harmful ingredients, plan for testing: HB 1853, 2SSB 5703

Cosmetic products, toxic chemicals in, prohibitions: 2SSB 5703

Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: HB 1853

COVID-19 pandemic, creating COVID-19 public health response account for statewide response to: HB 1334, HB 1368

COVID-19 pandemic, reenacting COVID-19 public health response account for statewide response to: ***2SSB 5616, CH 157 (2022)**

COVID-19, acquired immunities to, DOT hiring or rehiring of maintenance/preservation employees with: HB 1963

COVID-19, health care provider use of "known" drug/biological product/mineral/vitamin remedies to prevent/treat/cure: HB 2065

COVID-19, spread of, via fur farming and fur products manufacturing/production, prohibitions to reduce: HB 1375

Crab, biotoxin contamination regulation of, department of health authority for: HB 1508

Dementia, dementia action collaborative, establishing: HB 1646

Diabetes, insulin, maximum insurance enrollee 30-day supply cost, reducing: ***SSB 5546, CH 10 (2022)**

Diabetes, insulin, total cost of insulin work group, extending deadlines/expiration of: HB 1728

Dialysis device/dialysate manufacturers dispensing directly to patients, certain exemptions: HB 1675

Diapers, adult and baby, sales and use tax exemptions: ESB 5309

Diapers/diaper services, infant/toddler/child, sales and use tax exemptions: HB 1535

Diapers/other necessities, for child under 3 years, monthly TANF payments to families for: HB 1947, ***SSB 5838, CH 100 (2022)**

Disease/notifiable condition/public health threat information, personal identifying, disclosure exemption: HB 1328

Diseases, contagious/infectious, involuntary quarantine/isolation/detention to control, prohibiting: HB 2030

Diseases, rare, advisory council on, establishment and duties of: SSB 5886

Drowning, cold-water shock, due to jumping into waterways, preventing: HB 1595

Epidemics/pandemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442

Epidemics/pandemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442

Epilepsy/seizure disorders, students with, health plans and parent-designated adults for: HB 1085

Fertility services, health plan coverage for: HB 1730

Fireworks, consumer, city or county limits or prohibition: HB 1059, HB 1638

Fluoridation of drinking water, in public water systems, requirements: HB 1684

Health care, selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**

- Health education, in schools, public health education advisory committee, convening: HB 1149
- Health education, in schools, public health knowledge/skills needed by students in grades 9-12: HB 1149
- Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**
- Health-related measures, right to decline, despite laws/rules/order/directives addressing emergencies/diseases: HB 1305, HB 1317
- HIV, antiviral drugs for, medicaid coverage when FDA-approved: HB 2079
- Immunization, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
- Immunization, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
- Immunization, COVID-19 vaccine, immune protection from recovery from COVID-19 as at least as protective as: HB 1680
- Immunization, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
- Immunization, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
- Immunization, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
- Immunization, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
- Immunization, of school-age children, program for, modifying provisions: HB 1968
- Immunization, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
- Immunization, right to decline, religious/philosophical/personal objections: HB 1006
- Immunization, role of emergency medical technicians via collaborative care with public health agencies: HB 1893
- Immunization, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720
- Immunization/antibody status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695
- Immunizations, minimum required for schools/day care centers, prohibiting board of health from establishing: HB 1968
- Insulin, purchase and distribution of, health care authority partnerships for: ***ESSB 5203, CH 274 (2021)**
- Latex gloves, in handling/preparation of food for sale, prohibiting use of: HB 1698
- Lead, in school drinking water, sampling/testing at outlets, requirements: HB 1139
- Medical status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695
- Milk banks, donor human milk from, for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**
- Milk, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**
- Musculoskeletal injuries, home office working practices related to, regulation of, prohibiting: EHB 1837
- Musculoskeletal injuries, working practices related to, prohibition on regulating, repealing: EHB 1837
- Newborn infants, screening test panel for, adding new disorder to, when: HB 1749
- Oral health, fluoridation and unmet needs, oral health equity assessment in relation to, conducting: HB 1684
- Organ donation, national donate life month, recognizing April as: ***HR 4647 (2022)**
- Organ donation, remembering donors and celebrating the lives of recipients: ***HR 4647 (2022)**
- Organ donors, living donor act, insurance coverage protections via: ***SSB 5003, CH 172 (2021)**
- Osteoporosis, national osteoporosis month, recognizing and appreciating: ***HR 4615 (2021)**
- PANDAS and PANS, patients with, and their families and health care practitioners, recognizing and honoring: ***HR 4653 (2022)**
- Pandemics, statewide pandemic preparation and response task force, establishing, and creating account for: HB 1340
- Pandemics/epidemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442
- Pandemics/epidemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442
- Pathogens of epidemiological concern, each hospital to adopt policy regarding: ***HB 1739, CH 207 (2022)**
- Pediatric acute-onset neuropsychiatric syndromes (PANS), patients/their families/health care practitioners, honoring: ***HR 4653 (2022)**
- Pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS), patients with, honoring: ***HR 4653 (2022)**
- Personal protective equipment, Washington producers of, website of/report about/tax exemptions for: HB 1489
- Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
- Pregnancy, ectopic, treatment for/miscarriage management, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
- Public health agencies, emergency medical technicians providing collaborative care with: HB 1893
- Public health measures, when infringing on any constitutional rights, prohibiting enforcement of: HB 1442

Public health services, foundational, comprehensive public health districts for, creating: HB 1152
 Public health services, foundational, covered lives assessment funds to be used for: HB 1201
 Public health services, foundational, developing/recommending system for, work group for, creating: HB 1152
 Public health, comprehensive public health districts for foundational services, creating: HB 1152
 Public health, comprehensive public health districts, advisory committees for district health boards, establishing: HB 1152
 Quarantine, housing/rental assistance for persons in, revenue use for: HB 1069
 Quarantine, involuntary detention or isolation or, to control contagious/infectious disease, prohibiting: HB 2030
 Reproduction, assisted, false representation in, by persons/health care providers/entities, class C felony: HB 1848
 Reproductive freedom, pregnant individual's right to choose or refuse to have abortion, provisions: ***EHB 1851, CH 65 (2022)**
 Reproductive health care, access to, when health entity material change transactions occur, requirements: HB 1809
 Reproductive material/gametes, provider implanting theirs into patient without consent, 3rd degree assault, class C felony: HB 1848
 Respiratory conditions, in children/teenagers, statewide home air quality improvement program, establishing: HB 1291
 Scanners, body, at certain correctional facilities, pilot program: ***2SSB 5695, CH 160 (2022)**
 Seizure disorders, students with, health plans and parent-designated adults for: HB 1085
 Seizures/neurological symptoms/etc., children 18 or younger with, diagnostic services/genetic testing for: HB 1346
 Sexual health education, comprehensive, sex trafficking, teaching how to prevent and avoid being recruited into: HB 2016
 Sexual health education, in schools, comprehensive, compliance dates for, delaying: HB 1422
 Sexually transmitted diseases, furnishing of care for, raising age for consent of minor to 16 years of age for: HB 2041
 Stress, secondary traumatic, in K-12 workforce, model policy/procedure to prevent/address: HB 1363
 Stroke and cardiac emergencies, current system response for, evaluating: HB 1995, ***SSB 5821, CH 58 (2022)**
 Surgical smoke, smoke evacuation systems for, using: HB 1779
 Tardive dyskinesia and its causes, encouraging awareness and seeking better understanding of: ***HR 4646 (2022)**
 Terminally ill patients, in health care facilities, right to have visitors: HB 2117
 Thyroid eye disease (TED), TED awareness week, third week of November 2022 as, recognizing: ***HR 4640 (2022)**
 Traumatic brain injuries, head injury prevention program, reporting requirements: HB 1039
 Traumatic brain injuries, incarcerated individuals, educational accommodation: HB 1044
 Vaccination, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
 Vaccination, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: HB 1580
 Vaccination, COVID-19 vaccine, immune protection from recovery from COVID-19 as at least as protective as: HB 1680
 Vaccination, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: HB 1368
 Vaccination, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
 Vaccination, immunization program for school-age children, modifying provisions: HB 1968
 Vaccination, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
 Vaccination, law/rule/order requiring receipt of, prohibiting unless conditions met: HB 1065
 Vaccination, minimum required for schools/day care centers, prohibiting board of health from establishing: HB 1968
 Vaccination, right to decline, despite laws/rules/orders/directives addressing emergencies/diseases: HB 1305, HB 1317
 Vaccination, right to decline, religious/philosophical/personal objections: HB 1006
 Vaccination, role of emergency medical technicians via collaborative care with public health agencies: HB 1893
 Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720
 Vaccination/antibody status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695
 Vital statistics, birth resulting in stillbirth, certificate of, issuance, when: ***HB 1031, CH 55 (2021)**

HEALTH CARE (See also ABORTION; ANDY HILL CANCER RESEARCH ENDOWMENT (CARE) FUND; DENTISTS AND DENTISTRY; DRUGS; EMERGENCY MANAGEMENT AND SERVICES; HEALTH AND SAFETY, PUBLIC; HEALTH CARE AUTHORITY; HEALTH CARE PROFESSIONS AND PROVIDERS; INSTITUTIONAL REVIEW BOARD, WASHINGTON STATE; INSURANCE; MENTAL HEALTH; MINORITIES; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; SUBSTANCE USE DISORDER; VETERINARIANS)

Appointments, medical, spoken language interpreters for, when medical provider provides, reimbursement: HB 2004
 Biomarker testing, prior authorization exemption for cancer patients, when: HB 1689

Cardiac and stroke emergencies, current system response for, evaluating: HB 1995, ***SSB 5821, CH 58 (2022)**

Charity health care, for indigent persons, hospital policies, guidelines for: HB 1616

Children, hearing instruments coverage for: HB 1047

Colon hydrotherapy, performed by certified colon hydrotherapist, when: ***SB 5124, CH 179 (2021)**

Colonoscopy, due to positive colorectal cancer screening test, prohibiting insurance cost sharing for: HB 1939

Contraception, immediate postpartum, health insurers to pay separately for: ***HB 1651, CH 122 (2022)**

Decisions, by patient-designated person for patient not competent to provide informed consent, when: HB 1197

Decisions, making for person without capacity to make them due to cognitive impairment, provisions: ***SSB 5185, CH 270 (2021)**

Devices, medical, demographic diversity in clinical trials program for: SSB 5723

Dialysis, dialyate/dialysis device manufacturers dispensing directly to patients, certain exemptions: HB 1675

Durable medical equipment, OTC, shop local and save sales and use tax holiday to include: HB 2018

Entities, hospitals/systems/other, merger/acquisition/contracting affiliation between, requirements: HB 1809

Entities, hospitals/systems/provider organizations, material change transactions between, requirements: HB 1809

Gender-affirming care, access to, when health entity material change transactions occur, requirements: HB 1809

Gender-affirming treatment, health care coverage for, requirements and unfair practices by carriers: ***2SSB 5313, CH 280 (2021)**

Health care policies, proposed legislation on, equity impact statements for, when: HB 1264

Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**

Health systems, transparency, consolidated income statement/balance sheet: HB 1272

Health systems, transparency, data/activities/services/staffing/finances: HB 1272

Hearing instruments, coverage for persons 18 or younger: HB 1047

Informed consent, by minor under age of 16, prohibition of, and abolishing mature minor rule if in conflict with: HB 2041

Informed consent, by unaccompanied homeless youth for outpatient primary health care services, when: ***SSB 5883, CH 291 (2022)**

Informed consent, for breast implant surgery, physician requirements: 2ESSB 5441

Informed consent, person designated to provide, by patient when still retaining decision-making capacity: HB 1197

Informed consent, person lacking capacity to make health care decisions due to cognitive impairment: ***SSB 5185, CH 270 (2021)**

Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**

Parks/outdoor recreation spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292

Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**

Primary care, expenditures in WA, measuring/reporting on/increasing: ***SSB 5589, CH 155 (2022)**

Reproductive health care, access to, when health entity material change transactions occur, requirements: HB 1809

Telebehavioral health programs, partnership access lines, various, modifications to: HB 1325

Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196

Telemedicine, audio-only, facility fee for, prohibiting originating-site hospitals from charging: HB 1708

Telemedicine, audio-only, patient/provider "established relationship" before providing, requirements: HB 1821

Telemedicine, audio/visual, medical assistants assisting during practitioner visit via interactive technology: ***HB 1378, CH 44 (2021)**

Telemedicine, consultation of out-of-state practitioner with in-state practitioner responsible for patient: ***SSB 5423, CH 247 (2021)**

Telemedicine, delivery of behavioral health services to covered persons via, reimbursement for: ***SSB 5325, CH 100 (2021)**

Telemedicine, services, health carrier reimbursement of provider at in-person total compensation amount: HB 1462

Telepsychology, psychology interjurisdictional compact act: HB 1286

Telepsychology, psychology interjurisdictional compact commission, establishing: HB 1286

Therapy animals and their human handlers, celebrating/honoring, and saluting therapy animal teams' service: ***HR 4656 (2022)**

Transportation, for hire nonemergency medical vehicles, high occupancy vehicle exempt decal for, when: HB 1510

Universal health care commission, for creating coverage and access via unified financing system, establishing: ***E2SSB 5399, CH 309 (2021)**

HEALTH CARE AUTHORITY (See also PUBLIC ASSISTANCE)

- 988 crisis hotline system and behavioral health crisis system, HCA role: HB 1182, HB 1477
- Apple health and homes program, establishing, and office of health and homes, creating, HCA role: HB 1866
- Behavioral health prevention and equity impact council, establishing, HCA role: HB 2035
- Behavioral health services, access for minors, dedicated employee/parent portal/advisory groups, HCA role: HB 1800
- Behavioral health services, performance measures, improvement projects, and value-based purchasing: ***SSB 5157, CH 267 (2021)**
- Behavioral health workforce pilot program and training support grants for community treatment providers, establishing: HB 1504
- Behavioral health, mental health/substance use disorder providers grant program, HCA role: HB 1504
- Children and youth behavioral health work group, and convening of advisory group by, HCA role: HB 1890
- Community behavioral health program, certain appropriations provided to HCA for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**
- Confined persons, reentry services work group, convening, HCA role: ***E2SSB 5304, CH 243 (2021) PV**
- Drug offenses, controlled substance/counterfeit/legend drug/marijuana, drug diversion database, HCA to develop: HB 1892
- Drugs, personal use amounts of legend drugs and controlled and counterfeit substances, reviewing, HCA role: HB 1578
- Fire departments, safe station pilot programs grant program, HCA role: ESSB 5074
- Gender-affirming health care treatment, insurance coverage, requirements/unfair practices by carriers, HCA role: ***2SSB 5313, CH 280 (2021)**
- Group insurance, HCA contracts with insurers for, performance standards: HB 1052
- Health benefit exchange, qualified health plans, standardized bronze/silver/gold plans, HCA role: ***E2SSB 5377, CH 246 (2021)**
- Health care cost transparency board, effect of public option plans enrollment on consumers, board to analyze: ***E2SSB 5377, CH 246 (2021)**
- Health care cost transparency board, primary care expenditures in WA, increasing, board role: ***SSB 5589, CH 155 (2022)**
- Health care, statewide all-payer health care claims database, role of: HB 1688
- Healthy youth survey, cannabis revenues from dedicated cannabis account for, HCA role: ***E2SSB 5796, CH 169 (2022)**
- Insulin, maximum PEBB/SEBB enrollee payment for 30-day supply, reducing: ***SSB 5546, CH 10 (2022)**
- Insulin, purchase and distribution of, HCA partnerships for: ***ESSB 5203, CH 274 (2021)**
- Medicaid, agreements with managed care systems, HCA to submit rates to systems before contract signing: HB 1959
- Medicaid, applicants/recipients, adjudicative proceeding application deadline, failing to meet, good cause exception: ***SSB 5729, CH 163 (2022)**
- Medicaid, behavioral health support specialist services coverage under, HCA role: E2SSB 5884
- Medicaid, children's mental health assessment/diagnosis, from birth through 5 years of age, HCA role: HB 1325
- Medicaid, children, early and periodic screening/diagnosis/treatment schedules, aligning with certain standards: SSB 5912
- Medicaid, clubhouses and peer-run organizations for persons with mental illness, HCA role: ESB 5328
- Medicaid, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**
- Medicaid, federal, when ineligible due to immigration status, state-only coverage/plans, HCA role: HB 1191
- Medicaid, HIV antiviral drugs coverage when FDA-approved: HB 2079
- Medicaid, hospitals and public option plans in connection with in-network services for enrollees of: ***E2SSB 5377, CH 246 (2021)**
- Medicaid, long-term care, consumer directed employer program, rate-setting board and employer provisions: ***SSB 5258, CH 186 (2021)**
- Medicaid, managed care contracts, enrollees discharged from inpatient behavioral health, housing services for: HB 1860
- Medicaid, managed care, genetic testing for children with seizures/neurological symptoms/etc.: HB 1346
- Medicaid, medicaid expenditure forecast work group, creating, HCA cooperative role: SSB 5620
- Medicaid, postpartum coverage for postpartum/pregnant persons, extending, HCA role: ***SSB 5068, CH 90 (2021)**
- Medicaid, prescription drugs for mental health conditions, utilization management for, prohibiting, when: ESSB 5794
- Medicaid, primary care expenditures in WA, measuring/reporting on/increasing: ***SSB 5589, CH 155 (2022)**
- Medicaid, program integrity activities, HCA oversight/duties: SSB 5620
- Medicaid, state plan, adding minor behavioral health partial hospitalization/intensive outpatient programs to: ***2SSB 5736, CH 94 (2022)**

- Medicaid, suspense status, for persons incarcerated for less than 30 days, prohibiting, HCA role: HB 1348
- Medicaid, suspense status, pre-release medical assistance reinstatement for confined persons in, HCA role: ***E2SSB 5304, CH 243 (2021) PV**
- Medicaid, telemedicine, audio-only, patient/provider "established relationship" before providing, requirements: HB 1821
- Medical assistance clients, exiting inpatient behavioral health settings, homelessness/housing instability: HB 1860
- Medical assistance, persons enrolled in, supportive housing benefit for, when: HB 1866
- Opioid overdose reversal medication bulk purchasing and distribution program, establishing, HCA role: ***2SSB 5195, CH 273 (2021)**
- Opioid overdose reversal medication, dispensing/distributing or prescribing, assisting hospital/agency compliance, HCA role: ***2SSB 5195, CH 273 (2021)**
- Peer specialists, including trainees, certified, profession of, creating, HCA role: HB 1865
- Prescription drug affordability board, establishing, HCA role: HB 1671, ***2SSB 5532, CH 153 (2022)**
- Prescription drugs, cost-sharing amounts to be counted against out-of-pocket maximum, deductible, etc.: HB 1713, ***SSB 5610, CH 228 (2022)**
- Prescription drugs, generic, production/distribution/purchase of, HCA partnerships for: ***ESSB 5203, CH 274 (2021)**
- Public employees' benefits board medical benefits administration account, eliminating: ***2SSB 5616, CH 157 (2022)**
- Public employees' benefits board, benefits for unrepresented employees of educational service districts: HB 1757
- Public employees' benefits board, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**
- Public employees' benefits board, dual enrollment in PEBB and SEBB, prohibiting: ***SB 5322, CH 18 (2021)**
- Public employees' benefits board, fertility services, health plan coverage for: HB 1730
- Public employees' benefits board, health care plans, genetic testing for children with seizures, etc.: HB 1346
- Public employees' benefits board, health care plans, services via audio-only telemedicine: HB 1196
- Public employees' benefits board, hospitals/public option plans/in-network services for enrollees in plans of: ***E2SSB 5377, CH 246 (2021)**
- Public employees' benefits board, insulin, enrollee 30-day supply cost: ***SSB 5546, CH 10 (2022)**
- Public employees' benefits board, prescription drugs for mental health conditions, continuity of coverage of: ESSB 5794
- Public employees' benefits board, retired/disabled school employee coverage: HB 1040
- Public employees' benefits board, separated PERS/SERS/TRS plan 2 member insurance participation: HB 1911
- Public employees' benefits board, telemedicine/audio-only, "established relationship" before providing: HB 1821
- Public employees' benefits board, wraparound services for persons under 21 years of age: HB 1461
- School employees' benefits board, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**
- School employees' benefits board, dual enrollment in PEBB and SEBB, prohibiting: ***SB 5322, CH 18 (2021)**
- School employees' benefits board, fertility services, health plan coverage for: HB 1730
- School employees' benefits board, health care plans, genetic testing for children with seizures, etc.: HB 1346
- School employees' benefits board, health care plans, services via audio-only telemedicine: HB 1196
- School employees' benefits board, hospitals/public option plans/in-network services for enrollees in plans of: ***E2SSB 5377, CH 246 (2021)**
- School employees' benefits board, insulin, enrollee 30-day supply cost: ***SSB 5546, CH 10 (2022)**
- School employees' benefits board, prescription drugs for mental health conditions, continuity of coverage of: ESSB 5794
- School employees' benefits board, telemedicine/audio-only, "established relationship" before providing: HB 1821
- School employees' benefits board, wraparound services for persons under 21 years of age: HB 1461
- Substance use disorder and substance misuse, various efforts and programs for, HCA role: ***ESB 5476, CH 311 (2021) PV**
- Substance use disorder treatment, grant program for services for certain individuals, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**
- Substance use disorder treatment, homeless outreach stabilization and transition program, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**
- Substance use disorder treatment, planned admission for, prior authorization by health plan/MCO, when: HB 1464
- Substance use disorder treatment, recovery navigator programs, BHASO's to establish, HCA role: ***ESB 5476, CH 311 (2021) PV**
- Substance use disorder, community-based outreach/intensive care management programs, establishing, HCA role: HB 1578
- Substance use disorder, expanded recovery support services program, establishing, HCA role: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Substance use disorder, treatment services grant program for certain low-income persons with, establishing, HCA role: HB 1578

Substance use disorder, various appropriations to certain agencies in connection with: ***ESB 5476, CH 311 (2021) PV**
 Substance use recovery services advisory committee, establishing, HCA role: HB 1499, HB 1558, HB 1578, ***ESB 5476, CH 311 (2021) PV**

Substance use recovery services plan, for measures to assist persons with SUD, establishing, HCA role: HB 1499, HB 1558

Substance use/abuse and substance use disorder, prevention/reduction, dedicated cannabis account funds for, HCA role: ***E2SSB 5796, CH 169 (2022)**

Substances use recovery services plan, to assist persons with SUD, establishing, HCA role: HB 1578, ***ESB 5476, CH 311 (2021) PV**

HEALTH CARE FACILITIES (See also ABORTION; HOSPITALS)

Assault, of a child, examination of suspected victim of, L&I to pay facility's costs: ***SSB 5814, CH 171 (2022)**

Behavioral health settings, inpatient, medical assistance clients exiting, homelessness/housing instability: HB 1860

Behavioral health settings, inpatient, medical assistance clients exiting, housing-related care coordination: HB 1860

Birthing centers, births in, immediate postpartum contraception, health insurers to pay separately for: ***HB 1651, CH 122 (2022)**

Cancer center, comprehensive, private nonprofit, public-private collaboration with higher education institution: ***EHB 1744, CH 71 (2022)**

Coronavirus funds, federal, using for rural health centers, federally qualified health centers, and free clinics: HB 1368

Emergency services, health plan claims, nonparticipating providers/out-of-network services/dispute resolution: HB 1688

Health entities, hospitals/systems/provider organizations, material change transactions between, requirements: HB 1809

Health entities, various, merger/acquisition/contracting affiliation between, requirements: HB 1809

Health systems, transparency, consolidated income statement/balance sheet: HB 1272

Health systems, transparency, data/activities/services/staffing/finances: HB 1272

Hospice care centers, terminally ill patients in, right to have visitors: HB 2117

Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**

Nurses/nursing assistants, in hospitals, meal and rest breaks and use of overtime and on-call shifts, violations: HB 1868

Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**

Private establishments, pediatric transitional care services for drug-exposed infants, parent-child interaction: HB 1903

Provider clinics/affiliates, exempting from workforce education investment B&O tax surcharge: ***SSB 5799, CH 170 (2022)**

Reproduction, assisted, false representation in, by health care entities/providers, class C felony: HB 1848

School-based health center program office, establishing: HB 1225

Staffing, minimum staffing standards for nurses/nursing assistants/ancillary health care personnel: HB 1868

Strangulation, nonfatal, victims of, exam costs payment by state, when: ***2SSB 5183, CH 269 (2021)**

Terminally ill patients, in health care facilities, right to have visitors: HB 2117

Workers, paid administrative leave during public health emergency for, when: HB 1242

HEALTH CARE PROFESSIONS AND PROVIDERS (See also ABORTION; COUNSELORS AND COUNSELING; DENTISTS AND DENTISTRY; EMERGENCY MANAGEMENT AND SERVICES; INSURANCE; LONG-TERM CARE; MENTAL HEALTH; SUBSTANCE USE DISORDER; VETERINARIANS)

Abortion, right to, limiting based on gestational age/fetal heartbeat, practitioner requirements/unlawful acts/penalties: HB 2121

Acupuncture and Eastern medicine, as revised name for profession: ***SB 5018, CH 87 (2021)**

Acupuncture and Eastern medicine, point injection therapy: ***SB 5018, CH 87 (2021)**

Assistants, medical, hemodialysis technicians, applicants for certification as: SB 5499

Assistants, medical, telemedicine practitioner visits assistance by, via interactive A/V telemedicine technology: ***HB 1378, CH 44 (2021)**

Audiology and speech-language pathology interstate compact and compact commission, establishing: HB 1043

Birth doula, state-certified, requirements for certification as: HB 1881

Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**

- Boards/commissions/advisory committees, member composition/compensation/qualifications/quorums for various:
***SSB 5753, CH 240 (2022)**
- Capital projects, 4-year colleges, supporting health care/behavioral health occupations degree programs enrollment: HB 1949
- Chiropractic quality assurance commission, member citizenship qualification, removing: ***SSB 5753, CH 240 (2022)**
- Colon hydrotherapists, certification of, and mandatory affiliation with naturopath: ***SB 5124, CH 179 (2021)**
- Contraception, immediate postpartum, separate billing by providers for, health insurers to allow: ***HB 1651, CH 122 (2022)**
- Eastern medicine, acupuncture and, as revised name for profession: ***SB 5018, CH 87 (2021)**
- Eastern medicine, acupuncture and, point injection therapy: ***SB 5018, CH 87 (2021)**
- Emergency medical services providers, practicing under provisional emergency services provider certification, when: SSB 5900
- Emergency medical technicians and paramedics, provisional emergency services provider certification for, when: SSB 5900
- Emergency medical technicians, providing communicable disease collaborative care with public health agencies: HB 1893
- Emergency services, nonparticipating providers/out-of-network services/dispute resolution: HB 1688
- Employees, health care workers, paid administrative leave during public health emergency for, when: HB 1242
- Employees, health care, unemployment and workers' compensation benefits, when: ***ESSB 5190, CH 251 (2021)**
- Health care, injuries resulting from, actions against providers for, standard of care law and proof of injury: ***SSB 5271, CH 241 (2021)**
- Health care/behavioral health occupations with current/projected shortages, information on: HB 1949
- Health equity continuing education training for health professions, requirements: ***ESSB 5229, CH 276 (2021)**
- Health equity curriculum, for medical students, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**
- Health professional loan repayment and scholarship program, contracts reflecting underrepresented populations: HB 1504
- Hearing and speech, board of, member compensation, quorums, and other changes: ***SSB 5753, CH 240 (2022)**
- Home care aides, long-term care workers certification as: HB 1120
- Home care aides, nurse delegation of glucose testing/monitoring to, when: HB 1120, HB 1124
- Hospitals, providers charging facility fee, limited to fee for services provided on hospital's campus: HB 1862
- Hospitals/provider-based clinics, charging a facility fee, notice requirements: HB 1862
- Impaired practitioner programs, as health programs, contracts with physician health or SUD monitoring program: HB 1654, ***SSB 5496, CH 43 (2022)**
- Impaired practitioner programs, as health programs, requirements under uniform disciplinary act: HB 1654, ***SSB 5496, CH 43 (2022)**
- Insurance carriers, health, contracts with providers, prohibitions: HB 1160
- Interpreters, spoken language, for medical appointments, when medical provider provides, reimbursement: HB 2004
- Malpractice claims, monetary damages, accrual of interest: E2SSB 5155
- Massage, board of, member composition, compensation, and quorums for: ***SSB 5753, CH 240 (2022)**
- Medical assistants, telemedicine practitioner visits assistance by, via interactive A/V telemedicine technology: ***HB 1378, CH 44 (2021)**
- Medical commission, issuance of limited licenses to international medical school graduates: HB 1129
- Medical commission, member composition/qualifications/other changes: ***SSB 5753, CH 240 (2022)**
- Medical school graduates, international, limited license for, when: HB 1129
- Medical students, health equity curriculum for, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**
- Midwives, licensed, limited prescriptive license extension and additional license extension for medical devices/implants: ***SSB 5765, CH 289 (2022)**
- Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
- Music therapists, licensing of, and advisory committee, creating: SSB 5848
- Naturopathic physicians, affiliation of certified colon hydrotherapists with: ***SB 5124, CH 179 (2021)**
- Naturopathy, board of, member compensation: ***SSB 5753, CH 240 (2022)**

- Nurse educators, loan repayment program for, when teaching for approved nursing programs, establishing: ***HB 2007, CH 276 (2022)**
- Nurses, in hospital ER, dispensing/distributing opioid overdose reversal medication, requirements: ***HB 1761, CH 25 (2022)**
- Nurses, in hospitals, nurse staffing committees concerning, transferring functions to hospital staffing committees: HB 1868
- Nurses, long-term care settings, delegation of tasks to certified assistants or home care aides: HB 1120, HB 1124
- Nurses, nurse educator loan repayment program, when teaching for approved nursing programs, establishing: ***HB 2007, CH 276 (2022)**
- Nurses, nurse forensic examiners for nonfatal strangulation victims: ***2SSB 5183, CH 269 (2021)**
- Nurses, school, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985
- Nurses, sexual assault nurse examiner leaders, regional, pilot program, establishing: ***HB 1622, CH 118 (2022)**
- Nurses, sexual assault nurse examiners, grant program for access to: HB 1621
- Nurses, sexual assault nurse examiners, program for availability in E. WA: ***HB 1622, CH 118 (2022)**
- Nurses, sexual assault nurse examiners, stipend program for training: HB 1621
- Nurses/nursing assistants, in hospitals, meal and rest breaks and use of overtime and on-call shifts, violations: HB 1868
- Nursing assistants, alternative training and a competency evaluation, completion of: HB 1120
- Nursing assistants, certified, high school student CNA's/trainees utilization in rural hospitals, pilot programs for: SSB 5892
- Nursing assistants, certified, nurse delegation of glucose testing/monitoring to, when: HB 1120, HB 1124
- Nursing assistants, expired certificate reinstatement for, process: HB 1877
- Nursing care quality assurance commission, executive director for, appointing: HB 1123
- Nursing care quality assurance commission, executive director qualifications, modifying: ***SSB 5753, CH 240 (2022)**
- Nursing care quality assurance commission, high school student CNA's/trainees use in rural hospitals, pilot programs: SSB 5892
- Nursing care quality assurance commission, member citizenship qualification for, removing: ***SSB 5753, CH 240 (2022)**
- Nursing home administrators, board of, member composition/compensation/qualifications/quorums for: ***SSB 5753, CH 240 (2022)**
- Occupational therapists/therapy assistants, occupational therapy licensure compact: HB 1610, ***SB 5518, CH 152 (2022)**
- Occupational therapy practice, board of, member compensation, quorums, and other changes: ***SSB 5753, CH 240 (2022)**
- Opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**
- Opioid overdose reversal medication, dispensing/distributing by nurse in hospital ER, requirements: ***HB 1761, CH 25 (2022)**
- Opioid overdose reversal medication, dispensing/distributing or prescribing of, requirements: ***2SSB 5195, CH 273 (2021)**
- Optomety board, compensation/qualifications/quorums/other changes: ***SSB 5753, CH 240 (2022)**
- Orthotic and prosthetic services, advisory committee on, member citizenship qualification for, removing: ***SSB 5753, CH 240 (2022)**
- Osteopathic medicine and surgery, board of, member qualifications and quorums for: ***SSB 5753, CH 240 (2022)**
- Osteopathic physicians, impaired practitioner program, changes to: HB 1654, ***SSB 5496, CH 43 (2022)**
- PANDAS and PANS, patients with, and their families and health care practitioners, recognizing and honoring: ***HR 4653 (2022)**
- Paramedics and emergency medical technicians, provisional emergency services provider certification for, when: SSB 5900
- Personal protective equipment, during COVID emergency, provider reimbursement by health carrier: ***SSB 5169, CH 94 (2021)**
- Physical therapy, board of, member composition, compensation, and quorums for: ***SSB 5753, CH 240 (2022)**
- Physical therapy, practice of, intramuscular needling, therapist authority to perform with endorsement: HB 1662
- Physical therapy, profession of, and physical therapists and physical therapist assistants, recognizing: ***HR 4629 (2021)**
- Physicians, fellow/residents, U. of Washington school of medicine, collective bargaining by, process for: HB 1764
- Physicians, impaired practitioner program, changes to: HB 1654, ***SSB 5496, CH 43 (2022)**
- Physicians, performing breast implant surgery, informing patient and receiving informed consent for, requirements: 2ESSB 5441

Podiatric medical board, quorums for: ***SSB 5753, CH 240 (2022)**

Podiatric physicians, impaired practitioner program, changes to: HB 1654, ***SSB 5496, CH 43 (2022)**

Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**

Prescribing psychologists, certification of psychologist to exercise prescriptive authority as: HB 1863

Primary care, expenditures in WA, measuring/reporting on/increasing: ***SSB 5589, CH 155 (2022)**

Prosthetics, orthotic and prosthetic services, advisory committee on, member citizenship qualification, removing: ***SSB 5753, CH 240 (2022)**

Provider clinics/affiliates, exempting from workforce education investment B&O tax surcharge: ***SSB 5799, CH 170 (2022)**

Provider contracts, between hospitals/affiliates and health carriers, certain contractual provisions in, prohibiting: HB 1741

Provider organizations/hospitals, contracting affiliation/other material change transactions between, requirements: HB 1809

Providers, selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**

Providers, use of "known" drug/biological product/mineral/vitamin remedies to prevent/treat/cure COVID-19: HB 2065

Reproduction, assisted, false representation in, by provider, class C felony: HB 1848

Reproductive material/gametes, provider implanting theirs into patient without consent, 3rd degree assault, class C felony: HB 1848

Respiratory care practitioners, practice of respiratory care by, expansion of, and licensing requirements: HB 1383

Seizures/neurological symptoms/etc., children with, diagnostic services/genetic testing for, provider referral: HB 1346

Surgical procedures, smoke evacuation systems for, using, health care employer requirements: HB 1779

Telehealth, role of audiology and speech-language pathology interstate compact in relation to: HB 1043

Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196

Telemedicine, audio-only, facility fee for, prohibiting originating-site hospitals from charging: HB 1708

Telemedicine, audio-only, patient/provider "established relationship" before providing, requirements: HB 1821

Telemedicine, audio/visual, medical assistants assisting during practitioner visit via interactive technology: ***HB 1378, CH 44 (2021)**

Telemedicine, consultation of out-of-state practitioner with in-state practitioner responsible for patient: ***SSB 5423, CH 247 (2021)**

Telemedicine, services, health carrier reimbursement of provider at in-person total compensation amount: HB 1462

Washington health corps, nursing educator loan repayment program, establishing: ***HB 2007, CH 276 (2022)**

HEALTH DEPARTMENTS, LOCAL (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; HEALTH DISTRICTS, LOCAL; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT)

Cannabinoid products, limiting sellers of certain, compliance/enforcement grant program for local departments: HB 2123

Comprehensive public health districts, replacing current local health jurisdictions through creation of: HB 1152

Epidemics/pandemics, local preparedness and response plans for, local health jurisdictions to develop/implement: HB 1442

Fatality review teams, overdose and suicide, department establishment of: HB 1074

Health officers, requiring involuntary quarantine/isolation/detention to control contagious/infectious disease, prohibiting: HB 2030

Home air quality improvement program, statewide, establishing, local health jurisdictions role: HB 1291

Long-term care system, state, training materials for local health jurisdictions concerning, developing: HB 1218

Medical school graduates, international, limited license for, when nominated by local department: HB 1129

Microenterprise home kitchen operations, permit for, local jurisdictions role: HB 1258

Officers, local health, emergency health order issuance by: HB 1004, HB 1017, HB 1029

Open safe, open now plan, for reopening state, local health jurisdiction in county to determine Phase 4 readiness: HB 1553

Vapor products enforcement, role of local health officers: HB 1345

HEALTH DISTRICTS, LOCAL (See also COVID-19 AND CORONAVIRUS; HEALTH DEPARTMENTS, LOCAL; HEALTH, BOARDS OF, LOCAL)

Boards of health, local, member expertise and lived experience, diversity requirements: HB 1110

Comprehensive public health districts, replacing current local health jurisdictions through creation of: HB 1152

HEALTH, BOARDS OF, LOCAL (See also COVID-19 AND CORONAVIRUS; HEALTH DEPARTMENTS, LOCAL; HEALTH DISTRICTS, LOCAL)

Comprehensive public health districts, replacing current local health jurisdictions through creation of: HB 1152

Members, expertise and lived experience of, diversity requirements: HB 1110

Quarantine, involuntary detention/isolation or, to control contagious/infectious disease, requiring of, prohibiting: HB 2030

HEALTH, DEPARTMENT (See also COUNSELORS AND COUNSELING; COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; HEALTH DEPARTMENTS, LOCAL; HOSPITALS; MENTAL HEALTH; PHARMACIES AND PHARMACISTS)

Anadromous fish protection and recovery, state goal for, DOH role: HB 1653

Behavioral health disparities map, developing and maintaining, DOH role: HB 2035

Behavioral health support specialists, regulation/certification of, DOH role: E2SSB 5884

Behavioral health, root causes of rising behavioral health issues in Washington communities, work group to study, DOH role: HB 2053

Birth doula, state-certified, requirements for certification as, DOH role: HB 1881

Boards/commissions/advisory committees, member composition/compensation/qualifications/quorums for various:

***SSB 5753, CH 240 (2022)**

Cannabinoids, products with THC above 0.3%, limiting sellers of, compliance/enforcement grant program, DOH role: HB 2123

Cannabis laboratory quality standards, interagency coordination team for, creating, DOH role: ***HB 1859, CH 135 (2022)**

Cannabis, testing laboratory quality standards, establishing and maintaining, DOH role: ***HB 1859, CH 135 (2022)**

Cannabis-related duties of DOH, dedicated cannabis account appropriations for various: ***E2SSB 5796, CH 169 (2022)**

Cardiac and stroke emergencies, current system response for, evaluating, DOH role: HB 1995, ***SSB 5821, CH 58 (2022)**

Contaminants, monitoring food supplies for, information from federal FDA related to, disclosure exemption for: ***SB 5303, CH 99 (2021)**

Crab, biotoxin contamination regulation of, DOH authority for: HB 1508

Data, personal identity, verifiable credentials for protecting, government use of, DOH role: SB 5534

Death with dignity act, end-of-life care in connection with, department role: HB 1141

Dental therapists, licensing and practicing of, DOH role: HB 1885

Diseases, rare, advisory council on, establishing, DOH role: SSB 5886

Emergency health orders, issuance by secretary, content and duration: HB 1004, HB 1017, HB 1029

Emergency orders/proclamations/directives, issued by DOH secretary, "open safe, open now" plan in relation to: HB 1553

Epidemic/pandemic local preparedness and response plans, development/implementation of, DOH role: HB 1442

Epidemics/pandemics, viral infections/severe disease prevention, health professionals committee, convening: HB 1442

Fentanyl, public outreach campaign concerning dangers of, DOH role: HB 1937

Health centers, school-based health center program office, establishing, DOH role: HB 1225

Health equity continuing education training for health professions, requirements, DOH role: ***ESSB 5229, CH 276 (2021)**

Health equity zones, identifying and creating, department role: ***E2SSB 5052, CH 262 (2021)**

Health professional loan repayment and scholarship program, DOH role: HB 1504

Health systems, transparency, data/activities/services/staffing/finances, DOH role: HB 1272

Home air quality improvement program, statewide, establishing, DOH role: HB 1291

Justice, environmental, environmental health disparities map, developing/maintaining further, DOH role: ***E2SSB 5141, CH 314 (2021)**

Justice, environmental, environmental health disparities map, using for greenhouse gas emissions reduction: HB 1577

Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**

Long-term care facilities, epidemic disease preparedness and response guidelines for, DOH to develop: SSB 5294

Long-term care system, state, training materials for local health jurisdictions concerning, developing, DOH role: HB 1218

Medicaid, clubhouses and peer-run organizations for persons with mental illness, DOH role: ESB 5328

Medical commission, issuance of limited licenses to international medical school graduates: HB 1129

Medical commission, member composition/qualifications/other changes: ***SSB 5753, CH 240 (2022)**

Microenterprise home kitchen operations, regulation of and permits and pilot program for, DOH role: HB 1258
 Military spouse employment act, DOH role: HB 1592
 Music therapy advisory committee, creating, DOH role: SSB 5848
 Nurses, sexual assault nurse examiners, grant program, DOH role: HB 1621
 Nurses, sexual assault nurse examiners, stipend program, DOH role: HB 1621
 Nursing care quality assurance commission, executive director for, secretary to appoint: HB 1123
 Nursing care quality assurance commission, executive director qualifications, modifying: *SSB 5753, CH 240 (2022)
 Nursing care quality assurance commission, member citizenship qualification for, removing: *SSB 5753, CH 240 (2022)
 Parks/outdoor recreation spaces, "parks Rx" health and wellness pilot program task force, DOH to convene: SSB 5292
 Peer specialists, certified, Washington state certified peer specialist advisory committee, establishing: HB 1865
 Peer specialists, including trainees, certified, profession of, creating, DOH role: HB 1865
 Pharmacy quality assurance commission, language requirements for prescription drug containers/labels role of: HB 1852
 Pharmacy quality assurance commission, member composition/compensation/qualifications/quorums for: *SSB 5753, CH 240 (2022)
 Poison control center, Washington, dedicated cannabis account appropriations for: *E2SSB 5796, CH 169 (2022)
 Psychology, examining board of, certifying of prescribing psychologists and adding relevant member: HB 1863
 Psychology, examining board of, member composition/compensation/qualifications/quorums for: *SSB 5753, CH 240 (2022)
 Public health districts, comprehensive, creation and functioning of, department role: HB 1152
 Public water systems, placing in receivership, reimbursing receiver, and rehabilitating system, DOH role: HB 1948
 Quarantine, involuntary detention/isolation or, to control contagious/infectious disease, requiring of, prohibiting: HB 2030
 School and educational service districts, SUD/drugs/OTC meds/firearms information on websites, DOH role: HB 1759
 School drinking water, lead in, sampling/testing at outlets for, requirements, DOH role: HB 1139
 Sport practices/competitions, mandatory mask/face covering or COVID-19 testing for, prohibiting, when: HB 1887
 Substance use disorder professionals/professional trainees, certification via apprenticeship program, DOH role: *EHB 1311, CH 165 (2021)
 Tobacco/vapor product use prevention/cessation, funding via dedicated cannabis account appropriations: *E2SSB 5796, CH 169 (2022)
 Tobacco/vapor product use prevention/cessation, funding via modified vapor products excise tax, DOH role: HB 1676
 Vapor products, flavored, restricting sale of, DOH authority for, when: HB 2039
 Vapor products, regulation of, comprehensive provisions, DOH role: HB 1345
 Vapor products, regulation of, DOH role: HB 2039
 Water, fluoridation and unmet oral health needs, oral health equity assessment in relation to, DOH to conduct: HB 1684
 Water, group A community public systems, water system plans to include climate resilience element, DOH role: SSB 5626
 Water, office of drinking water, public water system engineering assistance program to aid fluoridation: HB 1684
 Water, public systems, acquisition and rehabilitation program, climate resilience element role of DOH: SSB 5626
 Water, reclaimed, treatment by on-site nonpotable water systems and reuse, risk-based standards, DOH role: HB 1184

HEALTH, STATE BOARD OF (See also HEALTH AND SAFETY, PUBLIC; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT)

Foundational public health services funding for board, when: HB 1152
 Immunizations, minimum required for school/day care center attendance, prohibiting board from establishing: HB 1968
 Quarantine, involuntary detention/isolation or, to control contagious/infectious disease, prohibiting rules authorizing: HB 2030
 Sport practices/competitions, mandatory mask/face covering or COVID-19 testing for, prohibiting, when: HB 1887
 Vapor products, allowable nicotine concentration for, board determination in rule: HB 2039

HEATING AND HEATERS

Clean heat standard, statewide, establishing: HB 1084
 Heat pump and electrification program, for high-efficiency equipment, establishing: HB 1084
 HVAC heating/cooling systems, split ductless, HVAC/refrigeration specialty electrician work on: HB 1187

HISPANIC AFFAIRS, STATE COMMISSION

Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: ***ESSB 5405, CH 310 (2021) PV**

HISTORICAL SOCIETIES

Firearms, temporary transfers between owner and historical society, background check requirement exemption for: **SSB 5856**

United States, founding of, semiquincentennial committee for observing 250th anniversary of, establishing: ***SSB 5756, CH 97 (2022)**

United States, founding of, semiquincentennial committee for observing, WA state historical society role: ***SSB 5756, CH 97 (2022)**

HOLIDAYS AND OBSERVANCES

Americans of Chinese descent history month, each January as, designation of: **ESB 5264**

Black history month, celebrating: ***HR 4603 (2021), *HR 4644 (2022)**

Daffodil festival, eighty-eighth anniversary of, recognizing: ***HR 4619 (2021)**

Daffodil festival, eighty-ninth anniversary of, recognizing: ***HR 4643 (2022)**

Data privacy day, commemorating: ***HR 4642 (2022)**

Donate life month, national, recognizing April as: ***HR 4647 (2022)**

Evergreen State College, The, and its 50 years, celebrating: ***HR 4636 (2022)**

Executive order 9066, eightieth anniversary, acknowledging: ***HR 4645 (2022)**

Executive order 9066, seventy-ninth anniversary, acknowledging: ***HR 4609 (2021)**

Holocaust remembrance day, recognizing: ***HR 4627 (2021)**

Home school day, recognizing May 1st as: **HB 1693**

Juneteenth, as school holiday: **HB 1617**

Juneteenth, as state legal holiday, establishing as: **HB 1016**

King, Dr. Martin Luther, Jr. day, observing: ***HR 4601 (2021), *HR 4635 (2022)**

Lincoln, Abraham, sixteenth president, honoring on presidents' day: ***HR 4607 (2021), *HR 4648 (2022)**

Lunar New Year, acknowledging: ***HR 4641 (2022)**

Lunar New Year, celebrating: ***HR 4606 (2021)**

Military, women's armed services integration act, June 12, 1948, 74th anniversary of, acknowledging: ***HR 4658 (2022)**

National osteoporosis month, recognizing and appreciating: ***HR 4615 (2021)**

Physical therapy, 100 years of the profession of, recognizing: ***HR 4629 (2021)**

Planters Days, Woodland's centennial celebration of, recognizing June 16th through 19th, 2022, as: ***HR 4654 (2022)**

Presidents' day, celebrating: ***HR 4607 (2021), *HR 4648 (2022)**

Republic day in India, 2022, honoring: ***HR 4638 (2022)**

Saint Patrick's Day, the Feast of St. Patrick, patron saint of Ireland, commemorating the celebration of: ***HR 4657 (2022)**

Tardive dyskinesia awareness week, the week of May 1, 2022, as: ***HR 4646 (2022)**

TED (thyroid eye disease) awareness week, third week of November 2022 as, recognizing: ***HR 4640 (2022)**

United States, founding of, observing 250th anniversary of, semiquincentennial committee for, establishing: ***SSB 5756, CH 97 (2022)**

Washington state patrol, 100 years of service by: ***HR 4622 (2021)**

Washington, George, first president, honoring on presidents' day: ***HR 4607 (2021), *HR 4648 (2022)**

Western Governors University Washington, congratulating on its 10th anniversary: ***HR 4623 (2021)**

Women's suffrage day, as state legal holiday on March 22: **HB 1485**

HOMELESS PERSONS (See also HOMES AND HOUSING; LOW-INCOME PERSONS)

Camping on public property, unauthorized, prohibitions as condition for imposing certain local sales/use taxes: **HB 1526, HB 1541**

Census of homeless persons, state, to include persons homeless when admitted to hospitals or jails: **SB 5607**

College students, homeless and foster care students pilot program, expanding access to: **HB 1166**

College students, homeless and foster care students pilot program, further expanding access to: **HB 1601**

Definitions, "homeless" and experiencing homelessness," for various purposes: **HB 1221**

Employment, immediate, programs for persons experiencing homelessness, grant program for establishing, creating: **HB 2132**

- Encampments, office of intergovernmental coordination on public right-of-way homeless encampments, creating: E2SSB 5662
- Encampments, transitional, permit actions to site, SEPA exemption for, when: ESSB 5428
- Homeless youth prevention and protection programs, office of, role of: HB 1905
- Housing and assistance, document-recording surcharges for: HB 1183, HB 2010
- Housing and assistance, home sharing programs, aiding and funding: HB 1183
- Housing and assistance, immediate employment programs, grant program for establishing, creating: HB 2132
- Housing and homelessness department, new state, legislative task force on creating a, establishing: HB 1987
- Housing and services, proposals for authorizing when planning under GMA, process for reviewing: HB 1952
- Housing, addressing homelessness via estate tax revenue deposits in equity in housing account: HB 1465
- Housing, apple health and homes program, establishing, and office of health and homes, creating: HB 1866
- Housing, home sharing support grant program, creating: HB 1183
- Housing, public building conversion grant program, creating: HB 1101
- Housing, state's homeless housing strategic plan, provisions: HB 1277
- Housing/facilities for homeless youth, revenues from special excise tax on lodging for: HB 1070
- Identicards for homeless persons, program to provide, creating: ***ESSB 5815, CH 57 (2022)**
- Indigency, court authority to refrain from imposing costs on indigent defendant, when: HB 1412
- Indigency, in connection with legal financial obligations, revised standard of: HB 1412
- Indigent persons, charity health care rendered to, hospital policy guidelines: HB 1616
- Medical assistance clients, exiting inpatient behavioral health settings, homelessness/housing instability: HB 1860
- Men/male youth/boys, gender-based disparities and disproportionate negative outcomes for, efforts to reduce: HB 1917
- Mobile mental health crisis intervention programs/services, emergency crisis assistance teams for, establishing: HB 1392
- Reducing homelessness, using criminal justice local sales/use tax for: HB 1069
- Shelter communities, temporary emergency, sponsors/managing agencies/services/permits/responsibility plans: HB 2085
- Shelter units, services for residents of, real estate sales excise tax revenue use for: HB 1069
- Shelters, temporary, permit actions to site, SEPA exemption for, when: ESSB 5428
- Sleeping outdoors on public property, when no alternative shelter available, prohibiting criminal sanctions for: HB 1576
- Students, homeless, individual transportation arrangements for: HB 1808, SSB 5581
- Students, homeless, school in-person instruction resumption priority groups for delivery to include: HB 1366
- Substance use disorder treatment, homeless outreach stabilization and transition program, establishing: ***ESB 5476, CH 311 (2021) PV**
- Youth, housing stability for youth in crisis pilot programs, funding and assistance for counties implementing: HB 1905
- Youth, unaccompanied homeless, informed consent for outpatient primary health care services, when: ***SSB 5883, CH 291 (2022)**
- Youth/young adults, exiting publicly funded systems of care, rapid response teams/safe housing/care grants for: HB 1905

HOMES AND HOUSING (See also DISABILITIES, INDIVIDUALS WITH; GROWTH MANAGEMENT; HOMELESS PERSONS; HOUSING FINANCE COMMISSION; IMPACT FEES; INSURANCE; LANDLORD AND TENANT; LODGING; LONG-TERM CARE; LOW-INCOME PERSONS; MANUFACTURED HOUSING AND MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - REAL ESTATE SALES EXCISE; UTILITIES)

- Accessory dwelling units, city/county adoption of model code requirements for, incentives: HB 1337
- Accessory dwelling units, detached, when located outside of urban growth areas, requirements: HB 1298
- Accessory dwelling units, low-income rental, as physical improvements to single-family dwellings, property tax exemption, when: HB 1841
- Accessory dwelling units, occupant limits in relation to short-term rentals and relevant to: HB 1660, ***ESSB 5235, CH 306 (2021) PV**
- Affordable housing advisory board, membership, increasing: HB 1724
- Affordable housing and sustainable housing, enacting programs under GMA for: HB 2020
- Affordable housing, all types of, housing element and planning requirements under GMA: HB 1232, HB 1981
- Affordable housing, condominium conversion tenant-to-homeowner program, implementing: ***ESSB 5758, CH 165 (2022)**
- Affordable housing, county acquisition of emergency, transitional, or supportive: HB 1070
- Affordable housing, defining for purposes of intergovernmental disposition of surplus public property: HB 1511
- Affordable housing, duplexes/townhomes/cottage apartments/accessory dwelling units in certain areas: HB 1981
- Affordable housing, for all low-income levels, under GMA: HB 1220

Affordable housing, housing benefit districts for increasing, creation and funding of: HB 1128

Affordable housing, housing benefit districts for increasing, pilot program for creation and funding of: HB 1880

Affordable housing, incentive programs for, tiny home communities as part of, allowing under GMA: HB 2001

Affordable housing, increasing supply through GMA and housing density tax incentives: HB 1157

Affordable housing, local infrastructure investment programs to support: HB 1966

Affordable housing, local sales/use tax revenue use for acquiring: HB 1070

Affordable housing, multi-family property tax exemption for multi-unit residential structures and units converted to:
ESB 5832

Affordable housing, multi-family property tax exemption for multi-unit residential structures in RTAs, expanding:
***E2SSB 5287, CH 187 (2021)**

Affordable housing, permanently, community revitalization financing: ***HB 2061, CH 38 (2022)**

Affordable housing, permitting process for construction of, removing redundancies and streamlining: HB 2049

Affordable housing, properties selling/renting 25% of units to nonprofits/local government, property tax exemption:
***E2SSB 5287, CH 187 (2021)**

Affordable housing, redevelopment of certain property in targeted urban areas for, sales/use tax deferral program:
***E2SSB 5755, CH 241 (2022)**

Affordable housing, rental, incentive program and property tax exemption: HB 1035

Affordable housing, rental, real property sale/transfer for, real estate excise tax exemption: HB 1643

Affordable housing, services for residents of, real estate sales excise tax revenue use for: HB 1069

Affordable housing, state agency/political subdivision/municipality surplus public property disposal for, requirements:
HB 1908

Affordable housing, through local infrastructure project areas and financing: HB 1243, SB 5823

Affordable housing, very low-income, preserving: HB 1035

Affordable workforce housing, revenues from special excise tax on lodging for, when: HB 1070

Affordable/sustainable housing, sustainable equitable affordable measured board, establishing: HB 2020

Assistance, housing and rental, special lodging excise tax use for: HB 1069

Common interest communities, electric vehicle charging stations, installation/use by unit owner, requirements: HB 1793

Common interest communities, federal/state fair housing laws training course for officers/board members of: HB 2047

Common interest communities, foreclosure of lien on unit for owner unpaid assessments, when: ***EHB 1482, CH 222 (2021)**

Common interest communities, notices/meetings/votes and electronic transmission or conferencing: ***SSB 5011, CH 227 (2021)**

Common interest communities, prohibition of types of housing city required to allow under GMA , prohibiting: HB 1981

Condominium associations, federal/state fair housing laws training course for officers/board members of: HB 2047

Condominium associations, notices/meetings/votes and electronic transmission or conferencing: ***SSB 5011, CH 227 (2021)**

Condominiums, condominium conversion tenant-to-homeowner program, implementing: ***ESSB 5758, CH 165 (2022)**

Condominiums, purchaser deposit funds use and declarant surety bonds: ***ESSB 5024, CH 260 (2021)**

Condominiums/associations, electric vehicle charging stations, apartment/unit owner installation/use, requirements: HB 1793

Cooperatives, limited equity, providing owned housing for low-income persons, property tax exemption: HB 1350, ***SB 5713, CH 93 (2022)**

Dwelling units, accessory, city/county adoption of model code requirements for, incentives: HB 1337

Dwelling units, accessory, city/county policies to encourage use for long-term housing: HB 1711

Dwelling units, accessory, city/county waiver or deferral of fees, tax payment, or specific regulations: HB 1711

Dwelling units, accessory, defining "major transit stop" in terms of frequency for purposes of: HB 1711

Dwelling units, accessory, occupant limits in relation to short-term rentals and relevant to: HB 1660, ***ESSB 5235, CH 306 (2021) PV**

Dwelling units, detached accessory, when located outside of urban growth areas, requirements: HB 1298

Dwelling units, low-income rental, accessory to single-family dwelling, property tax exemption for, when: HB 1841

Emergency housing, emergency housing and shelters and permanent supportive housing under GMA: HB 1220

Emergency shelter communities, temporary, sponsors/managing agencies/services/permits/responsibility plans: HB 2085

Fair housing laws, federal/state, training course regarding, for common interest community officers/board members: HB 2047

Home air quality improvement program, statewide, establishing to aid children with respiratory conditions: HB 1291

Homeless housing, public building conversion grant program, creating: HB 1101

Homeless housing/assistance, document-recording surcharges for: HB 1183, HB 1277, HB 2010

Homeless housing/assistance, home sharing programs, aiding and funding: HB 1183

Homeless housing/assistance, home sharing programs, grant program for organizations operating: HB 1183

Homeless housing/services, proposals for authorizing when planning under GMA, process for reviewing: HB 1952

Homeless youth, housing/facilities for, revenues from special excise tax on lodging for: HB 1070

Homeowners' associations, changing "apartment" to "lot" in a certain RCW section relating to: HB 1857

Homeowners' associations, electric vehicle charging stations, installation/use by lot owner, requirements: HB 1793

Homeowners' associations, federal/state fair housing laws training course for officers/board members of: HB 2047

Homeowners' associations, notices/meetings/votes and electronic transmission or conferencing: ***SSB 5011, CH 227 (2021)**

Homeowners' associations, prohibition of types of housing city required to allow under GMA , prohibiting: HB 1981

Homeowners, facing foreclosure, applicability of assistance provisions of foreclosure fairness act, expanding: HB 1108

Homeowners, facing foreclosure, foreclosure mediation program and federally insured depository institutions: HB 1108

Homes, single-family dwellings, damaged by natural disaster, improvements to, property tax exemption: ***ESB 5454, CH 192 (2021)**

Homestead state property tax exemption for portion of assessed value of residential property, when: HB 1579

Homesteads, exemption in bankruptcy proceedings, amount and application of: ***ESSB 5408, CH 290 (2021)**

Housing and homelessness department, new state, legislative task force on creating a, establishing: HB 1987

Housing authorities, contracting with property management services company for housing project management: ***HB 1975, CH 273 (2022)**

Housing authorities, real property sale/transfer for affordable rental housing to, real estate excise tax exemption: HB 1643

Housing benefit district advisory board, establishing: HB 1128, HB 1880

Housing benefit districts, for increasing affordable housing, creation and funding of: HB 1128

Housing benefit districts, for increasing affordable housing, pilot program for creation and funding of: HB 1880

Housing policies, proposed legislation on, equity impact statements for, when: HB 1264

Housing projects, property management services for, public housing authority contract with company for: ***HB 1975, CH 273 (2022)**

Housing stability services and eviction prevention, document-recording surcharge revenue for: HB 1277

Housing trust fund program, "first-time home buyer" for purposes of, modifying: HB 2097

Housing, courtyard apartments and townhouses as middle types under GMA: HB 1782

Housing, for farmworkers, temporary, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**

Housing, middle housing types development and zoning policy under GMA: HB 1782

Housing, middle housing types near "major transit stops" under GMA: HB 1782

Housing, multiple-unit/-family buildings condominium conversion tenant-to-homeowner program, implementing: ***ESSB 5758, CH 165 (2022)**

Housing, permanent supportive, advisory committee on, establishing: HB 1724

Housing, placements in county for conditionally released sexual predators, fair share principles: ***E2SSB 5163, CH 236 (2021)**

Housing, racially disparate impacts/displacement/exclusion in, addressing at local level: HB 1220

Low-income home rehabilitation revolving loan program, lowering loan interest rate: HB 2098

Medicaid, managed care, enrollees discharged from inpatient behavioral health, housing services for: HB 1860

Medical assistance clients, exiting inpatient behavioral health settings, homelessness/housing instability: HB 1860

Medical assistance, persons enrolled in, supportive housing benefit for, when: HB 1866

Multiunit residential buildings, purchaser deposit funds use and declarant surety bonds: ***ESSB 5024, CH 260 (2021)**

Multiunit residential buildings, qualified inspector of building enclosure for, architect or engineer of record as: ***ESSB 5024, CH 260 (2021)**

Occupants, unrelated, occupying home, city/county limiting of, prohibiting: ***ESSB 5235, CH 306 (2021) PV**

Racial inequities, current/historical, addressing via estate tax revenue deposits in equity in housing account: HB 1465

Racially disparate impacts, displacement, and exclusion in housing, addressing at local level: HB 1220

Rental assistance, emergency rental assistance grant program, creating: HB 1228, HB 1398

Rental assistance, to prevent homelessness, certain funds use for: HB 1368

Rental housing, preserving through rent repayment plans and resolution and assistance programs: HB 1228

Rental housing, single-/multi-family, conservation/energy efficiency opportunities, roles of owner and utility: HB 1125, HB 1498

Rental housing, use of arrest/conviction history to deny housing to prospective or current tenant, restricting: HB 2017

Rental housing, vouchers for juvenile offenders through community transition services program: HB 1186

Rental housing, vouchers for offenders released from correctional facility: HB 1818

Rental/vacant housing, statewide property registration program/database for, feasibility of creating, evaluating: SB 5825

Residential building capacity, various city actions to increase, appeal exemptions under SEPA and GMA: ***SSB 5818,**

CH 246 (2022)

Residential property, antidisplacement state property tax exemption for portion of assessed value of: HB 1494

Residential property, homestead state property tax exemption for portion of assessed value of, when: HB 1579

School district employees, single/multi-family housing for, district role: SB 5043

Shelter communities, temporary emergency, sponsors/managing agencies/services/permits/responsibility plans: HB 2085

Shelter units, services for residents of, real estate sales excise tax revenue use for: HB 1069

Supportive housing benefit, for persons enrolled in medical assistance, when: HB 1866

Supportive housing, permanent, advisory committee on, establishing: HB 1724

Sustainable housing and affordable housing, enacting programs under GMA for: HB 2020

Tiny house communities, allowing as part of incentive program under GMA: HB 2001

US 395 north Spokane corridor/I-90 projects, housing via limited project for community purposes to remedy impacts:

***ESSB 5853, CH 59 (2022)**

Workforce housing, affordable, infrastructure/facilities, public facilities sales/use tax revenue use for: ***SB 5868, CH 175 (2022)**

Workforce housing, local infrastructure investment programs to support: HB 1966

Youth, housing stability for youth in crisis pilot programs, funding and assistance for counties implementing: HB 1905

Youth, independent youth housing program, eligibility for, expanding: ***SB 5566, CH 154 (2022)**

Youth/young adults, exiting publicly funded systems of care, rapid response teams/safe housing/care grants for: HB 1905

HORSE RACING (See also GAMBLING; HORSE RACING COMMISSION; HORSES)

Equine activities, involving horse racing, equine-related products sales tax revenues use for: HB 1928

Equine industry reinvestment account, Washington, creating: HB 1928

Racetracks, sports wagering through pools by cardrooms or, authorizing: HB 1674

HORSE RACING COMMISSION

Equine activities, involving horse racing, equine-related products sales tax revenues use for, commission role: HB 1928

Salaries and expenses, removing prohibition on state payments for: ***HB 1022, CH 149 (2021)**

HORSES (See also HORSE RACING; HORSE RACING COMMISSION; LIVESTOCK)

Equine activities, involving horse racing, equine-related products sales tax revenues use for: HB 1928

HOSPITALS (See also ABORTION; HEALTH CARE FACILITIES)

Acute care hospitals, immediate jeopardy due to violations, imposing fines/limited stop service for: HB 1148

Assault, of a child, examination of suspected victim of, L&I to pay hospital's costs: ***SSB 5814, CH 171 (2022)**

Births in hospitals, immediate postpartum contraception, health insurers to pay separately for: ***HB 1651, CH 122**

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Charity health care, for indigent persons, hospital policies, guidelines for: HB 1616

Critical access and sole community, provisions concerning: HB 1272

Critical access hospitals and public expenditure hospitals, safety net assessment for, extending expiration of: ***HB 1316,**

CH 255 (2021)

Death with dignity act, end-of-life care in connection with, requirements: HB 1141

Discharge from hospital, to protective arrangement, including long-term care setting or plan of care for medicaid: HB 2083

Emergency services, health plan claims, nonparticipating providers/out-of-network services/dispute resolution: HB 1688

Facility fee, provider charging of, restricting to services provided to patient on hospital's campus: HB 1862

Health insurance carriers, hospital/affiliate contracts with, prohibitions: HB 1160

Health systems, loans from government entities in response to emergency/pandemic, reporting: HB 1272

Health systems, transparency, consolidated income statement/balance sheet: HB 1272

Health systems, transparency, data/activities/services/staffing/finances: HB 1272

Homeless persons, homeless when admitted into hospitals, including in state census of homeless persons: SB 5607

Hospitals/systems/other health entities, mergers/other material change transactions between, requirements: HB 1809
 Hospitals/systems/provider organizations, mergers/acquisitions/contracting affiliations between, requirements: HB 1809
 Information reporting, to include race/ethnicity/gender identity/language/disability, when: HB 1272
 Licensing/other selected laws/regulations, timely consideration of waiver or suspension of, when: ***ESSB 5178, CH 268 (2021)**
 Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
 Nonprofit hospitals, community health improvement services activities: HB 1272
 Nurses/nursing assistants, in hospitals, meal and rest breaks and use of overtime and on-call shifts, violations: HB 1868
 Opioid overdose reversal medication bulk purchasing and distribution program, establishing, role of hospitals: ***2SSB 5195, CH 273 (2021)**
 Opioid overdose reversal medication, dispensing/distribution by hospital, when: ***2SSB 5195, CH 273 (2021)**
 Opioid overdose reversal medication, dispensing/distribution by nurse in hospital ER, requirements: ***HB 1761, CH 25 (2022)**
 Pathogens of epidemiological concern, each hospital to adopt policy regarding: ***HB 1739, CH 207 (2022)**
 Pregnancy, complications of, health care entity care prohibitions, prohibiting: ***SSB 5140, CH 235 (2021)**
 Provider compensation agreements, between hospitals/affiliates and health carriers, affordability standards for: HB 1741
 Provider contracts, between hospitals/affiliates and health carriers, certain contractual provisions in, prohibiting: HB 1741
 Psychiatric beds, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**
 Public expenditure hospitals, certified, safety net assessment for, extending expiration of: ***HB 1316, CH 255 (2021)**
 Rural hospitals, nurse shortages, high school student certified nursing assistants/trainees utilization pilot programs: SSB 5892
 Safety net assessment, for medicaid hospital services and public expenditure/critical access hospitals, extending: ***HB 1316, CH 255 (2021)**
 Services, in-network, hospitals to contract with health benefit exchange public option plans, when: ***E2SSB 5377, CH 246 (2021)**
 Sexual assault nurse examiners, hospital grant program for access to: HB 1621
 Speed zones, hospital, automated traffic safety cameras use for speed violations in, authority for: HB 1915
 Staffing, hospital staffing committees, creation and duties of: HB 1868
 Staffing, minimum staffing standards for nurses/nursing assistants/ancillary health care personnel: HB 1868
 Strangulation, nonfatal, victims of, exam costs payment by state, when: ***2SSB 5183, CH 269 (2021)**
 Telemedicine, audio-only, facility fee for, prohibiting originating-site hospitals from charging: HB 1708
 Terminally ill patients, in hospitals, right to have visitors: HB 2117
 Therapy animals and their human handlers, celebrating/honoring, and saluting therapy animal teams' service: ***HR 4656 (2022)**
 Visitors, during public health emergency/comparable threat, patient access to essential support person: HB 1983
 Visitors, patient's right to, hospital interference with, prohibiting: HB 1983

HOUSE RESOLUTIONS

Ahern, John Edward, former state representative: ***HR 4621 (2021)**
 Black history month: ***HR 4603 (2021), *HR 4644 (2022)**
 Boys and Girls Clubs in Washington state: ***HR 4612 (2021)**
 Brown, Bishop Leo Charles, Jr.: ***HR 4617 (2021)**
 Brown, Jeremy, sergeant, Clark county sheriff's office, fallen in the line of duty: ***HR 4661 (2022)**
 Camas High School Papermakers gymnastics team: ***HR 4614 (2021)**
 Childress, Norman "Norm" Wayne, former Yakima county commissioner: ***HR 4625 (2021)**
 Crime victims, victims of violent crime and the survivors amongst them: ***HR 4665 (2022)**
 Daffodil festival: ***HR 4619 (2021), *HR 4643 (2022)**
 Data privacy day: ***HR 4642 (2022)**
 Dolan, Laurie, state representative, her service to the legislature and our democracy: ***HR 4669 (2022)**
 Donate life month, national, and organ donors and recipients: ***HR 4647 (2022)**
 Doumit, Mark L., former state representative and senator and director of WA forest protection association: ***HR 4650 (2022)**
 Dufault, Jeremie J., state representative, his record of public service: ***HR 4666 (2022), *HR 4672 (2022)**
 Evergreen State College, The: ***HR 4636 (2022)**

Executive order 9066, eightieth anniversary: *HR 4645 (2022)
 Executive order 9066, seventy-ninth anniversary: *HR 4609 (2021)
 Fallen law enforcement officers of Washington state: *HR 4626 (2021), *HR 4661 (2022)
 Firefighters, Washington's: *HR 4620 (2021)
 Forrest, Gabriel K., corrections officer, department of corrections, fallen in the line of duty: *HR 4661 (2022)
 Gaudino, Dr. James L., president, Central Washington University: *HR 4611 (2021)
 Goodrich, Darryl L., Jr., corrections officer, department of corrections, fallen in the line of duty: *HR 4661 (2022)
 Gunderson, Eric, Washington state trooper, fallen in the line of duty: *HR 4661 (2022)
 Hansen, James Lee, sculptor and poet: *HR 4634 (2022)
 Harris, Alexandra "Lexi," officer, Seattle police department, fallen in the line of duty: *HR 4661 (2022)
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 Hughes, Jay, officer, Kalispel tribal police department, fallen in the line of duty: *HR 4661 (2022)
 Japanese American veterans, incarcerated, and civil rights activists: *HR 4609 (2021), *HR 4645 (2022)
 Johnson, Jesse, state representative, his years of public service as an official and a volunteer: *HR 4671 (2022)
 King, Dr. Martin Luther, Jr.: *HR 4601 (2021), *HR 4635 (2022)
 Kirby, Steve, state representative, his service to the legislature and the people of Washington: *HR 4668 (2022)
 Knight, Trey, national high school hammer throw record holder, Ridgefield High School: *HR 4616 (2021)
 Kogan, Simon, sculptor and painter: *HR 4663 (2022)
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 Military, women in: *HR 4658 (2022)
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 Schaffer, Justin R., Washington state trooper, fallen in the line of duty: *HR 4618 (2021)
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 Sibonga, Cesar, officer, U.S. customs and border protection, fallen in the line of duty: *HR 4661 (2022)
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 Sullivan, Pat, state representative and house majority leader: *HR 4673 (2022)
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Taiwan, strong relationship between Washington and: ***HR 4613 (2021)**
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 TED (thyroid eye disease) awareness week, third week of November 2022 as: ***HR 4640 (2022)**
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 Therapy animals, their human handlers, and therapy animal teams' service: ***HR 4656 (2022)**
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 USS Nimitz aircraft carrier, crew of: ***HR 4631 (2021)**
 Utendale, Dr, John, former NHL hockey player and college faculty member and administrator: ***HR 4637 (2022)**
 Veterans and veteran service organizations and officers: ***HR 4630 (2021)**
 Washington state patrol, 100 years of service by: ***HR 4622 (2021)**
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 Wilfong, Ester, teacher, administrator, and professional association leader: ***HR 4659 (2022)**
 Yoshiwara, Jan, executive director, state board for community and technical colleges: ***HR 4655 (2022)**

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Condominiums, condominium conversion tenant-to-homeowner program, implementing, commission role: ***ESSB 5758, CH 165 (2022)**
 Cooperative, Washington state public financial cooperative, establishing, commission to administer and operate: E2SSB 5188
 Indebtedness of commission, limit for, raising: ***HB 1738, CH 70 (2022)**

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Disposition of remains, of deceased indigent county resident who dies in adjacent county outside WA: HB 1743
 Disposition of remains, of deceased vulnerable adult, certain person's right of control to be relinquished, when: SB 5629
 Indigenous persons, murdered/missing, regional liaisons for, duties of: HB 1571
 Indigenous persons, remains of, disposition, county coroner duties: HB 1571
 Indigenous persons, remains of, identifying and contacting family members and tribes: HB 1571

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Disabilities, hunters/fishers with, advisory committee on, modifications: HB 1649
 Dogs, hunting black bear/bobcat with aid of, county agency employee/agent authority for, eliminating: SSB 5613
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 Enforcement program, fish/wildlife, adequate commissioned personnel/funding/resources for, maintaining: HB 2110
 Licenses, big and small game, discounts for senior citizens: HB 1185
 Licenses, combination, various provisions: SB 5552
 Licenses, hunter education training program completion, exempting federal peace officers from requirement: SB 5552
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 Licensing requirements, miscellaneous provisions affecting, modifying: SB 5552
 Resident, for licensing purposes, certain provisions involving armed forces members and veterans, revising: SB 5552
 Traditional methods, hunting and fishing using, as individual right, constitutional amendment for: HJR 4210
 Wildlife, taking or effort to harvest, licensee/permittee reporting requirements, violation penalty, increasing: HB 1261

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 Fish habitat enhancement, projects for, national flood insurance program, requirements/fees for administering: HB 1268, HB 1478, ***SSB 5381, CH 289 (2021)**
 Fish habitat enhancement, projects for, tribally sponsored fish habitat enhancement or restoration projects: HB 1478, ***SSB 5381, CH 289 (2021)**
 Fish passage barriers, DOT correction projects, DFW permitting review/approval process: ***SSB 5381, CH 289 (2021)**
 Fish passage barriers, removal projects, national flood insurance program, requirements/fees for administering: HB 1268, HB 1478
 Forest practices hydraulic projects, DNR-approved for habitat/fish passage, substantial development permit requirements exemption: ***SSB 5381, CH 289 (2021)**

Marine shoreline stabilization/armoring, replacing, options and requirements for: ***SSB 5273, CH 279 (2021)**
 Marine shoreline stabilization/armoring, replacing, to include residential and nonresidential: HB 1838
 Marine structure, in waters of Puget Sound, replacement or repair of, most recent code standards: E2SSB 5885
 Projects, permits for, exemption from requirement, when: HB 1436

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Homeless persons, identicards for, program to provide, creating: ***ESSB 5815, CH 57 (2022)**
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 Identicards, enhanced, citizenship determination role for voter registration purposes of: HB 1796
 Identicards, enhanced, fees for, deposits of: HB 1036, HB 1091
 Identicards, enhanced, fees for, increasing and depositing in move ahead WA flexible account: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Identicards, issuance period of, extending, and increasing fees in keeping with: HB 1207
 Identicards, online renewal of, expanding: HB 1207
 Identicards, personal/identity information associated with records held by DOL, prohibiting release of: HB 2013
 Identicards, photo and update only fee, increasing and depositing in move ahead WA flexible account: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Identicards, regular or enhanced, applications for original or renewal, additional fee and use of fee: ***ESSB 5226, CH 240 (2021)**
 Sexually violent offenders, in special commitment center, state ID card for: ***E2SSB 5163, CH 236 (2021)**
 Social security numbers, used by L&I and ESD as personal identifiers, replacing, when: HB 1455

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Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**
 Indigent persons, not legally in U.S., civil legal aid funds for representing: ***HB 1072, CH 58 (2021)**
 Medicaid, federal, when ineligible due to immigration status, state-only coverage and health/dental plans: HB 1191
 Medical school graduates, international, limited license for, when: HB 1129
 Money transmitters, small, serving immigrants, impact of de-risking on, requesting that congress act to reduce: SJM 8004
 Rural development, correcting land use patterns perpetuating disadvantages faced by immigrants and other peoples: HB 1233

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Dwelling units, accessory, city/county waiver or deferral of fees, including impact fees: HB 1711
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 Residential construction, single-family detached/attached, impact fees deferral, options for: HB 1714

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Cyber harassment, of board member, class C felony: ***ESSB 5628, CH 231 (2022)**
 Long sentences, for offenses committed before age of 25, release from confinement, when, board role: HB 1344

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Aerial imaging technology, tribal/state/local government uses of, studying: HB 1629
 Behavioral health, involuntary commitment of American Indian or Alaska Native, requirements, modifying: ***SSB 5073, CH 264 (2021)**
 Billy Frank Jr. national statutory hall collection fund, creating: HB 1372
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 Billy Frank Jr., statue of, replacing Marcus Whitman statue in U.S. capitol's national statutory hall with: HB 1372
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 Broadband services, open access networks, grant/loan program for tribes to develop: HB 1740
 Climate commitment act, allocations/appropriations from certain accounts, tribal consultations: HB 1753
 Climate commitment act, Washington, assistance program for offset projects on tribal land, establishing: ***E2SSB 5126, CH 316 (2021) PV**
 Climate commitment act, Washington, implementation of, tribal role: ***E2SSB 5126, CH 316 (2021) PV**
 Comprehensive planning, container port elements, Indian tribe collaboration: HB 1717

- Comprehensive planning, county/regional, Indian tribe participation/coordination agreements and consultations: HB 1458
- Comprehensive planning, county/regional, Indian tribe participation/coordination agreements and dispute resolution: HB 1717
- Comprehensive planning, port container elements, Indian tribe collaboration: HB 1458
- COVID-19 impacts, grants from tribes to address, tax exemptions for: HB 1002, HB 1095
- Defense community compatibility account, for grants for capital projects, adding Indian tribes to eligible recipients: SB 5782
- Education, tribal leaders congress on, OSPI/WSSDA/others collaboration with, when: ***SSB 5252, CH 9 (2022)**
- Emergency management council, tribal members, adding: ***SB 5101, CH 233 (2021)**
- Energy facility site evaluation council, to include two tribal appointees, when: HB 1812
- Energy facility siting, consultation with tribes, when: HB 1812
- Environmental justice, decisions affecting tribes' rights/interests, tribal consultation: ***E2SSB 5141, CH 314 (2021)**
- Fish habitat enhancement, projects for, tribally sponsored fish habitat enhancement or restoration projects: HB 1478, ***SSB 5381, CH 289 (2021)**
- Forest health treatments and wildfire prevention/response, role of tribal governments: HB 1168
- Graduation requirements, tribal activities/traditional education/leadership development programs participation, credits for: HB 2090
- Health equity zones, including Indian communities in identifying and creating: ***E2SSB 5052, CH 262 (2021)**
- Health programs, foundational public health services funding for, when: HB 1152
- Health, local boards of, member expertise and lived experience, diversity requirements: HB 1110
- Homelessness, persons experiencing, immediate employment programs for, grant program for tribal gov'ts/etc. for, creating: HB 2132
- Inmates convicted in tribal courts, housing of, tribal agreements with dept. of corrections for: ***SB 5694, CH 254 (2022)**
- Long-term services and supports trust program, election of coverage by tribe: HB 1323
- Long-term services and supports, medicaid, eligibility determinations/other functions, performance by Indian tribes: HB 2060, ***SB 5866, CH 255 (2022)**
- Lorraine Loomis act, concerning habitat for salmon recovery: HB 1838
- Menstrual hygiene products, in gender-neutral and female-student tribal school bathrooms, providing: HB 1273
- Missing indigenous persons, "red thunder alert" designation in connection with endangered missing person: HB 1571
- Missing indigenous persons, law enforcement authority investigation for, duties of: HB 1571
- Missing indigenous women and persons alert, missing endangered person advisory designation for, creating: HB 1639, HB 1725
- Missing or murdered indigenous persons, regional liaisons for, duties of: HB 1571
- Motor vehicles, tribal registration eligibility and license plates design: HB 1632
- Native American names/symbols/images, use by public schools as mascots/logos/team names, prohibiting: HB 1356
- Native education, office of, WSSDA partnering with, for certain data gathering: ***SSB 5252, CH 9 (2022)**
- Office of Indian affairs, salmon recovery, state/tribal riparian management oversight committee, convening: HB 1838
- Office of Indian affairs, salmon/steelhead recovery statewide interagency coordination role of: HB 1653
- Office of Indian affairs, tribal consultations about climate commitment act funds use, office role: HB 1753
- Police officers, tribal, various provisions: HB 1082, ***E2SSB 5051, CH 323 (2021)**
- Police, Kalispel tribal police department, officer Jay Hughes, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Properties, state highway/DOT, environmental mitigation sites, conveyance to tribal governments, when: ***HB 1934, CH 184 (2022)**
- Remains/body of indigenous person, disposition of, county coroner duties: HB 1571
- Remains/body of indigenous person, identifying and contacting family members and tribe: HB 1571
- Salmon/steelhead/trout management, fishing rights/management agreements, repealing ch. 77.110 to affirm: HB 1172
- School districts and tribes, boards and tribal councils, regional meetings: ***SSB 5252, CH 9 (2022)**
- School districts and tribes, data sharing: ***SSB 5252, CH 9 (2022)**
- School districts, performing tribal consultation, training for those who are: ***SSB 5252, CH 9 (2022)**
- School districts, tribal consultation training and schedule, developing: ***SSB 5252, CH 9 (2022)**
- Suicide, suicide-safer homes task force, subcommittees to include tribal member: HB 1181
- Trafficking, indigenous survivors of, services and resources for, grant funding to provide and support: HB 1571

Tribal courts, inmates convicted in, housing of, tribal agreements with dept. of corrections for: ***SB 5694, CH 254 (2022)**

Tribal schools, college in the high school programs, provisions governing: HB 1302

Tribal schools, enrollment stabilization allocations for, when: HB 1476, HB 1590

Tribal schools, financial education requirements: HB 1938

Tribal schools, K-12 safety and security services and staff, requirements and training: HB 1214

Tribal schools, lead in drinking water, sampling/testing at outlets for, opting into: HB 1139

Tribal schools, learning devices/computers/peripheral devices in, plan and programs for: HB 1365, HB 1450

Tribal schools, school seismic safety grant program, establishing: HB 2095, ***SSB 5933, CH 113 (2022)**

Tribal schools, student transportation services during remote instruction: ***E2SSB 5128, CH 234 (2021)**

Tribal schools, teacher syllabi and instructional materials, by grade or course, posting on website: HB 2056

Tribal sovereignty/customs/culture/traditions/spirituality, training for coroners and law enforcement in: HB 1571

Tribal-state relations committee, joint legislative, establishing: HB 1640

Urban and community forestry program, role of tribes: HB 1216

Vapor products, taxes on, Indian retailer exemption from, when: HB 1345

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Campaigns, foreign national actions contributing to, when for or against ballot measure or initiative: HB 1475

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Tax increase legislation, automatic referendum on any tax act passed by legislature, procedures for: HJR 4212

Voters' pamphlets, state/local, statements for and against measures before voters: EHB 1453

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Clinical trials for drugs and medical devices, diversity program for: SSB 5723

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Adjusters, emergency, nonresident independent adjusters as: HB 1037

Automobiles, physical damage coverage, basic contract of automobile insurance: HB 1428

Captive insurers, eligible, affiliated with public higher education institution, premium tax exemption: ***2SSB 5315, CH 281 (2021)**

Captive insurers, eligible, registration/authority/taxation/premium tax: ***2SSB 5315, CH 281 (2021)**

Captive insurers, exempting from B&O taxation, when: ***2SSB 5315, CH 281 (2021)**

Child support debt inquiries and enforcement compliance by companies, when: HB 1416

Child support withholding orders and liens, compliance by companies with: HB 1416

Flood insurance program, national, local administering of regulation requirements for, requirements/fees for: HB 1268, HB 1478

Group insurance, contracts for, performance standards: HB 1052

Guaranty association protection, in event of insolvency, provisions: ***SB 5508, CH 151 (2022)**

Health benefit exchange, B&O tax exemption for, eliminating expiration date of: ***HB 1765, CH 73 (2022)**

Health benefit exchange, non-standardized bronze/silver/gold/platinum/catastrophic health plans, offering: ***E2SSB 5377, CH 246 (2021)**

Health benefit exchange, offering certain bronze and gold standardized plans, analysis of: ***E2SSB 5377, CH 246 (2021)**

Health benefit exchange, premium assistance and cost-sharing reduction program, establishing: ***E2SSB 5377, CH 246 (2021)**

Health benefit exchange, qualified health plans offered on, health carrier requirements: ***E2SSB 5377, CH 246 (2021)**

Health benefit exchange, qualified health plans, standardized bronze/silver/gold plans, health care authority role: ***E2SSB 5377, CH 246 (2021)**

Health benefit exchange, state-only programs for apple health and qualified health and dental plans: HB 1191

Health care, abortion coverage, student health plans, when: ***HB 1009, CH 53 (2021)**

Health care, balance billing protection act, modifying: HB 1688

Health care, behavioral health support specialists, use of and network access standards, recommendations: E2SSB 5884

Health care, biomarker testing, prior authorization exemption for cancer patients, when: HB 1689

Health care, carrier alternative access delivery requests, filing and review requirements: HB 1889

Health care, carriers, covered lives assessment, foundational public health services use of: HB 1201

Health care, carriers, provider network access standards compliance by: HB 1889

Health care, children with seizures/neurological symptoms/etc., genetic testing coverage for: HB 1346

Health care, contracts between health carrier and hospital/affiliate or provider, prohibitions: HB 1160

Health care, coverage for gender-affirming treatment, requirements and unfair practices by carriers: ***2SSB 5313, CH 280 (2021)**

Health care, coverage via unified financing system, universal health care commission for creating, establishing: ***E2SSB 5399, CH 309 (2021)**

Health care, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**

Health care, emergency services, nonparticipating providers/out-of-network services/dispute resolution: HB 1688

Health care, fertility services, health plan coverage for: HB 1730

Health care, group insurance contracts, performance standards for: HB 1052

Health care, hearing instruments coverage for persons 18 or younger: HB 1047

Health care, hearing instruments coverage, including bone conduction hearing devices, requiring: HB 1854

Health care, immediate postpartum contraception, health insurers to pay separately for: ***HB 1651, CH 122 (2022)**

Health care, imprisoned juvenile offender nearing final release from custody: ***ESSB 5118, CH 265 (2021)**

Health care, insulin, maximum enrollee payment for 30-day supply, reducing: ***SSB 5546, CH 10 (2022)**

Health care, insulin, total cost of insulin work group, extending deadlines/expiration of: HB 1728

Health care, licensed peer specialist/peer specialist trainees, recommendations for health carriers regarding: HB 1349

Health care, living organ donors, insurer discrimination against, prohibitions: ***SSB 5003, CH 172 (2021)**

Health care, payment for behavioral health mobile crisis/triage facility/crisis stabilization services: HB 1182, HB 1477

Health care, prescription drug affordability board, impact of establishment on carriers: HB 1671, ***2SSB 5532, CH 153 (2022)**

Health care, prescription drug cost-sharing amounts to be counted against out-of-pocket maximum, deductible, etc.: HB 1713, ***SSB 5610, CH 228 (2022)**

Health care, prescription drugs for mental health conditions, continuity of coverage of, when: ESSB 5794

Health care, primary care expenditures in WA, measuring/reporting on/increasing: ***SSB 5589, CH 155 (2022)**

Health care, prosthetics and orthotics minimum coverage, reimbursement rate, and other requirements: HB 1427

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Health care, statewide all-payer health care claims database, role of: HB 1688

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Health care, telemedicine services, carrier reimbursement at in-person total compensation amount: HB 1462

Health care, telemedicine, audio-only, patient/provider "established relationship" before providing: HB 1821

Health care, third-party administrators, registration and covered lives assessment: HB 1201

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Life insurance, reinsurance agreements: ***SB 5048, CH 138 (2021)**

Long-term care insurance, reinsurance agreements: ***SB 5048, CH 138 (2021)**

Long-term care reinsurance association, Washington, creating: HB 1913

Long-term care reinsurance program, Washington, establishing: HB 1913

Long-term services/supports trust program, beneficiaries residing outside WA: HB 1596, HB 1742

Long-term services/supports trust program, employee with long-term care insurance, exemption for: HB 1742

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Long-term services/supports trust program, hardship exemption from: HB 1597

Long-term services/supports trust program, implementation of, delaying: HB 1732
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 Long-term services/supports trust program, modifications: HB 1323
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 Tax increase legislation, constitutional amendment to require two-thirds majority: HJR 4203
 Term limits, for legislators, governor, and other statewide elected officials, constitutional amendment: HJR 4207
 Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201

JUDGES (See also ADMINISTRATIVE PROCEDURE; COURTS; ELECTIONS)

Appeals, court of, judge pro tempore of, appointing eligible judge to serve as, when: ***SB 5931, CH 63 (2022)**
 Compensation increases, state judicial branch, ceasing during 2021-2023: HB 1027
 Cyber harassment, of federal/state/municipal court judges, class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyberstalking, of judge, class C felony: ***ESSB 5628, CH 231 (2022)**
 Interbranch advisory committee, with 8 judicial branch members, creating: ***ESSB 5490, CH 284 (2022) PV**
 Single judge courts, presiding judge unavailability or vacancy, judge pro tempore appointment due to: ***HB 1825, CH 74 (2022)**
 Superior court judges, increasing number in Snohomish county: ***SSB 5575, CH 46 (2022)**
 Superior court judges, increasing number in Thurston county: ***HB 1167, CH 63 (2021)**

JUDGMENTS

Bankruptcy proceedings, homestead exemption, amount and application of: ***ESSB 5408, CH 290 (2021)**
 Bribery, commercial, enforcement of civil judgment in favor of person who has committed, prohibiting, when: HB 2103
 Consumer debt, personal property exemption from execution/attachment/garnishment, when: HB 1447, ***HB 1525, CH 50 (2021)**
 Legal financial obligations, restitution and non-restitution, various provisions: HB 1412
 Medical malpractice claims, monetary damages, accrual of interest: E2SSB 5155
 Public agency, tortious conduct of, accrual of interest on judgments founded on: HB 1754
 Student loan debt, private, personal property exemption from execution/attachment/garnishment, when: HB 1447, ***HB 1525, CH 50 (2021)**
 Tortious conduct, of individual or entity, accrual of interest on judgments founded on: E2SSB 5155
 Tortious conduct, of individual/entity/public agency, accrual of interest on judgments founded on: HB 1754

JUVENILES AND JUVENILE COURT (See also CHILDREN; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DOMESTIC RELATIONS; FOSTER CARE; PUBLIC ASSISTANCE)

Adjudications/convictions, juvenile, adult offender scores increased due to, resentencing hearing when: HB 1413
 Adjudications/convictions, juvenile, increasing adult offender scores due to, prohibiting: HB 1413
 Attorneys, access for juveniles to, when questioned by law enforcement: HB 1140
 Community facilities, for group care of juveniles, as essential public facilities under GMA: ***ESSB 5118, CH 265 (2021)**
 Controlled substance, juvenile consuming, delivery from law enforcement custody to evaluation/treatment facility: HB 1559
 Custodial parent, when rights terminated, action against adoptive parent for child support by, prohibiting: HB 1635
 Cyber harassment, of corrections institution or detention facility staff member, class C felony: ***ESSB 5628, CH 231 (2022)**

Cyberstalking, of employee/contract staff person/volunteer of correctional agency, class C felony: ***ESSB 5628, CH 231 (2022)**

Dependency proceedings, "experiencing homelessness" for purposes of: HB 1221

Dependency proceedings, attorney for child in, appointing, when: HB 1219

Dependency proceedings, child in custody, holding child in shelter care for no more than 24 hours: HB 1923

Dependency proceedings, child welfare, placement with relative appointed as guardian: HB 1747

Dependency proceedings, returning child home, casework supervision of certain parents, extending: HB 1944

Dependency proceedings, shelter care hearing: HB 1923

Dependency proceedings, shelter care hearing, when child abuse/neglect alleged: HB 1227

Dependency proceedings, students who are the subject of, education requirements for: HB 1955

Dependency proceedings, taking child into custody, establishing necessity by preponderance of evidence: HB 1923

Dependency proceedings, visitation, provision/requirements for, and supervision/monitoring of: HB 1194

Dependency proceedings, youth with developmental disabilities exiting, services eligibility: HB 1061

Dependency system, early childhood court program for infants/toddlers in, establishing: ***2SSB 5331, CH 285 (2021)**

Drug offenses, controlled substance/counterfeits/legend drugs personal use possession by juvenile, civil infraction : HB 1578

Fingerprinting, of juvenile defendants in felony convictions, eliminating: SB 5609

Incapable of committing crime, children under age 13 as, with partial exception: ESSB 5122

Institutional education program, elective computer science course for youth in juvenile institution: ***SB 5657, CH 234 (2022)**

Institutional education program, for youth in/released from secure facilities, duties of agencies and work group: HB 1295

Institutional education program, institutional education accountability work group, establishing: HB 1295

Jurisdiction of juvenile court, future extension to age 19, raise the age juvenile justice task force on, establishing: ESSB 5122

Juvenile justice subcommittee, DCYF oversight board to convene: HB 1936

Juvenile rehabilitation facilities, parent payment of incarceration costs for child in, repealing: HB 1897, HB 2050

Juvenile rehabilitation, persons in, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**

Laser, unlawful discharge of a, second or third degree, civil infractions if committed by juvenile, when: HB 1394

Minors, minor guardianships, various provisions, modifying: ***SB 5788, CH 243 (2022)**

Offenders, community transition services program, implementing as electronic monitoring program: HB 1186

Offenders, diversion agreements, period for completion by juvenile, expanding: ***HB 1894, CH 34 (2022)**

Offenders, health care insurance, when nearing final release from custody: ***ESSB 5118, CH 265 (2021)**

Parental rights, terminated, open adoption agreements/birth parent deficiencies/child-birth parent visitation petitions: HB 1903

Records, exemptions, sunshine committee recommendations: HB 1024, HB 1041

Records, juvenile, sealed or destroyed, dissemination by person/entity of, civil action by subject of records due to: HB 2034

Records, juvenile, sealed, destruction automatically or by request, when: HB 2034

Rehabilitation institutions, offender in, with untried indictment/complaint pending, bringing to trial: ***ESSB 5118, CH 265 (2021)**

Residential schools, institutional education program, duties of agencies and accountability work group: HB 1295

Students, recently released, school in-person instruction resumption priority groups for delivery to include: HB 1366

Youth courts, to target offenders age 13 through 17: ESSB 5122

LABOR (See also AGRICULTURE; COLLECTIVE BARGAINING; EMPLOYMENT AND EMPLOYEES; HEALTH CARE FACILITIES; HEALTH CARE PROFESSIONS AND PROVIDERS; HOSPITALS; PUBLIC EMPLOYMENT AND EMPLOYEES; UNEMPLOYMENT COMPENSATION; WAGES AND HOURS; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION)

Airports, municipal, minimum labor standards enactment, when: ***SB 5385, CH 106 (2021)**

Blacklisting, as prohibited practice, revisions to: HB 1005

Bullying, subjecting employee to abusive work environments, as unfair labor practice: HB 1935

Consultants, for labor relations, local government expenditures for: ***SB 5002, CH 148 (2022)**

Domestic violence and workplace resources, task force on, convening: ***HB 1315, CH 43 (2021)**

Employee assistance programs, employee's participation and information, prohibiting certain employer actions: ***SSB 5564, CH 11 (2022)**

Employees, temporary, protection of, staffing agency and worksite employer requirements for: HB 1206
 Employer discrimination/harassment/retaliation/wage or hour violation/sexual assault, certain agreements, void: HB 1795
 Ergonomics regulations, home office working practices related to, regulation of, prohibiting: EHB 1837
 Ergonomics regulations, regulation of working practices related to musculoskeletal injuries, prohibition of, repealing: EHB 1837
 Family and medical leave, for railroad workers, and related employment protections: ESSB 5065
 Family and medical leave, paid, actuarial services, office of, establishing: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, applicants to disclose if leave related to COVID-19 pandemic: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, approved voluntary plans, list of employers that have: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, collective bargaining, in connection with: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, eligibility for coverage, expanding: HB 1073, *ESSB 5097, CH 232 (2021)
 Family and medical leave, paid, employee premium rate, decreasing: HB 2031
 Family and medical leave, paid, implementation of, performance audit analyzing: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, information from employer reports, private/confidential: *HB 1613, CH 18 (2022)
 Family and medical leave, paid, leave used in postnatal period, requirements: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, legislative task force on paid family and medical leave insurance premiums, establishing: *2SSB 5649, CH 233 (2022)
 Family and medical leave, paid, transportation network companies, drivers for: HB 2076
 Family and medical leave, paid, using after death of family member, when: *2SSB 5649, CH 233 (2022)
 Family and medical leave, unpaid, pre-2020 rights, liabilities, and obligations: *HB 1087, CH 59 (2021)
 Farmworkers, L&I administration of various matters applicable to, performance audits of: HB 1847, HB 2102
 Farmworkers, specific needs of, comprehensive study of, conducting: HB 1847, HB 2102
 Fruit/vegetables, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285
 Health emergency labor standards, establishing: *ESSB 5115, CH 252 (2021)
 Health emergency labor standards, personal protective equipment, employer requirements: *SSB 5254, CH 146 (2021)
 Military spouses, employment of, termination of employment contract: HB 1592
 Musculoskeletal injuries, home office working practices related to, regulation of, prohibiting: EHB 1837
 Musculoskeletal injuries, working practices related to, prohibition on regulating, repealing: EHB 1837
 Rights, countries that provide, as eligible to sell for use or provide transportation fuels in Washington, criteria: HB 1551
 Safety/health, L&I rules/guidance/policies, limiting to OSHA equivalence: HB 1609
 Safety/health, musculoskeletal injuries, home office working practices related to, regulation of, prohibiting: EHB 1837
 Safety/health, musculoskeletal injuries, working practices related to, prohibition on regulating, repealing: EHB 1837
 Safety/health, new requirements during emergency, safety grant program for employers: HB 1097
 Safety/health, order restraining condition of employment/practice, violations, employer and worker recourse: HB 1097
 Safety/health, workplace, fire protection district training/resources to mitigate injuries/reduce harm in calls responded to: *SB 5338, CH 19 (2021)
 Trafficking, labor, indigenous survivors of, services and resources for, grant funding to provide and support: HB 1571
 Trafficking, labor, informational posters in safety rest areas, modifying requirements: HB 2077
 Trafficking, labor, using motor vehicle in committing, disqualification from driving commercial vehicle for life: *SSB 5631, CH 51 (2022)
 Trafficking, labor, victims of, aged, blind, or disabled program eligibility for: *HB 1748, CH 208 (2022)
 Unfair practices, subjecting employee to abusive work environment as: HB 1935
 Whistleblower qui tam actions on behalf of state: HB 1076
 WISHA violations, civil penalties for, imposing when emergency proclamation in effect, prohibiting: HB 1244
 WISHA, waiving/modifying finding of violation when action to avoid loss of life/serious injury was justified: HB 1745

LABOR AND INDUSTRIES, DEPARTMENT (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; APPRENTICESHIP AND TRAINING COUNCIL, WASHINGTON STATE; CONTRACTORS; LABOR; PUBLIC WORKS; WORKERS' COMPENSATION)

Agricultural labor work group, establishing, L&I role: HB 1516
 Apprentices and apprenticeship programs, expanding and increasing sustainability of, L&I role: *E2SSB 5600, CH 156 (2022)
 Apprentices, state registered, retention of, barriers and challenges to, L&I to study: *E2SSB 5600, CH 156 (2022)
 Assault, of a child, examination of suspected victim of, L&I to pay all costs: *SSB 5814, CH 171 (2022)

Assault, sexual, examination of state resident victim by out-of-state facility, reimbursement of costs, L&I role: HB 1916
 Crime victims' compensation program, examination for suspected assault of a child, L&I to pay all costs: ***SSB 5814, CH 171 (2022)**

Electrician certificates of competency, journey level, eligibility for examination, requirements, L&I role: ESSB 5599
 Farmworkers, L&I administration of various matters applicable to, JLARC performance audits of: HB 1847, HB 2102
 Health emergency labor standards, establishing, department role: ***ESSB 5115, CH 252 (2021)**
 Health-related measures, in order/directive, right to decline to comply when ordered by L&I agent/officer: HB 1305, HB 1317
 Health/safety standards, L&I rules/guidance/policies, limiting to OSHA equivalence: HB 1609
 Hospital staffing plans, review and violations, L&I role: HB 1868
 Rules/guidance/policies/penalties, L&I authority during public health emergency, limiting: HB 1609
 Rural hospitals, high school student certified nursing assistants/trainees utilization pilot programs, L&I role: SSB 5892
 Social security numbers, used as personal identifiers by L&I, replacing, when: HB 1455
 Transportation fuels, countries eligible to sell for use or provide in Washington, criteria for and list of, L&I role: HB 1551
 Whistleblower qui tam actions on behalf of department: HB 1076
 WISHA, waiving/modifying finding of violation when action to avoid loss of life/serious injury was justified, L&I role: HB 1745

LAKES AND RESERVOIRS (See also BOATS AND BOATING; FISHING; HYDRAULIC PERMITS AND PROJECTS; SHORELINES AND SHORELINE MANAGEMENT)

Stock watering, riparian, clarifying existing legal right to access surface water for: HB 2106

LAND USE PLANNING AND DEVELOPMENT (See also ECONOMIC DEVELOPMENT; ENVIRONMENT; GROWTH MANAGEMENT; HOMES AND HOUSING; IMPACT FEES; WATER RIGHTS)

Affordable housing, permitting process for construction of, removing redundancies and streamlining: HB 2049
 Decisions, land use, judicial review of, transfer to court of appeals, when: ***SB 5225, CH 305 (2021)**
 Impacted communities, community preservation and development authorities for, board membership: ***EHB 1471, CH 47 (2021)**
 Project permits, exemption from requirement for, when: HB 1436
 State lands, state lands development authorities, authorizing formation of: HB 1173

LANDLORD AND TENANT (See also HOMES AND HOUSING; MANUFACTURED HOUSING AND MOBILE HOMES)

COVID-19, impact of, prospective tenant protections in relation to: HB 1441
 COVID-19, impact of, tenant and landlord protections in response to: HB 1228, HB 1398, ***E2SSB 5160, CH 115 (2021) PV**
 COVID-19, impact of, tenant protections in response to: HB 1236, ***E2SSB 5160, CH 115 (2021) PV**
 Damage to rental unit, checklist of existing damage and documentation for retaining deposit, requirements: HB 1300
 Eviction moratorium, governor's, suspending, and aiding tenants/landlords to preserve rental housing: HB 1228
 Eviction prevention rental assistance program, creating: HB 1277
 Eviction prevention, document-recording surcharge revenue for: HB 1277
 Eviction resolution pilot program, for rent nonpayment cases, establishing via dispute resolution centers: ***E2SSB 5160, CH 115 (2021) PV**
 Landlord mitigation program, provisions: HB 1593, ***E2SSB 5160, CH 115 (2021) PV**
 Landlords, landlord-tenant acts or rental agreement violations or unfair/deceptive/etc. acts/practices by, civil action: HB 2023
 Landlords, protections and notice requirements in response to COVID-19 pandemic for: HB 1228, HB 1398, ***E2SSB 5160, CH 115 (2021) PV**
 Notice, service of, sending copy by email to tenant on behalf of landlord or to landlord by tenant, when: HB 2105
 Rent increases, more than 3 percent above base rent, notice requirement and tenant right to terminate tenancy: HB 1904
 Rent payment, late fees for nonpayment of rent, limiting: HB 1904
 Rent payment, personal check/cashier's check/money order, landlord acceptance of, requiring: ***SSB 5749, CH 95 (2022)**
 Rent payment, submitting payments by mail, requirements for landlords: ***SSB 5749, CH 95 (2022)**
 Rent payment, through electronic means only, rental agreement provision requiring, prohibiting: ***SSB 5749, CH 95 (2022)**

Rental assistance, emergency rental assistance grant program and account, creating: HB 1228, HB 1398
 Rental assistance, eviction prevention rental assistance program, creating: HB 1277
 Rental assistance, special lodging excise tax use for: HB 1069
 Rental housing, conservation/energy efficiency opportunities to reduce tenant's energy burden, owner role: HB 1125, HB 1498
 Security deposit, fee in lieu of, when tenant opts to pay, landlord requirements and options: HB 1515, HB 2064
 Security deposit, full deposit or full deposit in 3 installments or monthly fee in lieu of, options and requirements: HB 2064
 Tenancy, terminating to flee act of violence, landlord mitigation program role: HB 1593
 Tenancy, termination of, limiting reasons for eviction and: HB 1236
 Tenancy, termination of, written notice period for landlords and tenants, increasing: HB 1228
 Tenancy, termination of, written notice period for landlords, increasing: HB 1236
 Tenants, civil action in superior court when landlord violates landlord-tenant statutes, process for: HB 2023
 Tenants, prospective or current, use of arrest/conviction history to deny housing to, restricting: HB 2017
 Tenants, prospective, unpaid rent-based discrimination against, prohibiting after eviction moratorium: HB 1441
 Tenants, protections for, enforcement of, various provisions, modifying: HB 2023
 Tenants, protections for, limiting termination/eviction reasons and penalizing unlawful lease provisions: HB 1236
 Tenants, protections for, to include repayment plans and assistance program: HB 1398
 Tenants, protections for, to include repayment plans and resolution and assistance programs: HB 1228
 Tenants, protections for, to include repayment plans, right to counsel, dispute resolution, and pilot program: ***E2SSB 5160, CH 115 (2021) PV**
 Unlawful detainer actions, in relation to COVID-19 pandemic, tenant protections: HB 1228, HB 1236, HB 1398, ***E2SSB 5160, CH 115 (2021) PV**
 Unlawful detainer actions, rent nonpayment, dispute resolution centers/eviction resolution pilot program: ***E2SSB 5160, CH 115 (2021) PV**
 Utilities, city/town services for tenants, collection of delinquent charges, when: HB 1421
 Utilities, city/town services for tenants, prohibiting collection of delinquent charges from owner, when: HB 1421
 Wear resulting from ordinary use of the premises, defining: HB 1300

LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL (See also CAPITOL CAMPUS, STATE; CRIMES; CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL PROCEDURE; FIREARMS; FIRST RESPONDERS; FISH AND WILDLIFE, DEPARTMENT; FORENSIC INVESTIGATIONS COUNCIL; RETIREMENT AND PENSIONS; SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC))

Abusive language use toward and insulting/taunting of peace officer, adding to crime of disorderly conduct, when: HB 1575
 Agencies, local in WA, funding and staffing levels of, studying: HB 1787
 Agencies, new-hire/retention/body camera programs funding awards, one-time: HB 1787
 Assault, sexual, cases of, annual review program for, including role of prosecutors, CJTC role: HB 1916
 Assault, sexual, training for officers investigating/prosecuting cases and interacting with victims, CJTC role: HB 1916
 Badge, intentionally covering identifying information on, prohibiting officer from: HB 1054
 Behavioral health disorders, law enforcement arresting of persons with, alternatives to: HB 1499, HB 1578, ***ESB 5476, CH 311 (2021) PV**
 Cameras, body worn, agency establishment/expansion of programs, grant program for, developing: HB 1845
 Cameras, body worn, unredacted copy of recording, providing to defendant's attorney, and improper redisclosure: HB 1991
 Chokehold or neck restraint, peace officer use of, prohibition: HB 1054
 Chokehold or neck restraint, peace officer use of, prohibition, exception to: HB 1737
 Community-police engagement, safe streets pilot project for: ***ESSB 5353, CH 327 (2021)**
 Cyber harassment, of criminal justice participant, class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyber harassment, of law enforcement agency employee, class C felony: ***ESSB 5628, CH 231 (2022)**
 Cyberstalking, of law enforcement officer, class C felony: ***ESSB 5628, CH 231 (2022)**
 Discipline, disciplinary grievance arbitration, arbitrators for: ***SSB 5055, CH 13 (2021)**
 Discipline, for misconduct, community oversight boards, establishment and role of: HB 1203
 Diversity of agencies, professional development outreach grant program: ***HB 1001, CH 52 (2021)**
 Dogs, unleashed, peace officer use of, prohibitions: HB 1054

Drug offenses, controlled substance/counterfeit/legend drug/marijuana, drug diversion database, access to: HB 1892

Election-related offices/facilities, firearms/weapons in, officer exemption from prohibition of: HB 1618

Fallen officers of Washington state, honoring and remembering: ***HR 4626 (2021)**

Fallen officers of Washington state, recognizing and honoring: ***HR 4661 (2022)**

Fish and wildlife enforcement program, adequate commissioned personnel/funding/resources for, maintaining: HB 2110

Fish and wildlife officers, marine resources/public safety protection duties, 25 percent of field deployed officers for: HB 2110

Fish and wildlife officers, outreach/retention, recruitment/new-hire/retention programs, establishing: HB 1787

Force, deadly, by peace officers, agency requirements compliance audits: HB 1089

Force, deadly, by peace officers, office of independent investigations, establishing: HB 1267

Force, deadly, by peace officers, permissible use of: HB 1310, HB 1735, HB 1737, ESB 5919

Force, deadly, police officer criminal offenses involving, independent prosecutions unit and prosecutor for, establishing: HB 1507

Force, deadly, police officer criminal offenses involving, investigation and prosecution of, AG authority for: HB 1507

Force, excessive, officer's use of, other officer's duty to intervene: ***SSB 5066, CH 321 (2021)**

Force, excessive, officer's use of, other officer's failure to intervene: HB 1202

Force, use by officers, "physical force," "necessary," and "totality of the circumstances," definitions of: ESB 5919

Force, use by officers, clarifying/expanding authority for: HB 1735

Force, use by officers, expanding authority for: HB 1589, HB 1726, HB 1737, ESB 5919

Force, use by officers, general/limited authority agencies, data collection/reporting: HB 1092

Force, use by officers, general/limited authority agencies, data collection/reporting, establishing program for: ***E2SSB 5259, CH 326 (2021)**

Force, use by officers, investigation of, community oversight boards for, establishment and role: HB 1203

Force, use by officers, investigation of, office of independent investigations, establishing: HB 1267

Force, use by officers, investigative detention with less than probable cause but facts pointing to criminal activity: ESB 5919

Force, use by officers, permissible/excessive and de-escalation tactics, model policies on: HB 1310

Force, use by officers, reasonable care provisions, modifying: HB 1735

Force, use by officers, standard for, modifying and clarifying: HB 2037

Force, use by officers, using proportional amount of physical force: ESB 5919

Force, use by police officers, data program concerning, assisting with developing, advisory group for, establishing: ***E2SSB 5259, CH 326 (2021)**

Force/deadly force, use by officers, standards for, modifying and clarifying: HB 2037

Fund the police act of 2022, concerning recruitment, retention, and support of law enforcement officers: HB 1787

Health-related measures, in order/directive, right to decline to comply when ordered by sheriff or officer: HB 1305, HB 1317

Interrogations, in custody, uniform electronic recordation of custodial interrogations act: HB 1174, HB 1223

Interrogations, in custody, use of deception by officers, inadmissibility of statement due to: HB 1690

Investigations, office of independent, establishing in governor's office: HB 1267

Juvenile consuming controlled substance, delivery from law enforcement custody to evaluation/treatment facility: HB 1559

Juveniles, questioned by law enforcement, access to attorney when: HB 1140

Metal theft, special enforcement efforts targeting, to include catalytic converter theft: HB 1873

Military equipment, law enforcement prohibition: HB 1054

Military equipment, law enforcement prohibition, clarifying in relation to certain rifles: HB 1634

Military equipment, law enforcement prohibition, clarifying in relation to certain rifles and devices/equipment: ***HB 1719, CH 3 (2022)**

Military equipment, law enforcement prohibition, replacing with "prohibited equipment" list: HB 1737, HB 2036

Missing indigenous persons, law enforcement authority investigation for, duties of: HB 1571

Officers, behavioral health and suicide prevention, pilot programs: HB 1000

Officers, brave men and women protecting communities across the state, honoring and showing respect and gratitude to: ***HR 4628 (2021)**

Officers, brave men and women protecting the state, expressing appreciation and gratitude to: ***HR 4618 (2021)**

Officers, dept. of corrections, corrections officer Darryl L. Goodrich, Jr., fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**

- Officers, dept. of corrections, corrections officer Gabriel K. Forrest, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Officers, injury/disease/death due to other's neglect/willful omission/conduct, action for recovery/damages: HB 1341
- Officers, misconduct by, investigation of complaints, community oversight boards for, establishment and role: HB 1203
- Officers, peace and corrections, certification/employment/disciplining/background investigations of: HB 1082, ***E2SSB 5051, CH 323 (2021)**
- Officers, peace/reserve/corrections, applicant background investigation, eye-based truth verification test: HB 1262
- Officers, U.S. customs and border protection, officer Cesar Sibonga, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Officers, unlawfully summoning a law enforcement officer, including civil action for damages: ***ESB 5135, CH 330 (2021)**
- Officers, Washington state law enforcement, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Peace officers, certain abusive language use toward and insulting/taunting of, adding to crime of disorderly conduct: HB 1575
- Peace officers, certification, denying/revoking/suspending, unless certain conduct in good faith for public safety: HB 1737
- Peace officers, including community corrections officers, use of force by: HB 1589, HB 1737
- Peace officers, limited authority, background investigation by agency offering employment: HB 1737
- Peace officers, misconduct injuring person in person or property by, cause of action: HB 1202
- Peace officers, potential impeachment disclosures, requirements: HB 1088
- Peace officers, specially commissioned, background investigation by agency offering employment: HB 1737
- Peace officers, state oversight and accountability of corrections officers and: HB 1082, ***E2SSB 5051, CH 323 (2021)**
- Peace officers, suspended or on probation, agency termination due to, restricting: HB 1737
- Peace officers, tactics and equipment requirements for: HB 1054
- Peace officers, witnessing excessive force by another officer, duty to intervene: ***SSB 5066, CH 321 (2021)**
- Peace officers, witnessing excessive force or wrongdoing by another officer, duty and failure to intervene: HB 1737
- Peace officers, witnessing injurious misconduct by another officer, failure to intervene: HB 1202
- Personnel, development outreach, retention, and support programs for, developing/implementing/expanding: HB 1787
- Police, chief of, hiring of, community oversight boards establishment and role in: HB 1203
- Police, Kalispel tribal police department, officer Jay Hughes, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Police, Seattle police department, officer Alexandra "Lexi" Harris, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Police, Vancouver police department, officer Donald Sahota, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- Professional rescue doctrine, repealing to allow certain public safety employee actions in certain cases: HB 1341
- Recreational vehicle used as residence/parked overnight near state waters, wastewater discharge risk notice: HB 1540
- Rescuers, public service company contractor/subcontractor liability for loss/damages/injury to, when: HB 1341
- Sexual assault kits, hit in DNA system via profile from, agency to report case status: HB 1109
- Sexual exploitation of a minor, apparent victim of, transportation by officer to parent/legal guardian: HB 1989
- Sheriff's office, Clark county, sergeant Jeremy Brown, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
- State patrol workforce, consultant for tasks related to, procurement process for hiring, WSP role: HB 2057
- State patrol, bicycle/pedestrian safety programs, duties of, WSP role: HB 1039
- State patrol, captains and lieutenants, proportionate salary increases, relation to bargaining, removing expiration: ***HB 1785, CH 131 (2022)**
- State patrol, catalytic converter tracking pilot project, establishing: HB 1815
- State patrol, commissioned officers, state barriers to hiring, studying: HB 2057
- State patrol, commissioned/noncommissioned staff, labor force available for, studying: HB 2057
- State patrol, diversity, equity, and inclusion strategic recruitment and retention plan, requirements: HB 2057
- State patrol, diversity/equity/inclusion in workforce of, approaches for strengthening: HB 2057
- State patrol, drug enforcement task force, cannabis revenues from dedicated cannabis account for: ***E2SSB 5796, CH 169 (2022)**
- State patrol, forensic laboratory services, bureau of, state toxicology laboratory rule-making and reporting role of: SSB 5710

State patrol, forfeited firearms, destroying of, WSP policies/criteria for when: HB 1134
 State patrol, honoring for 100 years of service to the state of Washington: ***HR 4622 (2021)**
 State patrol, litter prevention messaging and litter emphasis patrols, WSP role: ***SB 5040, CH 231 (2021)**
 State patrol, missing endangered indigenous persons, "red thunder alert" designation in connection with: HB 1571
 State patrol, missing indigenous women and persons alert, endangered person advisory designation for, creating: HB 1639, HB 1725
 State patrol, missing/murdered indigenous persons, regional liaisons for, duties of: HB 1571
 State patrol, RV-residence parked overnight near state waters, wastewater discharge risk notice: HB 1540
 State patrol, serious domestic violence offender central registry, establishing, WSP role: HB 1678
 State patrol, state toxicology laboratory, contamination in, requirements for reducing: SSB 5710
 State patrol, traffic stops for infractions, being detained for, information video and best actions written steps for: HB 1585
 State patrol, trooper and sergeant salaries, competitive, requirements for, removing expiration: ***HB 1785, CH 131 (2022)**
 State patrol, trooper and sergeant salaries, continued competitiveness of, requirements: ***HB 1785, CH 131 (2022)**
 State patrol, trooper Eric Gunderson, fallen in the line of duty, recognizing and honoring: ***HR 4661 (2022)**
 State patrol, trooper Justin R. Schaffer, fallen in the line of duty, commending, saluting, and honoring: ***HR 4618 (2021)**
 State patrol, trooper outreach/retention program, with recruitment/new-hire/retention programs, WSP to establish: HB 1787
 State patrol, vehicle identification number inspection program, studying, WSP role: SSB 5778
 State patrol, Washington state organized retail theft task force, establishing, WSP role: HB 2113
 Substance use disorders, law enforcement interactions with persons with, basic training concerning: HB 1499, HB 1558, HB 1578, ***ESB 5476, CH 311 (2021) PV**
 Tear gas and military equipment, law enforcement prohibitions: HB 1054
 Tear gas, law enforcement prohibitions, exception to, removing certain restriction placed on: HB 1737
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 Traffic stops for infractions, detaining of driver, driver-law enforcement interactive best practices training about: HB 1585
 Tribal police officers and employees, training of: HB 1082, ***E2SSB 5051, CH 323 (2021)**
 Tribal sovereignty/customs/culture/traditions/spirituality, training for law enforcement in: HB 1571
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 Vehicular pursuits, by law enforcement, "reasonable suspicion" and "public safety risk" standards: HB 1737, ESB 5919
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 Vehicular pursuits, model policy and central information repository: HB 1054
 Warrants, for search or arrest, officer to provide notice when executing: HB 1054

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Clean fuels program, JLARC to analyze program: HB 1036, HB 1091
 Developmental disabilities administration, services provided by, eligibility/delivery of, JLARC to review: ***ESSB 5268, CH 219 (2022)**
 Family and medical leave, paid, implementation of, performance audit analyzing, JLARC role: ***2SSB 5649, CH 233 (2022)**
 Farmworkers, L&I administration of various matters applicable to, JLARC performance audits of: HB 1847, HB 2102
 Racial equity analyses, JLARC to incorporate into audits and reviews, when: ***ESSB 5405, CH 310 (2021) PV**
 Spending programs, new statutory state, JLARC review of: HB 1177

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Access to/representation in legislative process, for individuals with disabilities/developmental disabilities: HB 1566, HB 1802
 Administrative rules review committee, joint, chairperson and vice chairperson, appointing: HB 1670, SB 5506
 Ahern, John Edward, former state representative, honoring the life of: ***HR 4621 (2021)**

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Bills, memorials, and resolutions from 2022 regular session, returning to house of origin: HCR 4408, ***SCR 8406 (2022)**

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Developmental disabilities, persons with, task force/committee/other statutory entity membership to include, when: HB 1566, HB 1802

Disabilities, persons with, task force/committee/other statutory entity membership to include, when: HB 1566, HB 1802

Dolan, Laurie, state representative, her service to the legislature and our democracy, acknowledging: ***HR 4669 (2022)**

Doumit, Mark L., former state representative and senator, honoring and remembering: ***HR 4650 (2022)**

Dufault, Jeremie J., state representative, his record of public service, recognizing: ***HR 4666 (2022)**, ***HR 4672 (2022)**

Economic development and international relations, committee on, state tourism slogan duties of, removing: ***HB 1798, CH 6 (2022)**

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Emergency proclamations, duration of, role of legislature: HB 1029, HB 1060, HB 1381, HB 1557, HB 1772, HCR 4402, SB 5909

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Fiscal impact, dynamic fiscal impact statements, instituting: HB 1179

Fiscal impact, working families fiscal impact statements, in fiscal notes, creating: HB 2006

Fiscal notes, accuracy and reliability of, work group to study: HB 1179

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Fiscal oversight committee, joint legislative, establishing to oversee deficits/certain reductions and receipts: HB 1163

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House, remote participation in floor sessions and committee hearings: ***HR 4600 (2021)**, ***HR 4605 (2021)**, ***HR 4608 (2021)**, ***HR 4610 (2021)**

House, standing committees, permanent house rules: ***HR 4610 (2021)**

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Housing and homelessness department, new state, legislative task force on creating a, establishing: HB 1987

Interbranch advisory committee, with 4 legislative members, creating: ***ESSB 5490, CH 284 (2022) PV**

Interns, legislative, Rosa Franklin legislative internship program scholarship for, administering/conducting: ***SB 5431, CH 108 (2021)**

Johnson, Jesse, state representative, his years of public service as an official and a volunteer, recognizing and honoring: ***HR 4671 (2022)**

Joint rules, house and senate, 2021-2022, adopting: ***HCR 4400 (2021)**

Joint session, elective state officers, canvassing vote of: ***HCR 4401 (2021)**

Joint session, governor's inaugural address: ***HCR 4401 (2021)**

Joint session, state of the state address: ***HCR 4406 (2022)**

Joint sessions, holding remotely during COVID-19 state of emergency: ***HCR 4400 (2021)**

Kirby, Steve, state representative, his service to the legislature and the people of Washington, acknowledging: ***HR 4668 (2022)**

Legislative branch, compensation increases, ceasing during 2021-2023: HB 1027

Legislative branch, employees of, defining and extending collective bargaining rights to: HB 1806

Legislative branch, employees of, extending collective bargaining to, and specifying unfair labor practices: HB 2124

Legislative branch, employees of, office of state legislative labor relations, creating: HB 2124

Legislative branch, staffing/purchasing/travel/training, restricting in 2021-2023: HB 1027

Legislators, attendance at nongovernmental events, using public moneys for, prohibiting: HB 1946

Legislators, cyberstalking of, class C felony: ***ESSB 5628, CH 231 (2022)**

Legislators, leave of absence from employment, legislator and employer requirements: ***HB 1927, CH 271 (2022)**

Legislators, mail/email, pre-election freeze period for, shifting initial date to first day of declaration of candidacy filing: HB 2046

Legislators, official legislative websites of, pre-election alteration freeze period for, exemption for retiring legislators: HB 2046

Legislators, term limits, constitutional amendment: HJR 4207

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Maynard, Cathy, speaker's attorney, house of representatives, celebrating and honoring: ***HR 4632 (2021)**

Medical status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695

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Operating rules, vaccination/antibody status of legislators, segregation/discrimination/privileged status due to, prohibiting: HB 1695

Roadmap to Recovery, phase 2, places/organizations reopening/resuming at, legislative role: HB 1321

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Rule making, during state of emergency, agencies restricted to executing certain provisions, legislature role: HB 1381

Rule making, emergency, agency adoption in response/relating to state of emergency, prohibiting: HB 1381

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Sells, Mike, state representative, his dedication to the people of his district and the state, saluting and celebrating: ***HR 4670 (2022)**

Senate, secretary of, role in ensuring legislative access/participation by persons with disabilities: HB 1566, HB 1802

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Session, regular 2021, cutoff dates exemption for HB 1557 and certain gubernatorial authority matters: HCR 4402

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Session, special, authority for legislature to convene, process for convening: ***SB 5196, CH 150 (2022)**

Session, special, convening and purpose of, process for convening: ***SB 5196, CH 150 (2022)**

Sessions, regular, odd- and even-numbered, reducing lengths of: HB 2109

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Standing committees, bill hearings/hearing notices/committee votes/floor votes, requirements: HB 1324

Standing committees, permanent house rules: ***HR 4610 (2021)**

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Sullivan, Pat, state representative and house majority leader, celebrating his service and honoring: ***HR 4673 (2022)**

Task force, joint, on governance of the department of fish and wildlife, establishing: HB 2027

Task force, joint, on the underground economy in the WA state construction industry, reestablishing: SSB 5783

Task force, legislative-executive WorkFirst poverty reduction oversight, adding nonvoting members: ***SB 5929, CH 176 (2022)**

Task force, on adjusting state boundary lines of Washington/Oregon/Idaho, establishing: HB 1587

Task force, on commemorating George Washington Bush through art, establishing: HB 1339

Task force, on paid family and medical leave insurance premiums, establishing: ***2SSB 5649, CH 233 (2022)**

Task force, on social equity in cannabis, adding members, purposes, and social equity impact-related duties: HB 1443

Task force, on social equity in marijuana, renaming as task force on social equity in cannabis: HB 1443

Task force, on unclaimed property, establishing: HB 1352

Tax increase legislation, automatic referendum on any tax act passed by legislature, procedures for: HJR 4212

Tax increase legislation, empowering Washington voters act: HB 1582

Tax increase legislation, general election advisory vote majority to be required for taking effect: HB 1582

Tax increase legislation, two-thirds majority for approval: HJR 4203

Tax revenue, state, measures increasing/decreasing, fiscal impact statements for, deadline for filing of: HB 1357

Transportation committee, joint, missing broadband connections, addressing via highways/DOT, studying: HB 1457, ESSB 5439

Transportation committee, joint, road usage charge program evaluation by: HB 2026

Transportation committee, joint, statewide commute trip reduction program, assessment of, conducting: HB 1528

Transportation committee, joint, third bridge over Columbia river between SW WA and Oregon, studying options: HB 2084

Transportation committees, budgets transition work group, chairs to convene: HB 1603

Tribal-state relations committee, joint legislative, establishing: HB 1640

Unanticipated revenue oversight committee, joint legislative, creating: SB 5909

Uniform public expression protection act, application to legislative proceedings: ***SSB 5009, CH 259 (2021)**

Vaccination/antibody status, legislators, segregation of/discrimination against/privileged status for, prohibiting: HB 1695

Veterans' and military affairs, joint committee on, military spouse professional licensing reports to: HB 1592

Water supply during drought, joint legislative committee on, convening during drought advisory: 2SSB 5746

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Imagination library of Washington program, creating to send books to children from birth to age 5 at no cost: HB 2068

Local public libraries, community grant program to increase free federal/state financial aid applications completion: HB 1835

State library, free application for federal student aid/WA state application for financial aid, library grant program: HB 1835

LICENSING, DEPARTMENT (See also BOATS AND BOATING; DRIVERS AND DRIVERS' LICENSES; ELECTIONS; IDENTIFICATION; MOTOR VEHICLES; PROFESSIONS)

Autonomous vehicles, driven without human operator by operator of, traffic infraction: HB 1731

Autonomous vehicles, law enforcement interaction plan, providing, when: HB 2100

Autonomous vehicles, self-certification testing pilot program, changes to enable: ***SSB 5460, CH 193 (2021)**

Autonomous vehicles, self-certification testing pilot program, effective date of, delaying: ***SSB 5460, CH 193 (2021)**

Autonomous vehicles, self-certification testing pilot program, information/notice/reporting requirements for: HB 2100

Autonomous vehicles, self-certification testing pilot program, rule adoption and enforcement, DOL role: HB 1731

Autonomous vehicles, self-certification testing pilot program, testing requirements, DOL role: HB 1731

Autonomous vehicles, self-certification testing pilot program, testing requirements, DOL role, modifying: HB 2070

Cost recovery, agency credit card/financial transaction fees, recouping via driver and vehicle fees: ***HB 1115, CH 32 (2021)**

Data, personal identity, verifiable credentials for protecting, government use of, DOL role: SB 5534

Driver licensing technology support subaccount of highway safety fund, revising as separate account: ***2SSB 5616, CH 157 (2022)**

Driver licensing, DOL employees with in-person interaction for, as frontline employees for workers' compensation: ***SB 5875, CH 290 (2022)**

Driver training schools, stops for infractions, driver-law enforcement interactive best practices training about, DOL role: HB 1585

Driver's licenses, suspended or revoked, administrative reinstatement, DOL authority for, when: ***ESSB 5226, CH 240 (2021)**

Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline, DOL role: HB 1204

Judicial information system, information technology used by DOL to communicate with, funds to support: ***ESSB 5226, CH 240 (2021)**

Licenses, applicants for, when new Washington residents, expediting, procedures for, DOL role: HB 1401

Licenses, created for professions, DOL to review to recommend termination/continuation/modification of: HB 1403

Licenses, creating to regulate a profession, restricting via public interest protection and least restrictive alternative: HB 1402

Licensure, competency-based assessment for, as alternative to educational/fee/training requirements, DOL role: HB 1400

Military spouse employment act, DOL role: HB 1592

Owners, of motor vehicles/vessels, furnishing of list to certain entities for certain purposes: ***SSB 5152, CH 93 (2021)**

Owners, of motor vehicles/vessels, identity information received by certain entities, prohibitions: ***SSB 5152, CH 93 (2021)**

Personal/identity information, vehicle/vessel/identocard/driving record/driver's license records, prohibiting release: HB 2013

Registration, of vehicles/trailers/vessels, printing addresses on paper issued certificates, prohibiting: HB 1984

Road usage charge program, establishment and phased implementation of, DOL role: HB 2026

Sexually violent offenders, in special commitment center, state ID card for, DOL role: ***E2SSB 5163, CH 236 (2021)**

Slow down and move over law/RCW 46.61.212, public awareness campaign/training module/signage, DOL role: SSB 5907

Traffic safety education, stops for infractions, driver-law enforcement interactive best practices training about, DOL role: HB 1585

Transportation network companies, drivers for, deactivation of: HB 2076

Transportation network companies, uniform regulation of: HB 2076

Transportation network companies, wages/driver resource center/sick leave/industrial insurance/family and medical leave: HB 2076

Vehicle identification number inspection program, examining and recommending improvements, DOL role: SSB 5778

Wage liens, department of licensing wage lien account, creating: HB 1369, ***ESSB 5355, CH 102 (2021)**

LIENS

Child support, liens against real or personal property for, insurance company compliance with: HB 1416

Clean energy building improvements, C-PACER program for, assessment and lien provisions: ***SSB 5862, CH 101 (2022)**

Common interest communities, foreclosure of lien on unit for owner unpaid assessments, when: ***EHB 1482, CH 222 (2021)**

Utilities, delinquent charges owed by tenant, prohibiting lien against owner, when: HB 1421

Utility, against customer premises, after governor-declared emergency expires: HB 1069

Wage liens, Washington wage recovery act: HB 1369, ***ESSB 5355, CH 102 (2021)**

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Leadership board, Washington state, designating as trustee for state of WA: ***SB 5750, CH 96 (2022)**

Leadership board, Washington state, modifying provisions concerning: ***SB 5750, CH 96 (2022)**

Term limit, constitutional amendment: HJR 4207

LIQUOR AND CANNABIS BOARD (See also ALCOHOLIC BEVERAGES; DRUGS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; TOBACCO AND TOBACCO PRODUCTS; VAPOR PRODUCTS)

Behavioral health prevention and equity impact council, establishing to advise board: HB 2035

Businesses, with liquor licenses, privileges granted to mitigate pandemic effects for, impacts of, studying: HB 1480, SSB 5417

Cannabinoids, that may be impairing, board authority to regulate, providing: HB 1668, HB 2122

Cannabinoids, that may be impairing, enforcement operations, fee surcharge for certain board licensees to fund: HB 2122

Cannabinoids, that may be impairing/are synthetically derived, proposed rules regarding, board to notify legislature: HB 2122

Cannabis laboratory quality standards, interagency coordination team for, creating, board role: ***HB 1859, CH 135 (2022)**

Cannabis policy, task force on, establishing: HB 1260

Cannabis, craft cannabis endorsement for licensed marijuana producers and processors, board role: HB 1855

Cannabis, licenses/regulation, cannabis social equity program, board role, modifying: HB 2022
 Cannabis, retail outlets, attempt/incident of robbery in first/second degree at, reporting to board: HB 2029, SB 5927
 Cannabis, testing laboratory quality standards, establishing and maintaining, board role: ***HB 1859, CH 135 (2022)**
 Hemp, production or processing by marijuana producer or processor, testing of hemp samples by board, when: ***ESB 5372, CH 104 (2021)**
 Liquor licenses, annual renewal date extension, when: HB 1011
 Liquor licenses, fees, waiving for one year, unless licensee has violated COVID-19/emergency requirements: ***ESSB 5272, CH 6 (2021)**
 Marijuana businesses, license issuance by board, prohibiting due to written objection based on zoning ordinances: HB 1414
 Uniform controlled substances act, dedicated cannabis account funds for board administration of: ***E2SSB 5796, CH 169 (2022)**
 Vapor products, regulation of, comprehensive provisions, board role: HB 1345

LIVESTOCK (See also AGRICULTURE; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; HORSES)

Grazing/agricultural purposes, state land leases for, nondefault or early termination provision, lessee compensation, when: ***EHB 1199, CH 36 (2021)**
 Identification, livestock identification advisory committee, provisions: ***SB 5624, CH 158 (2022)**
 Inspection program, annual reports concerning, extending expiration: ***SB 5624, CH 158 (2022)**
 Slaughter, mobile slaughter unit within a conservation district, grant program funding to establish: 2SSB 5045
 Stock watering, riparian, clarifying existing legal right to access surface water for: HB 2106
 Swine, feeding garbage or carcasses to, prohibiting: SB 5300
 Wolves, livestock injury/loss due to, payments from fish and wildlife account for costs: ***SB 5058, CH 14 (2021)**

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 Mortgage lending fraud prosecution account, delaying expirations of account and surcharge deposited in: ***HB 1104, CH 31 (2021)**
 Mortgage loan originators, with loan agency, working from own residence: ***SB 5077, CH 15 (2021)**

LOCAL GOVERNMENT (See also ADMINISTRATIVE PROCEDURE; AUDITOR, STATE; BUILDING CODES AND PERMITS; CITIES AND TOWNS; CIVIL ACTIONS AND PROCEDURE; COUNTIES; ELECTIONS; FIREARMS; GROWTH MANAGEMENT; HOMELESS PERSONS; HOMES AND HOUSING; OPEN PUBLIC MEETINGS; ROADS AND HIGHWAYS; SPECIAL AND SPECIAL PURPOSE DISTRICTS; TAXES - SALES; TAXES - USE)

Aerial imaging technology, state/local/tribal government uses of, studying: HB 1629
 Bridges, toll facilities, local government formation of commission for bistate governance of: ***SSB 5558, CH 89 (2022)**
 Broadband services, open access networks, grant/loan program for local governments to develop: HB 1740
 Building permits, review process, consolidated permit review grant program, establishing: SSB 5964
 Building permits, review process, excluding interior alterations from site plan review, when: SSB 5964
 Building permits, review process, updating from paper filing to software systems, local government grant program for: SSB 5964
 Buildings, public, statewide first responder building mapping information system, repealing: HB 1484
 Clean energy building improvements, C-PACER program for, assessment and lien provisions: ***SSB 5862, CH 101 (2022)**
 Community preservation and development authorities, boards of directors for, membership: ***EHB 1471, CH 47 (2021)**
 Community service organizations, contracts with municipalities for public improvements, modifying requirements: HB 2052
 Compost procurement ordinances and plans, requirements for local governments: HB 1799
 Data, personal identity, verifiable credentials for protecting, use of/trust framework for, role of agencies: SB 5534
 Drugs, controlled/counterfeit substances possession, laws/ordinances enactment by municipalities, authority for: HB 1562
 Elections, general, even-year, city/town/district option to hold: HB 1156
 Elections, local government, redistricting units of, updating census residence data for incarcerated adults for: ***SB 5583, CH 48 (2022)**
 Elections, ranked choice voting, as local government option, when: HB 1156

Environment, clean/healthy, right to, and state political subdivisions as natural resources trustees: HJR 4209
 Fire protection services, competitive grant program for rural-county local government capital projects for, establishing: HB 1929
 Firearms, regulation by local governments of, in addition to or more restrictive than state law: HB 1313
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 Governing bodies, meetings of, firearm/weapon knowingly open carrying in location of, prohibiting: HB 1630
 Homes, accessory dwelling unit, occupant limits in relation to short-term rentals and relevant to: HB 1660, ***ESSB 5235, CH 306 (2021) PV**
 Homes, unrelated occupants occupying, city/county limit, prohibiting: ***ESSB 5235, CH 306 (2021) PV**
 Labor relations consultants, expenditures for, eliminating reporting of: ***SB 5002, CH 148 (2022)**
 Local economic inclusion grants, for local government, implementing: 2SSB 5241
 Local infrastructure project areas and financing, taxing districts/property tax levies/public improvements: HB 1243, SB 5823
 Manufacturing/industrial lands, scarcity of, city/county excise tax on marijuana producers/processors due to: HB 1933
 Municipalities, contracts with community service organizations for public improvements, modifying requirements: HB 2052
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 Procurement, biochar, using in local government-funded projects, when: ***SSB 5961, CH 293 (2022)**
 Procurement, goods/services, product lead time as factor when economic conditions disrupt supply chains: HB 2092
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 Public facilities, in rural counties, local sales/use tax for, extending expiration of: HB 1333
 Public facilities, rural infrastructure grant program for local governments in rural counties for: HB 1263
 Revenues, taxes/other, existing, supplanting of and flexibility with: HB 1069
 Tax increment financing areas, establishment of, for financing public improvements via property tax levies: HB 1189
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 Vehicles, electric, passenger/light duty vehicles of model year 2030 or later sold/registered in WA to be, as state goal: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Vehicles, recreational, overnight parking of, local government ordinance to prohibit, when: HB 1540
 Vehicles, recreational, used as residence/parked overnight near state waters, wastewater discharge risk notice: HB 1540
 Voting rights act, cost recovery under, political subdivision reimbursement to provide, when: HB 1156, E2SSB 5597
 Voting rights act, covered practices in covered jurisdictions, governing body/attorney general requirements: E2SSB 5597
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 Wastewater discharges, illicit, from vehicles used as residences, identifying potential for and preventing: HB 1540
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Public accommodation, places of, closed captioning on televisions in: ***SB 5027, CH 229 (2021)**
 Sale of lodging, businesses making retail sales of lodging, B&O tax preferential rate: HB 1299
 Sale of lodging, special assessment on, lodging business collection as separate charge per night: HB 1512

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Adult family homes, communications/resident contact information/stop placement orders/visitation, improving: HB 1218
 Adult family homes, for persons with development/intellectual disabilities, property tax exemption, when: HB 1789
 Adult family homes, inspections and specialty training, emergency operations impact on: HB 1120
 Assisted living facilities, communications/resident contact information/stop placement orders/visitation, improving: HB 1218
 Assisted living facilities, inspections and specialty training, emergency operations impact on: HB 1120
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 Assisted living facilities, medicaid provider prevailing wages, stakeholder group concerning, convening: HB 1645
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 Consumer directed employer program, licensure/certification and unclaimed time-off payments: ***SSB 5258, CH 186 (2021)**
 Consumer directed employer program, rate-setting board membership and duties: ***SSB 5258, CH 186 (2021)**

Emergency operations, impact on services and supports, modifications due to: HB 1120

Enhanced services facilities, communications/resident contact information/stop placement orders/visitation, improving: HB 1218

Enhanced services facilities, resident rights, merging double amendments of RCW section concerning: ***EHB 1192, CH 65 (2021)**

Facilities, comprehensive disaster preparedness plans of: HB 1218

Facilities, epidemic disease preparedness and response guidelines for, developing: SSB 5294

Facilities, persons living in, health-related measures due to emergency order, right to decline: HB 1305

Facilities, resident rights: HB 1218

Facilities, residents of, communications/resident contact information/stop placement orders/visitation, improving: HB 1218

Facilities, residents of, essential support person and resident representative for each resident: HB 1218

Home and community services, waiver services while living at home, personal needs allowance for, increasing: ***SSB 5745, CH 164 (2022)**

Home care aides, long-term care workers certification as: HB 1120

In-home care program, audits of performance and by state auditor: ***SB 5002, CH 148 (2022)**

Insurance, living organ donors, insurer discrimination against, prohibitions: ***SSB 5003, CH 172 (2021)**

Insurance, reinsurance agreements: ***SB 5048, CH 138 (2021)**

Intermediate care facilities, state, redesigning for short-term crisis stabilization and intervention: ***ESSB 5268, CH 219 (2022)**

Long-term care reinsurance association, Washington, creating: HB 1913

Long-term care reinsurance program, Washington, establishing: HB 1913

Long-term services and supports, medicaid, eligibility determinations/other functions, performance by Indian tribes: HB 2060, ***SB 5866, CH 255 (2022)**

Long-term services/supports trust program, beneficiaries residing outside WA: HB 1596, HB 1742

Long-term services/supports trust program, employee with long-term care insurance, exemption for: HB 1742

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Long-term services/supports trust program, information from employer reports, private/confidential: ***HB 1613, CH 18 (2022)**

Long-term services/supports trust program, modifications: HB 1323

Long-term services/supports trust program, premiums for, refunding, when: HB 1732

Long-term services/supports trust program, premiums, wage amounts subject to assessment for: HB 1742

Long-term services/supports trust program, repealing: HB 1594

Long-term services/supports trust program, repealing and replacing with WA long-term care reinsurance program: HB 1913

Long-term services/supports trust program, self-employed persons electing coverage: HB 1323

Long-term services/supports trust program, unclaimed benefit units transfer: HB 1598

Nurses, long-term care settings, delegation of tasks to certified assistants or home care aides: HB 1120, HB 1124

Nursing assistants, alternative training and a competency evaluation, completion of: HB 1120

Nursing facilities, medicaid rate rebasing and case mix: HB 1275

Nursing home administrators, board of, member composition/compensation/qualifications/quorums for: ***SSB 5753, CH 240 (2022)**

Nursing homes, communications/resident contact information/stop placement orders/visitation, improving: HB 1218

Nursing homes, facility compliance and inspections, emergency operations impact on: HB 1120

Nursing homes, terminally ill patients in, right to have visitors: HB 2117

Ombuds, long-term care ombuds and state long-term care ombuds program and office, roles of: HB 1218

Osteoporosis, national osteoporosis month, recognizing and appreciating: ***HR 4615 (2021)**

Personal aide providers of self-directed care, registration of, repealing: HB 1777, ***SB 5529, CH 86 (2022)**

Personal care, consumer directed employer program, employer provisions, various: ***SSB 5258, CH 186 (2021)**

Providers, during COVID-19 pandemic, life/work/sacrifice of, recognizing and honoring: ***HR 4624 (2021)**

Providers, rate enhancements for, using federal medicaid matching funds and other funds for: ***HB 1367, CH 5 (2021)**
 Providers, rate enhancements for, using freed-up federal coronavirus funds for: HB 1368
 Providers, training completion, emergency operations impact on: HB 1120
 Respite care, consumer directed employer program, employer provisions, various: ***SSB 5258, CH 186 (2021)**
 System, state long-term care, training materials for local health jurisdictions concerning, developing: HB 1218
 Terminally ill patients, in long-term care facilities, right to have visitors: HB 2117
 Therapy animals and their human handlers, celebrating/honoring, and saluting therapy animal teams' service: ***HR 4656 (2022)**
 Workers, applicants with criminal record and certificate of restoration of opportunity, hiring decisions: HB 1411
 Workers, applicants with criminal record, not automatically disqualifying in certain cases: HB 1411
 Workers, care worker center, establishing: HB 1872
 Workers, care worker sector, transformation grant pilot program: HB 1872
 Workers, conditional employment pending background check(s) completion, when: HB 1120
 Workers, during COVID-19 pandemic, life/work/sacrifice of, recognizing and honoring: ***HR 4624 (2021)**
 Workers, expanding workforce/racial equity in client choice/paid home care services, work group on: HB 1411
 Workers, family member or friend with criminal record, informed consent process for hiring, identifying: HB 1411
 Workers, home care aides, expired certificate reinstatement for, process: HB 1877
 Workers, training and/or continuing education completion, emergency operations impact on: HB 1120

LOW-INCOME PERSONS (See also GROWTH MANAGEMENT; HOMELESS PERSONS; HOMES AND HOUSING; SCHOOLS AND SCHOOL DISTRICTS)

Alternative fuel vehicles, sales and use tax exemptions for low-income persons: HB 1503
 Boards/commissions/etc., class one groups, community members on, low-income/with lived experience, stipends/allowances for: ***2SSB 5793, CH 245 (2022)**
 Broadband assistance program, Washington, to provide reduced voice and broadband services rates: HB 1723
 Building communities fund program, grant assistance for projects, modifying funding limits: HB 1154
 Communities, low-income, school districts serving, participation in federal tax credit programs to finance facilities: SSB 5181
 Community/technical colleges, equity/access in, expanding via our colleges our future act of 2021: HB 1318, ***E2SSB 5194, CH 272 (2021)**
 Digital equity account, creating: HB 1723
 Digital equity and inclusion, competitive grant program to advance: HB 1460, HB 1723
 Digital equity and inclusion, for underserved populations, advancing: HB 1460, HB 1723
 Digital equity forum, establishing: HB 1723
 Digital equity opportunity program, creating: HB 1460, HB 1723
 Electric light/space heating service, residential, termination for low-income households, prohibitions/conditions: HB 1490
 Energy burden of low-income persons, conservation/energy efficiency opportunities to reduce for tenants: HB 1125, HB 1498
 Energy burden of low-income persons, electrical company discounts to reduce: HB 1125
 Energy burden of low-income persons, electrical or natural gas company discounts and grants to reduce: ***ESSB 5295, CH 188 (2021)**
 Energy burden of low-income persons, electrical or natural gas company discounts to reduce: HB 1498
 Evergreen basic income trust, creating: HB 2009
 Health equity zones, including communities experiencing poverty in identifying and creating: ***E2SSB 5052, CH 262 (2021)**
 Housing, affordable for families at all low-income levels, under GMA: HB 1220
 Housing, affordable lower-income, tiny house communities as part of incentive program under GMA for: HB 2001
 Housing, affordable owned, provided for low-income persons by low equity cooperatives, property tax exemption: HB 1350, ***SB 5713, CH 93 (2022)**
 Housing, affordable, affordable housing advisory board, membership: HB 1724
 Housing, affordable, defining for purposes of intergovernmental disposition of surplus public property: HB 1511
 Housing, permanent supportive, advisory committee on, establishing: HB 1724
 Indigent persons, charity health care rendered to, hospital policy guidelines: HB 1616
 Indigent persons, county resident who dies in adjacent county outside WA, disposition of remains of: HB 1743

Intergenerational poverty advisory committee, adding financial counselors group representative to members: ***SB 5929, CH 176 (2022)**

Local economic inclusion grants, implementing: 2SSB 5241

Low-income home rehabilitation revolving loan program, lowering loan interest rate: HB 2098

Manufactured/mobile home parks, tenant relocation assistance: HB 1083

Poverty reduction work group steering committee, duties of: 2SSB 5241

Poverty, persons experiencing persistent, fund held in trust for benefit of, authority to invest, constitutional amendment: HJR 4211

Poverty, persons experiencing, local economic inclusion grants for local government, implementing: 2SSB 5241

Rental housing, conservation/energy efficiency opportunities to reduce tenant's energy burden: HB 1125, HB 1498

Solar projects, community, access to: HB 1814

Solar projects, community, community solar incentive program, establishing: HB 1814

Substance use disorder, treatment services grant program for certain low-income persons with, establishing: HB 1578

Washington future fund trust fund, creating for persons born into families of limited means: HB 1861

Washington lifeline program, establishing: HB 1460

WorkFirst poverty reduction oversight task force, legislative-executive, adding nonvoting members: ***SB 5929, CH 176 (2022)**

Working families' tax exemption, providing sales/use tax exemption, annual remittance reductions rate adjustment: ***HB 1888, CH 33 (2022)**

Working families' tax exemption, providing sales/use tax exemption, clarifications/technical corrections: ***EHB 2096, CH 41 (2022)**

Working families' tax exemption, providing sales/use tax exemption, expanding eligibility/increasing remittance: HB 2015

Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319

Working families' tax exemption, replacing "exemption" with "credit" and "remittance" with "refund": ***EHB 2096, CH 41 (2022)**

MANUFACTURED HOUSING AND MOBILE HOMES (See also INSURANCE; LANDLORD AND TENANT; REAL ESTATE AND REAL PROPERTY; TAXES - PROPERTY)

Communities and/or parks, tenant relocation assistance: HB 1083

Communities, landlord duties and obligations: HB 1100

Communities, landlords, when tenant qualifies for property tax exemption program, landlord exemption: HB 1248

Communities, preserving in event of voluntary sale, requirements: HB 1100

Communities, purchase/lease of, landlord notice of opportunity and tenant notice of intent: HB 1100

Communities, rent payment, personal check/cashier's check/money order, landlord acceptance of, requiring: ***SSB 5749, CH 95 (2022)**

Communities, rent payment, submitting payments by mail, requirements for landlords: ***SSB 5749, CH 95 (2022)**

Communities, rent payment, through electronic means only, rental agreement provision requiring, prohibiting: ***SSB 5749, CH 95 (2022)**

Communities, resident nonprofit cooperative purchase of: HB 1100

Communities, tenants, property tax exemption program for seniors/veterans/retired-disabled additional exemption: HB 1247

Property tax exemptions, for manufactured or mobile homes, when: HB 1409

Real property, manufactured homes as, clarifying when and providing a process for establishing: HB 2072

Title, for manufactured home, eliminating when home affixed to homeowner's land, process for: HB 2072

MANUFACTURING AND TECHNOLOGY (See also ENERGY; UTILITIES)

Aerial imaging technology, state/local/tribal government uses of, studying: HB 1629

Batteries, large format, possible battery stewardship program participation by producers of: HB 1896

Batteries, portable and medium-format, battery stewardship organizations and plans, producer participation in: HB 1896

BEST manufacturing act, Washington, building economic strength through manufacturing: HB 1170

Biochar, manufacture of, sourcing forest products for, feasibility of, evaluating: ***SSB 5961, CH 293 (2022)**

Blockchain technologies, identity data, verifiable credentials for protecting, use of/trust framework for: SB 5534

Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**

Broadband, low earth orbit satellites and wireline/wireless connections, tax preferences to support/facilitate: HB 1702

Building materials, manufacturers of, environmental product declarations: HB 1103
 Career and technical education and student organizations, in agriculture, food, and natural resource sciences: HB 1544
 Clean energy product manufacturing facilities, as clean energy projects, definitions/proposals/reviews/appeals: HB 2002
 Clean energy product manufacturing facilities, definition and siting of: HB 1812
 Clean technology innovation, R and D B&O tax credit and account for retaining researcher/instructor: HB 1820, HB 1864
 Cosmetic products, tested using animals, selling of, prohibiting: HB 1615
 Cosmetic products, toxic chemicals in, prohibitions: 2SSB 5703
 Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: HB 1853
 Dialysis device/dialysate manufacturers dispensing directly to patients, certain exemptions: HB 1675
 Digital electronic equipment, original manufacturers and repairability of, requirements: HB 1801
 Digital electronic products, repairing of, right-to-repair requirements for manufacturers: HB 1212, HB 1810
 Firearms, untraceable, and unfinished frames/receivers, manufacturing of, prohibitions/penalties: HB 1705
 Ghost guns and ghost gun kits, manufacturing of, prohibitions/penalties: HB 1705
 Industrial/manufacturing facilities, new construction of, in targeted urban areas, property tax exemption: ***EHB 1386, CH 218 (2021)**
 Industrial/manufacturing facilities, new construction/targeted urban areas, property tax exemption, extending eligibility: ***ESB 5849, CH 172 (2022)**
 Industries, emissions-intensive trade-exposed, as covered entities in Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
 Investment projects, manufacturing/research and development, in certain counties, sales/use tax deferral program: ***ESB 5901, CH 257 (2022) PV**
 Manufacturers and processors for hire, lowering B&O tax rates: HB 1858
 Manufacturers, in energy-intensive trade-exposed industries, carbon pollution tax on sales/use of fossil fuels by: HB 1534
 Manufacturing and warehousing job centers account, creating to mitigate local sales tax revenue losses: HB 1521
 Manufacturing operations, zero emissions vehicles/renewable electricity/clean fuels, sales/use tax deferral: HB 1988
 Manufacturing/industrial lands, scarcity of, city/county excise tax on marijuana producers/processors due to: HB 1933
 Personal protective equipment, Washington producers of, website of/report about/tax exemptions for: HB 1489
 Plastic packaging material, nonbiodegradable, including bubble wrapping, producer production/usage of, suspending: HB 2116
 Processors for hire and manufacturers, lowering B&O tax rates: HB 1858
 Space economy, employment and training opportunities in, studying: HB 1190
 STEM education, youth development programs promoting, voluntary grassroots advocacy organizations sponsoring: 2SSB 5643

MARINE WATERS, STATE (See also BOATS AND BOATING; COMMERCIAL VESSELS AND SHIPPING; OIL AND GAS; SHORELINES AND SHORELINE MANAGEMENT)

Fish/wildlife enforcement program, marine resources/public safety protection, 25 percent of field officers for: HB 2110
 Hard minerals, seabed mining of, and permits or leases for, prohibiting: ***SB 5145, CH 181 (2021)**
 Kayaks/canoes/stand-up paddleboards, operating/occupying, personal flotation devices when, wearing: HB 1707
 Kelp forest and eelgrass meadow health and conservation plan, establishing: HB 1661
 Kelp forest and eelgrass meadow health and conservation plan, native, establishing: ***2SSB 5619, CH 230 (2022)**
 Kelp forests and eelgrass meadows, native and nonnative, mapping: ***2SSB 5619, CH 230 (2022)**
 Marine resources advisory council, extending expiration of: ***SSB 5590, CH 91 (2022)**
 Marine structure, in waters of Puget Sound, replacement or repair of, most recent code standards: E2SSB 5885
 Native and nonnative kelp forests and eelgrass meadows, mapping: ***2SSB 5619, CH 230 (2022)**
 Native kelp forest and eelgrass meadow health and conservation plan, establishing: ***2SSB 5619, CH 230 (2022)**
 Orcas, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: ***ESB 5330, CH 284 (2021)**
 Ports, container, comprehensive planning container port elements, Indian tribe collaboration: HB 1717
 Ports, container, comprehensive planning port container elements, Indian tribe collaboration: HB 1458
 Ports, marine terminal operators, truck driver restroom access to be supplied by, when: HB 1706
 Ports, public, activities undertaken by, exemption from permitting, when: HB 1436
 Puget Sound shoreline, 360 degree on-the-water view of, baseline survey for, conducting: E2SSB 5885
 Puget Sound water quality, office of, establishing: HB 1822

Puget Sound, recovery and water quality of, creating outdoor recreation and climate adaptation account to aid: HB 1823
 Salish Sea, municipal wastewater treatment plant discharges into, grants for reducing: HB 1822
 Shoreline stabilization/armoring, replacing, options and requirements for: ***SSB 5273, CH 279 (2021)**
 Shoreline stabilization/armoring, replacing, to include residential and nonresidential: HB 1838
 Whales, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: ***ESB 5330, CH 284 (2021)**

MARRIAGE AND MARRIED PERSONS (See also CHILDREN; DOMESTIC RELATIONS; JUVENILES AND JUVENILE COURT)

Dissolution/legal separation, parenting plans due to, residential time restrictions modifications due to sobriety: SSB 5920
 Indecent liberties, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Military members or veterans, spouses of, businesses hiring, tax credits for: HB 1677
 Military spouses, credentialing/employment of, assistance/removal of barriers: HB 1592
 Military spouses/domestic partners, "resident student" for college tuition/fees, criteria for military-affiliated students: ***ESSB 5874, CH 249 (2022)**
 Military spouses/domestic partners, long-term services/supports trust program exemption, when: HB 1733
 Rape of a child, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Rape, second degree, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Sex offenses involving minor, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**

MEN (See also DOMESTIC RELATIONS; GENDER IDENTITY; MARRIAGE AND MARRIED PERSONS; SEXUAL ORIENTATION; WOMEN)

Gender-based disparities and disproportionate negative outcomes for men/male youth/boys, efforts to reduce: HB 1917
 Washington state men's commission, establishing: HB 1917

MENTAL HEALTH (See also COUNSELORS AND COUNSELING; COVID-19 AND CORONAVIRUS; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS; SUBSTANCE USE DISORDER)

Advance directives, mental health, for behavioral health disorder treatment: ***ESSB 5370, CH 287 (2021)**
 Advance directives, mental health, persons involuntarily committed: ***SSB 5073, CH 264 (2021)**
 Agricultural workers, with mental health stresses/suicidal thoughts, agricultural community mental health hotlines for: HB 1434
 Behavioral health administrative services organizations, community-based programs, establishing: HB 1578
 Behavioral health administrative services organizations, partial hospitalization/intensive outpatient programs for minors: ***2SSB 5736, CH 94 (2022)**
 Behavioral health administrative services organizations, providing treatment services, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
 Behavioral health care, children in DCYF custody through child welfare services: HB 1205
 Behavioral health co-response services/programs, best practices/training/workforce development for co-responders: ***SSB 5644, CH 232 (2022)**
 Behavioral health consumer advocacy, state office of, establishing: HB 1086
 Behavioral health consumer advocacy, state office of, increasing minors' access to services: HB 1800
 Behavioral health consumer advocacy, state office of, statewide advisory council, adding member to: HB 1800
 Behavioral health consumer advocates, certified, role and certification of: HB 1086
 Behavioral health disorders, law enforcement arresting of persons with, alternatives to: HB 1499, HB 1578, ***ESB 5476, CH 311 (2021) PV**
 Behavioral health disorders, terminology in certain sex offense statutes, correcting: HB 1857
 Behavioral health disparities map, developing and maintaining: HB 2035
 Behavioral health emergency services, nonparticipating providers/out-of-network services/dispute resolution: HB 1688
 Behavioral health loan repayment program, certain civil asset forfeiture amounts to be deposited for use by: ***SSB 5728, CH 162 (2022)**
 Behavioral health loan repayment program, increasing loan repayment awards for certain professionals: HB 1504
 Behavioral health ombuds, regional programs, discontinuing and integrating into advocate program: HB 1086
 Behavioral health prevention and equity impact council, establishing: HB 2035
 Behavioral health services, client criminal justice system involvement reduction: ***SSB 5157, CH 267 (2021)**
 Behavioral health services, performance measures, improvement projects, and value-based purchasing: ***SSB 5157, CH 267 (2021)**

Behavioral health services, via audio-only telemedicine, BHASO and MCO reimbursement for, when: HB 1196

Behavioral health services, via telemedicine, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**

Behavioral health settings, inpatient, medical assistance clients exiting, homelessness/housing instability: HB 1860

Behavioral health settings, inpatient, medical assistance clients exiting, housing-related care coordination: HB 1860

Behavioral health support specialists, as trained paraprofessionals, certification/use/practice of: E2SSB 5884

Behavioral health workforce pilot program and training support grants for community treatment providers, establishing: HB 1504

Behavioral health, community system, managed care organization contracts with agencies, continuity: HB 1281

Behavioral health, crisis response services, mobile crisis/triage facility/crisis stabilization services, payment for: HB 1182, HB 1477

Behavioral health, crisis response/suicide prevention, implementation coalition and 988 crisis hotline system: HB 1182, HB 1477

Behavioral health, emergency crisis assistance teams for mobile mental health crisis intervention programs/services: HB 1392

Behavioral health, improving, using criminal justice local sales/use tax for: HB 1069

Behavioral health, mental health/substance use disorder providers, grant program for, establishing: HB 1504

Behavioral health, root causes of rising behavioral health issues in Washington communities, work group to study: HB 2053

Behavioral health/health care occupations with current/projected shortages, information on: HB 1949

Cannabis concentrates, high-potency, serious mental health consequences of, addressing: HB 1463

Capital projects, 4-year colleges, supporting health care/behavioral health occupations degree programs enrollment: HB 1949

Children and youth behavioral health work group, membership/duties of and convening of advisory group by: HB 1890

Children, assessment/diagnosis through medicaid, from birth through 5 years of age: HB 1325

Children, health care coverage, wraparound services for persons under 21 years of age: HB 1461

Children, partnership access line for kids, renaming as mental health referral service for children and teens: HB 1325

Clubhouses, for persons with mental illness, establishing throughout state and accessing medicaid funding for: ESB 5328

Commitment, involuntary, adolescents, designated crisis responder interviews by video to include: ***SSB 5073, CH 264 (2021)**

Commitment, involuntary, care coordinator role: ***SSB 5073, CH 264 (2021)**

Commitment, involuntary, criminally insane/incompetent to stand trial, individualized discharge plans for treatment: HB 2045

Commitment, involuntary, of veterans, diversion to veterans administration facility for treatment: HB 1314

Commitment, involuntary, orders for less restrictive alternative treatment: ***E2SSB 5071, CH 263 (2021), *SSB 5073, CH 264 (2021)**

Commitment, involuntary, reentry community services program expansion in order to include persons under: ***E2SSB 5304, CH 243 (2021) PV**

Commitment, involuntary, when incompetent to stand trial, orders for less restrictive alternative treatment: ***E2SSB 5071, CH 263 (2021)**

Commitment, involuntary, when not guilty by reason of insanity, transition from commitment, transition team for: ***E2SSB 5071, CH 263 (2021)**

Community behavioral health program, certain appropriations provided for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**

Community/technical colleges, counseling/services access for students, pilot program: HB 1468, ***E2SSB 5194, CH 272 (2021)**

Community/technical colleges, counseling/services access for students, pilot program, expanding/extending: HB 1840

Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: ***E2SSB 5304, CH 243 (2021) PV**

Criminal offenders, convicted, mental health sentencing alternative to incarceration, eligibility for: ***2SSB 5293, CH 242 (2021) PV**

Criminal offense, mental health condition at time of, mitigating sentence due to: HB 1637

Criminally insane, competency restoration treatment, felony/nonfelony and outpatient/inpatient, court-ordered: ***2SSB 5664, CH 288 (2022) PV**

Criminally insane, competency restoration treatment, outpatient, court-ordered: SSB 5210

- Criminally insane, incompetent to stand trial for violent felony, community placement in or outside county of origin: HB 2045
- Criminally insane, peace officer use of force to take into custody or assist: HB 1735
- Criminally insane, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**
- Criminally insane, transition teams for, multidisciplinary, when conditional release or affirmative special finding: ***E2SSB 5071, CH 263 (2021)**
- Crisis response services, 988 crisis hotline coordination with hotline centers, 911 systems, and crisis system: HB 1182, HB 1477
- Crisis response services, 988 crisis hotline system director, appointment of: HB 1182, HB 1477
- Crisis response services, and suicide prevention, implementation coalition and 988 crisis hotline system: HB 1182, HB 1477
- Crisis response services, statewide 988 behavioral health crisis response line tax, imposing: HB 1182, HB 1477
- Deferred prosecution, for SUD/mental health disorder, when DUI/physical control of vehicle under influence: HB 1817
- Depression/anxiety, behavioral health information for students on websites of schools: HB 1373
- Drugs, prescription, for mental health conditions, continuity of coverage of, requirements/prohibitions, when: ESSB 5794
- Firearm rights, voluntary waiver of, role of mental health professionals: SB 5491
- Funding, mental health services or persons with developmental disabilities property tax levy: HB 1965
- Hospitals, psychiatric, beds for psychiatric services, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**
- Hospitals, state, bureau of family experience to be established within each: 2SSB 5807
- Hospitals, state, child study and treatment center in Pierce county to be third state hospital: 2SSB 5807
- Hospitals, state, family peer specialists/family bridgers at, training and role of: 2SSB 5807
- Hospitals, state, reentry community services program expansion in order to include: ***E2SSB 5304, CH 243 (2021) PV**
- Incarcerated persons, prohibiting medicaid suspense status when incarcerated for less than 30 days: HB 1348
- Insanity, not guilty by reason of, restoration of right to possess firearms: HB 1026, ESB 5561
- Law enforcement officers, behavioral health and suicide prevention: HB 1000
- Managed care organizations, partial hospitalization/intensive outpatient programs for minors: ***2SSB 5736, CH 94 (2022)**
- Marijuana concentrates, high-potency, serious mental health consequences of, addressing: HB 1463
- Men/male youth/boys, gender-based disparities and disproportionate negative outcomes for, efforts to reduce: HB 1917
- Minors, behavioral health services for, access via HCA-dedicated employee/parent portal/advisory groups: HB 1800
- Minors, partial hospitalization/intensive outpatient programs for, BHASO and MCO provision of: ***2SSB 5736, CH 94 (2022)**
- Mobile mental health crisis intervention programs/services, emergency crisis assistance teams for, establishing: HB 1392
- Music therapists, licensing of, and advisory committee, creating: SSB 5848
- Partnership access lines for providers/moms/kids, various, modifications to: HB 1325
- Peer specialists, certified, Washington state certified peer specialist advisory committee, establishing: HB 1865
- Peer specialists, including trainees, certified, profession of, creating: HB 1865
- Peer specialists/peer specialist trainees, licensed, licensing/practice requirements and advisory committee for: HB 1349
- Peer-run organizations for persons with mental illness, accessing medicaid funding for: ESB 5328
- Psychiatric beds, in hospitals, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**
- Psychologists, school, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985
- Safety/well-being of youth, risks to, YES tip line program for tips concerning, establishing: 2SSB 5327
- School attendance, absence for mental health reasons to be excused absence: ***HB 1834, CH 31 (2022)**
- Schools, limited mental health staff certificate, for trauma-informed counseling of COVID-impacted students: HB 1444
- Schools, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
- Schools, suicide prevention/mental health/substance use/eating disorders information for students on website: HB 1373
- Social workers, school, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985
- Suicidal ideation/other tendencies/behaviors, foster parent maintenance payments when foster child exhibits: HB 1347
- Suicidal thoughts, agricultural workers with, agricultural community mental health hotline services for: HB 1434
- Suicide, 988 crisis hotline coordination with hotline centers, 911 systems, and behavioral health crisis system: HB 1182, HB 1477
- Suicide, 988 prevention hotline, on signs for certain public works projects: HB 1600

Suicide, 988 prevention hotline, on signs on or near new bridges, when: HB 1595
 Suicide, among military members/veterans/their families, firearm temporary storage by dealer to prevent: HB 1181
 Suicide, among veterans/military members/their families, programs/measures to prevent: HB 1181
 Suicide, by law enforcement officers, prevention of: HB 1000
 Suicide, overdose and suicide fatality review teams, establishing: HB 1074
 Suicide, prevent veteran suicide emblem for license plates, creating: HB 1181
 Suicide, prevention organizations and crisis intervention information for students on websites of schools: HB 1373
 Suicide, suicide-safer homes task force, subcommittees/members/duties of: HB 1181
 Suicide, youth suicide review team, Washington, establishing for youth suicide reviews: HB 1354
 Suicide, youths up to age 24 who died by, impact of COVID-19 pandemic on suicide rates among: HB 1354
 Suicide, youths up to age 24 who died by, youth suicide review team to investigate lives of: HB 1354
 Tardive dyskinesia and its causes, encouraging awareness and seeking better understanding of: ***HR 4646 (2022)**
 Telebehavioral health programs, partnership access lines, various, modifications to: HB 1325
 Telemedicine, audio-only, behavioral health services via, BHASO and MCO reimbursement for, when: HB 1196
 Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196
 Telemedicine, audio-only, facility fee for, prohibiting originating-site hospitals from charging: HB 1708
 Telemedicine, audio-only, patient/provider "established relationship" before providing, requirements: HB 1821
 Telemedicine, behavioral health services via, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**
 Telemedicine, delivery of behavioral health services to covered persons via, reimbursement for: ***SSB 5325, CH 100 (2021)**
 Telepsychology, psychology interjurisdictional compact act: HB 1286
 Telepsychology, psychology interjurisdictional compact commission, establishing: HB 1286
 Therapy animals and their human handlers, celebrating/honoring, and saluting therapy animal teams' service: ***HR 4656 (2022)**
 Treatment, assisted outpatient, criteria/petitions/procedures for: HB 1773
 Treatment, behavioral health administrative services organizations providing, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
 Treatment, clubhouses and peer-run organizations for persons with mental illness, and medicaid program: ESB 5328
 Treatment, evaluation and treatment facilities, delivery of juvenile from law enforcement custody to, when: HB 1559
 Treatment, evaluation and treatment facilities, provisions: HB 2041
 Treatment, for juvenile offenders via community transition services program: HB 1186
 Treatment, inpatient, voluntary admission to, raising age for consent of minor to 16 years of age for: HB 2041
 Treatment, involuntary outpatient: ***SSB 5073, CH 264 (2021)**
 Treatment, less restrictive alternative, various orders for: HB 1773, ***SSB 5073, CH 264 (2021)**
 Treatment, outpatient, raising age for minor to request/receive to 16 years of age: HB 2041
 Treatment, veterans, diversion from involuntary commitment to veterans administration facility: HB 1314

METALS

Bullion, precious metal or monetized, as intangible personal property, property tax exemption: HB 1417
 Bullion, precious metal or monetized, as legal tender: HB 1417
 Bullion, precious metal or monetized, sale of, B&O tax exemption: HB 1417
 Catalytic converter theft task force, Washington state, establishing: HB 1815
 Catalytic converter tracking pilot project, establishing: HB 1815
 Catalytic converter, deceiving purchaser or purchasing despite deception, second offense, class C felony: HB 1873
 Catalytic converter, purchase by scrap metal business that knows it is stolen, gross misdemeanor: HB 1873
 Catalytic converter, theft with certain damage to owner's property, theft in second degree, seriousness level: HB 1873, HB 1994
 Catalytic converters, confrontation with owner/3rd party trying to prevent theft, special allegation and verdict: HB 1994
 Catalytic converters, scrap metal business transaction provisions concerning: HB 1873
 Catalytic converters, stolen by defendant to sell/transfer/exchange online, special allegation and verdict: HB 1873
 Catalytic converters, theft of, special law enforcement efforts targeting metal theft to include: HB 1873
 Scrap metal businesses, ongoing electronic statewide no-buy list database program: HB 1873
 Scrap metal businesses, purchasing/receiving private metal property known to be stolen, gross misdemeanor: HB 1873
 Scrap metal businesses, scrap metal transaction requirements, catalytic converter provisions: HB 1873
 Scrap metal, dealers and recycling industry, Washington state organized retail theft task force role of: HB 2113
 Semiconductor materials, manufacturing/processing of, lowering B&O tax rate: HB 1858

MILITARY (See also ELECTIONS; FIRST RESPONDERS; MILITARY DEPARTMENT; VETERANS; VETERANS AFFAIRS, DEPARTMENT)

College tuition/fees, "resident student," criteria for military-affiliated students to qualify as, expanding/modifying:

***ESSB 5874, CH 249 (2022)**

Defense community compatibility account, for grants for capital projects, including criteria for: SB 5782

Equipment, acquisition/use by law enforcement agencies, prohibition: HB 1054

Equipment, acquisition/use by law enforcement agencies, prohibition, clarifying in relation to certain rifles: HB 1634

Equipment, acquisition/use by law enforcement agencies, prohibition, replacing with "prohibited equipment" list: HB 1737, HB 2036

Equipment, acquisition/use by law enforcement, prohibition, clarifying in relation to certain rifles/devices/equipment:

***HB 1719, CH 3 (2022)**

Expeditionary badge recipient in armed conflict, as "veteran" for interruptive retirement system military service credit: HB 1804, SB 5726

Gold star family member, principal residence of, property tax exemption for: HB 1636

Hunting/fishing licenses, "resident" for, certain armed forces members/veterans provisions, revising: SB 5552

Incompatible developments near military installations, certain account-funded projects for addressing: SB 5291

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: ***HR 4609 (2021), *HR 4645 (2022)**

Meacham, Charles "Chuck," U.S. marine corps 3rd marine raider battalion during World War II, honoring: ***HR 4652 (2022)**

National guard, college tuition/fees waiver, surviving spouse/domestic partner eligibility for: ***SB 5545, CH 45 (2022)**

National guard, Washington, honoring: ***HR 4639 (2022)**

National guard, Washington, postsecondary education grant program, eligibility and maximum grants: HB 1642

Navy, USS Nimitz aircraft carrier, crew of, recognizing and honoring: ***HR 4631 (2021)**

Nonresident armed forces members, in state, tangible personal property use tax exemption, expanding: HB 1112

Purple heart, Washington state as a purple heart state, designating and authorizing signs indicating: HB 1250

Purple star award, for recognizing military-friendly schools committed to military students/families, creating: SSB 5762

Schools, military-friendly, committed to military students/families, purple star award to recognize, creating: SSB 5762

Space force, reserve members of, military leave of absence for: HB 1625

Spouses, military, businesses hiring, tax credits for: HB 1677

Spouses, military, credentialing/employment of, assisting/removing barriers: HB 1592

Spouses, military, employment of, military spouse employment act: HB 1592

Spouses, military, employment of, termination of employment contract: HB 1592

Spouses/domestic partners, military, "resident student" for college tuition/fees, criteria for military-affiliated students:

***ESSB 5874, CH 249 (2022)**

Spouses/domestic partners, of service member, long-term services/supports trust program exemption: HB 1733

Suicide, among military members/veterans/their families, firearm temporary storage by dealer to prevent: HB 1181

Suicide, among military members/veterans/their families, programs/measures to prevent: HB 1181

Suicide, suicide-safer homes task force, subcommittees/members/duties of: HB 1181

Terror, global war on, state residents who died in, monument to honor, legislative work group to study/recommend: HB 1849

U.S. army corps of engineers, navigation channel maintenance/improvements on Columbia river by, requirements exemption, when: SSB 5125

Vehicles, military surplus, as collectible vehicles with collector license plates: HB 1439

Vehicles, military surplus, operation on public highways: HB 1439

Vessels, USS Nimitz aircraft carrier, crew of, recognizing and honoring: ***HR 4631 (2021)**

Veterans' and military affairs, joint legislative committee on, role of: HB 1592

Voting, service/overseas voters, voters' pamphlets distribution with ballots: HB 1357

Washington state guard, members, service/retirement age of, extending, when: ***HB 1122, CH 258 (2022) PV**

Women in the military, honoring: ***HR 4658 (2022)**

Women's armed services integration act, June 12, 1948, 74th anniversary of, acknowledging: ***HR 4658 (2022)**

World War II memorial, sculptor Simon Kogan, life and work of, recognizing and honoring: ***HR 4663 (2022)**

World War II, Japanese American veterans from Washington, recognizing: ***HR 4609 (2021), *HR 4645 (2022)**

MILITARY DEPARTMENT (See also EMERGENCY MANAGEMENT AND SERVICES; MILITARY)

Disaster preparedness, necessary supplies stockpile, and commodity sourcing for, department to study: HB 1567

Disaster response account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Emergency management council, tribal members, adding: ***SB 5101, CH 233 (2021)**

MINES AND MINING

Hard minerals, seabed mining of, and permits or leases for, prohibiting: ***SB 5145, CH 181 (2021)**

MINORITIES (See also AFRICAN AMERICANS; DISCRIMINATION; ENVIRONMENTAL HEALTH AND SAFETY; EQUITY, WASHINGTON STATE OFFICE; INDIANS; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; PROFESSIONAL EDUCATOR STANDARDS BOARD)

Abortion care, equal rights to access, regardless of gender/gender identity/race/ethnicity/income level/etc.: ***EHB 1851, CH 65 (2022)**

Americans of Chinese descent history month, each January as, designation of: ESB 5264

Asian American community in Washington, and Lunar New Year, acknowledging: ***HR 4641 (2022)**

Asian and Pacific Islander Americans, Washington's, and Lunar New Year, celebrating: ***HR 4606 (2021)**

Behavioral health disparities map, developing and maintaining: HB 2035

Boards/commissions/etc., class one groups, community members on, low-income/with lived experience, stipends/allowances for: ***2SSB 5793, CH 245 (2022)**

Clinical trials for drugs and medical devices, diversity program for: SSB 5723

Community/technical colleges, equity/access in, expanding via our colleges our future act of 2021: HB 1318, ***E2SSB 5194, CH 272 (2021)**

Critical race theory, definition and prohibition of K-12 instruction and discussion of: HB 1886

Developmental disabilities, persons with, diversity of, membership of task forces/other statutory entities to reflect: HB 1566, HB 1802

Digital equity account, creating: HB 1723

Digital equity act, programs for increasing internet access via telecommunications/broadband: HB 1723

Digital equity and inclusion, competitive grant program to advance: HB 1460, HB 1723

Digital equity and inclusion, for underserved populations, advancing: HB 1460, HB 1723

Digital equity forum, establishing: HB 1723

Digital equity opportunity program, creating: HB 1460, HB 1723

Digital equity planning grant program, creating: HB 1460, HB 1723

Digital equity, anchor institution digital equity program, establishing: HB 1723

Disabilities, persons with, diversity of, membership of task forces/committees/other statutory entities to reflect: HB 1566, HB 1802

Disparities, environmental health, state agency actions to reduce: ***E2SSB 5141, CH 314 (2021)**

Disparities, environmental health/environmental justice/equity focused tools to identify wildfire-impacted communities: HB 1168

Diversity/equity, task force on improving diversity and equity at community/technical colleges, establishing: HB 1840

Diversity/equity/inclusion, community and technical colleges strategic plan for: HB 1318, ***E2SSB 5194, CH 272 (2021)**

Diversity/equity/inclusion, in state patrol workforce, approaches for strengthening: HB 2057

Drive-by shooting, as basis for aggravated first degree murder, eliminating: HB 1692

Equality, principles of, to be central to performance of duties by department of children, youth, and families: HB 1658

Equity impact statements for bills and other proposed legislation: HB 1264

Equity, behavioral health prevention and equity impact council, establishing: HB 2035

Equity, cannabis licenses, cannabis social equity grant, low-interest loan, and technical assistance program: HB 2022

Equity, digital equity act, programs for increasing internet access via telecommunications/broadband: HB 1723

Equity, environmental health disparities/justice/equity focused tools to identify wildfire-impacted communities: HB 1168

Equity, in housing, addressing racial inequities via estate tax revenue deposits in equity in housing account: HB 1465

Equity, racial, analyses of, incorporation into audits/reviews/reports by JLARC, when: ***ESSB 5405, CH 310 (2021) PV**

Equity, social equity in cannabis industry, grant/pilot program/legislative task force/social equity license applicants: HB 1443

Equity, social equity in cannabis, cannabis equity grant program, establishing: HB 1827

Equity, violations imposed on rural communities of color/disadvantaged communities/indigenous peoples, rectifying: HB 1233

Equity, water fluoridation/unmet oral health needs, oral health equity assessment in relation to, conducting: HB 1684

Equity-based school practices, as part of teacher and school administrator continuing education: HB 1426

Equity/diversity/inclusion, in state patrol workforce, approaches for strengthening: HB 2057

Executive order 9066, eightieth anniversary, acknowledging: ***HR 4645 (2022)**

Executive order 9066, seventy-ninth anniversary, acknowledging: ***HR 4609 (2021)**

Fairs, area/county/other, transfers from state general fund to fair fund to support inclusiveness at fair events: ***2SSB 5362, CH 245 (2021)**

Farming, equity in, historically underrepresented groups, inclusion in food/agriculture laws/rules/etc. development/etc.: HB 1395

Ferry employees, newly hired/from underrepresented communities, impact of bargaining agreements on: HB 1608

Health education, in schools, disproportionately COVID-impacted people, steps to help: HB 1149

Health equity continuing education training for health professions, requirements: ***ESSB 5229, CH 276 (2021)**

Health equity curriculum, for medical students, development by UW/WSU schools of medicine: ***SSB 5228, CH 96 (2021)**

Health equity zones, identifying and creating: ***E2SSB 5052, CH 262 (2021)**

Health equity, behavioral health prevention and equity impact council, establishing: HB 2035

Health, local boards of, member expertise and lived experience, diversity requirements: HB 1110

Higher education, diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: ***E2SSB 5227, CH 275 (2021)**

Holocaust remembrance day, recognizing: ***HR 4627 (2021)**

Hospitals, information reporting by, to include race/ethnicity/gender identity/language/disability, when: HB 1272

Housing, affordable, increasing for racial/ethnic groups disproportionately lacking access to: HB 1128

Housing, affordable, increasing for racial/ethnic groups with adverse housing outcomes: HB 1880

Housing, racially disparate impacts/displacement/exclusion in, addressing at local level: HB 1220

Indian Americans, recognizing in connection with republic day in India: ***HR 4638 (2022)**

Intellectual disabilities, persons with, diversity of, membership of task forces/other statutory entities to reflect: HB 1566, HB 1802

Irish Americans, annual celebration of Saint Patrick's Day, commemorating: ***HR 4657 (2022)**

Japanese American veterans, incarcerated, and civil rights activists, recognizing and remembering: ***HR 4609 (2021), *HR 4645 (2022)**

Juries and jurors, electronic demographic survey for jurors beginning a jury term: HB 1542

Labor rights, countries that provide, as eligible to sell for use or provide transportation fuels in state, criteria and list: HB 1551

Law enforcement diversity, professional development outreach grant program: ***HB 1001, CH 52 (2021)**

Local economic inclusion grants, for local government, implementing: 2SSB 5241

Money transmitters, small, serving diverse communities, impact of de-risking on, requesting that congress act to reduce: SJM 8004

Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550

People of color, children/youth in child welfare/juvenile justice systems, equality as service delivery priority: HB 1658

Prescription drug labels/containers, language translation requirements for directions for use/side effects on: HB 1852

Preservation/protection of environment/natural resources, rights of all people in relation to, constitutional amendment: HJR 4205

Public works, alternative contracting, access for minority-owned businesses: ***SB 5032, CH 230 (2021)**

Racial equity analyses, incorporation into audits/reviews/reports by JLARC, when: ***ESSB 5405, CH 310 (2021) PV**

Racism in schools, institutional, training in order to dismantle: ***ESSB 5044, CH 197 (2021)**

Racism, structural, in health care, medical student training to help undo: ***SSB 5228, CH 96 (2021)**

Rural development, correcting land use patterns perpetuating disadvantages faced by immigrants and other peoples: HB 1233

School staff/boards, cultural competency/diversity/equity/inclusion standards and training for: ***ESSB 5044, CH 197 (2021)**

Schools, equity-based practices, as part of teacher and school administrator continuing education: HB 1426

Schools, language access programs for culturally responsive systemic family engagement: HB 1153

Sexual assault investigations, race/ethnicity impact on outcomes, analysis via case review program: HB 1109

State patrol, diversity/equity/inclusion in workforce of, approaches for strengthening: HB 2057

Students, reducing absences with multitiered and culturally/linguistically responsive supports system: HB 1113

Taiwanese Americans in Washington, honoring: ***HR 4651 (2022)**

Ukrainian Americans, important role in civil, cultural, and economic life of Washington State, recognizing: ***HR 4660 (2022)**

Underprivileged/disadvantaged groups, membership in, as criterion for private fund academic scholarships: HB 1836

Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071

Voting rights act, covered practices in covered jurisdictions, requirements: E2SSB 5597

Voting rights act, special elections under, in even- or odd-numbered years: HB 1727

Voting rights act, vote dilution prohibition and cost recovery mechanism: E2SSB 5597

Vulnerable populations and highly impacted communities, energy burden of, reducing in various ways: HB 1125, HB 1498, ***ESSB 5295, CH 188 (2021)**

Vulnerable populations, protections for, via consumer protection improvement act: ***SSB 5025, CH 228 (2021)**

Wilfong, Ester, teacher, administrator, and professional association leader, recognizing and honoring: ***HR 4659 (2022)**

Women of color, cosmetic products with potentially harmful ingredients and marketed to, plan for testing: HB 1853, 2SSB 5703

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE (See also BUSINESSES; MINORITIES; PUBLIC WORKS; VETERANS; WOMEN)

Audit and review unit within office, establishing: HB 1259

Contracts, office requirements and modifications: HB 1259

School construction work, "other work" excluded from, standard OMWBE clauses to be included, when: ***ESB 5017 (2022) V**

MOTION PICTURES

Motion picture competitiveness program, board of directors, membership of, modifying: HB 1914

Motion picture competitiveness program, contributions to, certain entities making, annual reporting exemption for: HB 1914

Motion picture competitiveness program, contributions to, use of and B&O tax credit for, modifying: HB 1914

Motion picture competitiveness program, rural and marginalized communities, supporting people from: HB 1914

MOTOR VEHICLES (See also DRIVERS AND DRIVERS' LICENSES; FUELS; ROADS AND HIGHWAYS; TAXES - MOTOR VEHICLE EXCISE; TAXES - MOTOR VEHICLE FUEL; TRAFFIC; TRANSPORTATION)

Abandoned, tow truck operator sale at public auction of, successful bidder payment of use tax: HB 2104

All-terrain vehicles, tracked, snowmobile defined to include: ***SB 5016, CH 86 (2021)**

All-terrain vehicles, wheeled and tracked, concurrent licensing process: ***SB 5016, CH 86 (2021)**

All-terrain vehicles, wheeled, equipment requirements for: SSB 5332

All-terrain vehicles, wheeled, nonresident registration exemption, when: HB 1322

All-terrain vehicles, wheeled, on-road and off-road uses of, equipment requirements for: 2SSB 5332

All-terrain vehicles, wheeled, registration by nonresident from certain bordering state, filing/service fees payment for: ***HB 2074, CH 40 (2022)**

All-terrain vehicles, wheeled, to include qualifying utility-type vehicles (UTVs) with certain equipment: HB 1509

All-terrain vehicles, wheeled, use of qualifying WATV on certain county roads in a rural county: HB 1870

All-terrain vehicles, wheeled, use on certain roads, multiuse roadway safety account funds use in connection with: HB 1546

All-terrain vehicles, wheeled, use on state highway segments in county with authorizing ordinance: ***EHB 1251, CH 121 (2021)**

All-terrain/wheeled all-terrain/utility-type/other off-road vehicles, exempting from VIN inspection requirement: SSB 5778

Alternative fuel vehicles, hydrogen fuel cell electric, sales/use tax exemptions: ***2SSB 5000, CH 171 (2021)**

Alternative fuel vehicles, various tax preferences for: HB 1503, HB 2119, ***2SSB 5000, CH 171 (2021)**, ***ESSB 5974, CH 182 (2022)**

Alternative fuel/electric vehicles, transition to, for student transportation, feasibility plans/charging/fueling stations: HB 1644

Auto malls, directional signs on state highway rights-of-way for, when: HB 1142

Autonomous vehicles, driven without human operator by operator of, traffic infraction: HB 1731

Autonomous vehicles, law enforcement interaction plan, providing, when: HB 2100

Autonomous vehicles, self-certification testing pilot program, changes to enable: ***SSB 5460, CH 193 (2021)**

Autonomous vehicles, self-certification testing pilot program, effective date of, delaying: ***SSB 5460, CH 193 (2021)**

Autonomous vehicles, self-certification testing pilot program, information/notice/reporting requirements for: HB 2100
Autonomous vehicles, self-certification testing pilot program, rule adoption and enforcement: HB 1731
Autonomous vehicles, self-certification testing pilot program, testing requirements: HB 1731
Autonomous vehicles, self-certification testing pilot program, testing requirements, modifying: HB 2070
Autonomous vehicles, work group recommendations concerning: HB 2070, ***SSB 5460, CH 193 (2021)**
Cargo-carrying devices/cargo, temporary obstruction of single license plate by, allowing, when: ***EHB 1784, CH 130 (2022)**
Catalytic converter theft task force, Washington state, establishing: HB 1815
Catalytic converter tracking pilot project, establishing: HB 1815
Catalytic converter, deceiving purchaser or purchasing despite deception, second offense, class C felony: HB 1873
Catalytic converter, purchase by scrap metal business that knows it is stolen, gross misdemeanor: HB 1873
Catalytic converter, theft with certain damage to owner's property, theft in second degree, seriousness level: HB 1873, HB 1994
Catalytic converters, confrontation with owner/3rd party trying to prevent theft, special allegation and verdict: HB 1994
Catalytic converters, scrap metal business transaction provisions concerning: HB 1873
Catalytic converters, stolen by defendant to sell/transfer/exchange online, special allegation and verdict: HB 1873
Catalytic converters, theft of, special law enforcement efforts targeting metal theft to include: HB 1873
Commercial vehicle, disqualification for life from driving a, for using motor vehicle in committing trafficking offense: ***SSB 5631, CH 51 (2022)**
Commercial vehicles, used for transporting property, using chain up/chain off areas to park, when: HB 1839
Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528
Damaged vehicles, actual cash value/amount of loss, appraisal clause in insurance contracts: HB 1979
Dealers, cash incentives from manufacturers for retail sales, B&O tax deduction for: ***HB 1495 (2021) V**
Dealers, documentary service fee, charging under certain conditions: HB 1388
Dealers, fees, dealer temporary permit fee and auto dealer documentary service fee, increasing: HB 2119, ***ESSB 5974, CH 182 (2022)**
Dealers, sales transaction electronic, internet, and location options: ***EHB 1049, CH 201 (2021)**
Dealerships, zero emissions vehicles manufacturers owning/operating/controlling, when: HB 1388
Electric or hybrid vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572
Electric or hybrid vehicles, road usage charge program per mile fee phased implementation requirements for: HB 2026
Electric vehicles, charging stations, installation/use by condominium/unit/lot/apartment owner, requirements: HB 1793
Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing: HB 1287
Electric vehicles, interagency electric vehicle coordinating council, creating: HB 2119, ***ESSB 5974, CH 182 (2022)**
Electric vehicles, passenger/light duty vehicles of model year 2030 or later sold/registered in WA to be, as state goal: HB 2119, ***ESSB 5974, CH 182 (2022)**
Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: HB 1204
Electric vehicles, plug-in hybrid, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548
Electric vehicles, publicly available supply equipment and service providers for, requirements: ***2SSB 5192, CH 238 (2021)**
Electric vehicles, supply equipment, energy efficiency standards: HB 1619
Electric vehicles, supply equipment, registration fee for: ***2SSB 5192, CH 238 (2021)**
Electric vehicles, support equipment, installation by licensed electrical contractors and certified electricians: HB 1831
Electric vehicles, various tax preferences for: HB 2119, ***ESSB 5974, CH 182 (2022)**
Electric vehicles, with hydrogen fuel cell, sales/use tax exemptions: ***2SSB 5000, CH 171 (2021)**
Electric-assisted bicycles, use on recreational trails managed by DNR or DFW, when: HB 1524
Electric-assisted, use on trails and roads closed to motor vehicles, determining where and which bicycle classes: ***ESSB 5452, CH 191 (2021)**
Electric/alternative fuel vehicles, transition to, for student transportation, feasibility plans/charging/fueling stations: HB 1644
Electric/clean energy vehicles/infrastructure, clean energy product manufacturing facilities for, siting of: HB 1812
Electric/electric-assisted bicycles, and related cycling equipment, sales/use tax exemptions: HB 1330
Emissions, commercial transportation services vehicles: HB 1075
Emissions, zero emissions transportation future, state transition to, supporting: HB 1287
Emissions, zero emissions vehicles, manufacturers of, owning/operating/controlling dealership, when: HB 1388
Employee vehicles, employer searches of, prohibitions: HB 1257

Fire department vehicles, rear-facing blue lights and red lights at scene of emergency: SSB 5907

Fire department vehicles, rear-facing blue lights in combination with red lights at scene of emergency: ***HB 2033, CH 279 (2022)**

Firearms, discharge from/near vehicle, as basis for aggravated first degree murder, eliminating: HB 1692

Historic automobile museums, deferred sales/use tax payments, forgiving first two payments due to COVID-19 pandemic: HB 2108

Hybrid or electric vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572

Hybrid or electric vehicles, road usage charge program per mile fee phased implementation requirements for: HB 2026

Hybrid vehicles, plug-in electric, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548

License plates, for motor vehicle transporters, plates/indicator tabs/fees for and violations by: HB 1269

License plates, original issue/replacement fees, increasing and depositing portions in move ahead WA account: HB 2119, ***ESSB 5974, CH 182 (2022)**

License plates, prevent veteran suicide emblem for display on, creating: HB 1181

License plates, special, collector vehicle plates for military surplus vehicles: HB 1439

License plates, special, Mount St. Helens plates, creating: HB 1252

License plates, special, Patches pal plates, creating: HB 1374, ***SSB 5741, CH 239 (2022)**

License plates, special, Washington wine plates, creating: HB 1530

License plates, special, working forests plates, creating: HB 1253

License plates, temporary obstruction of single plate by cargo-carrying devices or cargo, allowing, when: ***EHB 1784, CH 130 (2022)**

License plates, temporary, definition/design/composition/issuance/generation of and fees for: HB 1790

License plates, tribal, issuance to certain individuals and design of: HB 1632

Licensing, car tab relicensing fee, for grade-separated transportation, with rebate for low-income persons: HB 1304

Military surplus vehicles, as collectible vehicles with collector vehicle license plates: HB 1439

Military surplus vehicles, operation on public highways: HB 1439

Motorcycle safety education advisory board, membership, modifying: HB 1624

Motorcycles, electric, additional fee for, due at time of annual registration renewal: SSB 5085, ***2SSB 5085, CH 149 (2022)**

Motorcycles, handlebars, as steering mechanism option, adding, when: HB 1255

Motorcycles, license plate original issue/replacement fees, increasing/depositing portions in move ahead WA account: HB 2119, ***ESSB 5974, CH 182 (2022)**

Motorcycles, operating between lanes of traffic, requirements for: HB 1106

Motorcycles, operator helmet requirement, exemption, when: HB 1255

Motorcycles, operator passing vehicle in same lane: HB 1106

Motorcycles, operator use of right shoulder on limited access roadway, when: HB 1254

Off-road vehicles, exempting from vehicle identification number inspection requirement: SSB 5778

Off-road vehicles, nonresident registration exemption, removing, when: HB 1322

Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322

Off-road vehicles, registration by nonresident from certain bordering state, filing/service fees payment for: ***HB 2074, CH 40 (2022)**

Owners, of motor vehicles, furnishing of list to certain entities for certain purposes: ***SSB 5152, CH 93 (2021)**

Physical damage to automobile, basic contract of automobile insurance, requirements: HB 1428

Physical damage to automobile, coverage and repair requirements, basic contract: HB 1428

Pool vehicles, car or van pools for commute trip reduction, suspending purchase recommendation and funding: HB 1528

Recreational vehicles used as residences, overnight parking of, local government ordinance to prohibit, when: HB 1540

Registration, off-road and wheeled all-terrain vehicles: HB 1322

Registration, tribal, of vehicles owned by tribal government-designated individuals: HB 1632

Registration, vehicle or trailer paper issued certificates, printing addresses on, prohibiting: HB 1984

Residences, vehicles used as, illicit wastewater discharges from, identifying potential for and preventing: HB 1540

Sales by dealers, installment transactions, rights statements, and delivery agreements: ***EHB 1049, CH 201 (2021)**

Sharing, peer-to-peer car sharing transactions, additional sales tax on: HB 1572

Sharing, peer-to-peer vehicle sharing program act, concerning car sharing program agreements: HB 1389

Snowmobiles, defined to include tracked all-terrain vehicles: ***SB 5016, CH 86 (2021)**

Snowmobiles, nonresident registration exemption, removing, when: HB 1322

Snowmobiles, nonresident registration exemption, when: HB 1322

Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322
 Stolen vehicles, stolen vehicle check fee, increasing and depositing portion in move ahead WA account: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Taxation, sales/use, revenue for transportation infrastructure needs: HB 1010, HB 1604
 Taxation, sales/use, revenue for transportation without reliance on debt financing: HB 1604
 Titles, certificates of, vehicle identification number inspection program for, studying: SSB 5778
 Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
 Trailer being towed or trailer hitch, temporary obstruction of single license plate by, allowing, when: ***EHB 1784, CH 130 (2022)**
 Transporters, licenses/license plates/indicator tabs for and related violations by: HB 1269
 Trucks, commercial, commercial/port district parking lot/spaces construction for, tax exemptions: HB 1657
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 Utility-type vehicles (UTVs) with certain equipment, as wheeled all-terrain vehicles, operation on county roads, when: HB 1509
 Utility-type vehicles, exempting from vehicle identification number inspection requirement: SSB 5778
 Vehicle identification number inspection fee, distribution of, modifying: SSB 5778
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 Vehicle identification number inspections, exempting all-terrain/wheeled all-terrain/utility-type/other off-road vehicles from: SSB 5778
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 Vehicles, fee transactions, recouping agency credit card/financial transaction fees via: ***HB 1115, CH 32 (2021)**
 Vehicles, personal/identity information associated with records held by DOL, prohibiting release of: HB 2013
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 Zero emissions vehicles, manufacturers of components, sales/use tax deferral: HB 1988
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Art museums, building for the arts program grants for, raising funding limits: ***HB 1647, CH 121 (2022)**
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 Historic automobile museums, deferred sales/use tax payments, forgiving first two payments due to COVID-19 pandemic: HB 2108

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Climate commitment act, Washington, funding generated under, directions/requirements for spending portion of: HB 2119, ***ESSB 5974, CH 182 (2022)**

College athlete name, image, or likeness act, uniform: ESSB 5942

Consumer protection improvement act, protecting vulnerable populations from unfair practices: ***SSB 5025, CH 228 (2021)**

Credit union act, Washington, revising: ***EHB 1165, CH 15 (2022)**

Cruelty free cosmetics act, prohibiting selling of cosmetics tested using animals: HB 1615

Death with dignity act, expanding access via qualified medical and counseling provider options: HB 1141

Digital equity act, programs for increasing internet access via telecommunications/broadband: HB 1723

Drug free prisons act, concerning comprehensive body scanner pilot program: ***2SSB 5695, CH 160 (2022)**

Electronic recordation of custodial interrogations act, uniform: HB 1174, HB 1223

Electronic wills act, uniform: ***SB 5132, CH 140 (2021)**

Empowering Washington voters act, requiring general election advisory vote majority for tax increase legislation: HB 1582

Equitable access to credit act, Washington, for underserved communities: HB 1015

Evelyn's law, diagnostic services/genetic testing for children with seizures, neurological symptoms, etc.: HB 1346

Evitan's law, posthumous diplomas for deceased public high school students: ***SB 5498, CH 224 (2022)**

Extreme weather protection act, grant program for cities/towns/counties: HB 1620

Fair repair act, digital electronic products manufacturers right-to-repair requirements: HB 1212, HB 1810

Fair start for kids act, stabilizing child care industry and expanding early childhood programs access: HB 1213, ***E2SSB 5237, CH 199 (2021)**

Fiduciary income and principal act, uniform: ***SB 5132, CH 140 (2021)**

Foreclosure fairness act, assistance provisions of, temporary expansion of applicability: HB 1108

Foundational data privacy act, Washington: HB 1850

Freedom in education act, private school or homeschooling educational goods/services reimbursement of parents: HB 1555

Fund the police act of 2022, concerning recruitment, retention, and support of law enforcement officers: HB 1787

Guardianship, conservatorship, and other protective arrangements act, uniform, effective date, references to: ***EHB 1192, CH 65 (2021)**

Hazing prevention and reduction act, prohibitions at higher education institutions: HB 1751

Health emergency labor standards act: ***ESSB 5115, CH 252 (2021)**

Healthy homes and clean buildings act, reducing greenhouse gas emissions via decarbonization: HB 1084

Heather "Newsbrooke" Brooke, Ph.D. act, creating revised Washington state open public meetings act via: HB 1329

Help out Washington state government act, voluntary contributions to expenditures: HB 1238

Housing justice act, use of arrest/conviction history to deny housing to prospective or current tenant, restricting: HB 2017

Keeping families together act, rights of families responding to child abuse/neglect allegations: HB 1227

Land use petition act, transfer of land use decision judicial review to court of appeals: ***SB 5225, CH 305 (2021)**

Lane sharing for safety act, allowing motorcycles to operate between lanes or pass in same lane: HB 1106

Life and disability insurance guaranty association act, modifying: ***SB 5508, CH 151 (2022)**

Little toasters act, for student confidence, public speaking, and leadership skills: HB 1270

Living donor act, insurance coverage protections for organ donors: ***SSB 5003, CH 172 (2021)**

Lorraine Loomis act, concerning habitat for salmon recovery: HB 1838

Military spouse employment act, removing credentialing/employment barriers: HB 1592

Nonprofit corporation act, Washington, repealing existing and replacing with new: ***SSB 5034, CH 176 (2021)**

Nothing about us without us act, access/representation for individuals with disabilities in legislative process: HB 1566, HB 1802

Open public meetings act of 1971, revising as Washington state open public meetings act (OPMA): HB 1329

Our colleges our future act of 2021, expanding equity and access in community and technical colleges: HB 1318, ***E2SSB 5194, CH 272 (2021)**

Outdoor recreation leadership and development act, Washington, or the better world act: HB 1882

Peace officer accountability act, cause of action for injury, against officers unlawfully exercising powers: HB 1202

Peer-to-peer vehicle sharing program act: HB 1389

People's privacy act, rights and opt-in consent before entity use of individual's personal information: HB 1433
 Pesticide application act, Washington, increasing pesticide registration and licensing fees: ***SSB 5317, CH 244 (2021)**
 Pesticide control act, Washington, increasing pesticide registration and licensing fees: ***SSB 5317, CH 244 (2021)**
 Powers of appointment act, uniform: ***SB 5132, CH 140 (2021)**
 Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**
 Professional license review act, DOL review of licenses for professions for termination/continuation/modification: HB 1403
 Psychology interjurisdictional compact act, interstate telepsychology: HB 1286
 Public broadband act, telecommunications for end users via public entity authority for providing services/facilities: HB 1336
 Ransomware protection act, Washington state: HB 2044
 REAL recovery for Washington act of 2021, appropriations to revive economy and accelerate lasting recovery: HB 1334
 Repairability index act, concerning digital electronic equipment repairability: HB 1801
 Small wireless facilities deployment act, provider access to rights-of-way and attachment to infrastructure: HB 1440
 Solitary confinement restriction act, restrictions on/allowed uses of solitary confinement in correctional facilities: HB 1312, HB 1756
 Sound money act, Washington state, concerning precious metal or monetized bullion: HB 1417
 Students' medical freedom act, medical autonomy in schools and local authority: HB 1968
 Survivors justice act, reducing harsh sentences for offenses committed by domestic violence survivors: HB 1293
 Sustainable transformative recovery opportunities for the next generation act, Washington, carbon pollution tax: HB 1513
 Toxic-free cosmetics act: HB 1853, 2SSB 5703
 Unclaimed property act, uniform, replacing with revised uniform unclaimed property act: ***ESSB 5531, CH 225 (2022)**
 Uniform child custody jurisdiction and enforcement act, international application of: ***HB 1042, CH 23 (2021)**
 Uniform college athlete name, image, or likeness act: ESSB 5942
 Uniform electronic recordation of custodial interrogations act: HB 1174, HB 1223
 Uniform electronic wills act: ***SB 5132, CH 140 (2021)**
 Uniform fiduciary income and principal act: ***SB 5132, CH 140 (2021)**
 Uniform powers of appointment act: ***SB 5132, CH 140 (2021)**
 Uniform public expression protection act: ***SSB 5009, CH 259 (2021)**
 Uniform real property electronic recording act, repealing as title and revising chapter: ***SB 5019, CH 137 (2021)**
 Uniform unclaimed property act, replacing with revised uniform unclaimed property act: ***ESSB 5531, CH 225 (2022)**
 Uniform unregulated child custody transfer act, prohibiting unregulated custody transfers: ***SSB 5548, CH 88 (2022)**
 Unregulated child custody transfer act, uniform, prohibiting unregulated custody transfers: ***SSB 5548, CH 88 (2022)**
 Voting rights act, cost recovery under, political subdivision reimbursement to provide, when: HB 1156, E2SSB 5597
 Voting rights act, vote dilution prohibition and cost recovery mechanism: E2SSB 5597
 Washington BEST manufacturing act, building economic strength through manufacturing: HB 1170
 Washington climate commitment act, comprehensive program capping greenhouse gas emissions/criteria pollutants: ***E2SSB 5126, CH 316 (2021) PV**
 Washington consumer affordability and reliability in energy supply act: HB 1130
 Washington equitable access to credit act, for underserved communities: HB 1015
 Washington innovates new personal protective equipment act ("WIN PPE"): HB 1489
 Washington outdoor recreation leadership and development act, or the better world act: HB 1882
 Washington privacy act, personal data privacy: 2SSB 5062
 Washington state ransomware protection act: HB 2044
 Washington state sound money act, concerning precious metal or monetized bullion: HB 1417
 Washington sustainable transformative recovery opportunities for the next generation act, carbon pollution tax: HB 1513
 Washington wage recovery act, wage liens: HB 1369, ***ESSB 5355, CH 102 (2021)**
 Welcome to Washington act, litter prevention messaging/emphasis patrols/clean-up activities on highway ramps/pickup: ***SB 5040, CH 231 (2021)**
 Wildfire response, forest restoration, and community resilience act: HB 1168
 Worker protection act, whistleblower qui tam actions on behalf of state: HB 1076
 Zack's law, signs discouraging jumping from bridges into cold waterways: HB 1595

NATURAL DISASTERS (See also EMERGENCIES; EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY, STATE OF)

Care or assistance, nonmedical, at emergency/disaster scene, immunity for rendering: HB 1209
 Disaster response account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Dwellings, single-family damaged by disaster, property tax exemption for improvements to: ***ESB 5454, CH 192 (2021)**
 Earthquakes, school seismic safety grant program, establishing: HB 2095, ***SSB 5933, CH 113 (2022)**
 Electric utility cost-effective conservation acquisition targets, when events beyond control prevent meeting of: HB 1446
 Farmers/ranchers, short-term disaster recovery financial assistance program, developing and implementing: HB 2051
 Insurance rates/underwriting rules/etc., exceptions when credit information impacted by extraordinary life events: HB 1351
 Long-term care facilities, comprehensive disaster preparedness plans of: HB 1218
 Preparedness, for a disaster, necessary supplies stockpile, and commodity sourcing for, studying: HB 1567
 Recovery, small business disaster recovery financial assistance program, developing: HB 1957

NATURAL RESOURCES, DEPARTMENT (See also FIRE PROTECTION; FOREST LAND; FOREST PRACTICES AND PRODUCTS; RIVERS AND STREAMS)

Agricultural/grazing purposes, land leases for, nondefault or early termination provision, lessee compensation by DNR: ***EHB 1199, CH 36 (2021)**
 Anadromous fish protection and recovery, state goal for, DNR role: HB 1653
 Biochar facilities, marketing/selling forest products to, costs/benefits of, pilot project for evaluating: ***SSB 5961, CH 293 (2022)**
 Burning, flammable materials/refuse/waste forest materials on DNR-protected lands, permit requirement, violations of: HB 1423
 Commissioner of public lands, term limit, constitutional amendment: HJR 4207
 Derelict vessel removal program, funding from watercraft excise tax: ***HB 1700, CH 124 (2022)**
 Easements/rights-of-way, on state lands, for materials transport, when federal government claims right to grant: ***HB 1491, CH 49 (2021)**
 Electric-assisted bicycles, use on trails/roads closed to motor vehicles, where/which bicycle classes, DNR role: ***ESSB 5452, CH 191 (2021)**
 Forest health advisory committee, role of: HB 1168
 Forest health and resiliency and fuels mitigation treatments, on federal lands, commissioner role: HB 1168
 Forest health treatments and wildfire prevention/response, developing workforce for, DNR role: HB 1168
 Hard minerals, seabed mining of, permits or leases issued by DNR for, prohibiting: ***SB 5145, CH 181 (2021)**
 Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
 Kelp forest and eelgrass meadow health and conservation plan, establishing, DNR role: HB 1661
 Kelp forest and eelgrass meadow health and conservation plan, native, establishing, DNR role: ***2SSB 5619, CH 230 (2022)**
 Kelp forests and eelgrass meadows, native and nonnative, mapping, DNR role: ***2SSB 5619, CH 230 (2022)**
 Landowners, small forest, small forestland owner work group, establishing, DNR role: ***E2SSB 5126, CH 316 (2021)**
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 Native and nonnative kelp forests and eelgrass meadows, mapping, DNR role: ***2SSB 5619, CH 230 (2022)**
 Native kelp forest and eelgrass meadow health and conservation plan, establishing, DNR role: ***2SSB 5619, CH 230 (2022)**
 Northern spotted owl, programmatic safe harbor agreements for, for forestland owner, DNR role: SSB 5411
 Rangeland fire protection association pilot project, conducting, DNR role: HB 1891
 State lands, leasing by DNR of, increasing maximum lease length for certain purposes: ***HB 1430, CH 194 (2022)**
 State lands, sales by DNR of, public auction provision, modifying: HB 1405
 Timber and land sales, sale notices and location, and applicability of requirements: SB 5201
 Trails, DNR-managed, electric-assisted bicycle use on, when: HB 1524
 Urban and community forestry program, revising previous program name to be: HB 1216
 Urban forestry, program, needs, assistance, plans, ordinances, and DNR role: HB 1216
 Utility wildland fire prevention advisory committee, duties of: E2SSB 5803
 Utility wildland fire prevention advisory committee, membership, revising: E2SSB 5803
 Utility wildland fire prevention advisory committee, membership, revising, DNR role: ***ESB 5158, CH 183 (2021)**
 Utility wildland fire prevention task force, recommendations of, implementing, DNR role: ***ESB 5158, CH 183 (2021)**

Wildfires, caused by electrical company's equipment, electric utility wildfire mitigation plans for mitigating, DNR role: E2SSB 5803
 Wildfires, utility wildland fire prevention advisory committee, electric utility wildfire mitigation plans duties of: E2SSB 5803
 Wildfires, wildland fire risk map, comprehensive statewide, DNR role: E2SSB 5803
 Wildland fire advisory committee, role of: HB 1168
 Wildland fire aviation program and support plan, provisions: HB 1168
 Working and nonworking forest conservation and reforestation plan, voluntary/incentive-based, DNR to establish: HB 1895

NEWS MEDIA

Candidates, political, synthetic media of, prohibitions, when: SB 5817
 Media literacy and digital citizenship, supporting through district leadership teams, grant program: SB 5242
 Newspaper business, family-owned interests in a, estate tax deduction for: HB 1465
 Newspapers, publishing and/or printing of, B&O tax exemption: HB 2111
 Yakima Valley Business Times, Bruce Morris Smith, his contributions to the Yakima valley/WA state, recognizing and honoring: ***HR 4664 (2022)**

NONPROFIT ORGANIZATIONS (See also CORPORATIONS; DRUGS; RELIGION AND RELIGIOUS ORGANIZATIONS)

Adult family homes, for persons with developmental disabilities, nonprofit-owned property for, property tax exemption: HB 1789
 Amusement games/bingo/raffles, conducted by charitable or nonprofit organization up to 12 times per year: HB 2025
 Arts facilities, building for the arts program grants for organizations for: ***HB 1647, CH 121 (2022)**
 Automobile museums, historic, deferred sales/use tax payments, forgiving first two payment due to COVID-19 pandemic: HB 2108
 Bingo, unlicensed, nonprofit operators to include community centers and nonprofit senior housing organizations: HB 2025
 Cancer center, comprehensive, private nonprofit, public-private collaboration with higher education institution: ***EHB 1744, CH 71 (2022)**
 Charitable organizations, enhanced raffles, grand prize value and reporting: ***HB 1469, CH 81 (2021)**
 Charitable organizations, raffles conducted by, ticket sales in person or by mail, fax, or telephone: HB 2069
 COVID-19, grants from organizations to address, tax exemptions for: HB 1002
 Enhanced raffles, conducted by organizations, grand prize value: ***HB 1469, CH 81 (2021)**
 Farmers markets, nonprofit conducting activities related to, property tax exemption, when: HB 1906, HB 1967
 Farmers markets, property owned by certain nonprofits and used for, property tax exemption: HB 1906, HB 1967, ***SB 5505, CH 84 (2022)**
 Health and social welfare organizations, providing behavioral health treatment, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
 Health-related measures, restricting facility/activity access due to declining to comply with, prohibiting: HB 1305, HB 1317
 Home sharing support grant program, creating for financial support for certain organizations: HB 1183
 Homelessness, persons experiencing, immediate employment programs for, grant program for nonprofits/etc. for, creating: HB 2132
 Housing, affordable rental, real property sale/transfer to nonprofit entity for, real estate excise tax exemption: HB 1643
 Imagination library of Washington program, nonprofit to create and operate: HB 2068
 Manufactured/mobile home community, preservation by organization of: HB 1100
 Nonprofits, not benefitting from property tax exemption structure, work group on, convening: HB 1967
 Raffles, ticket sales in person or by mail, fax, or telephone: HB 2069
 Real/personal property owned by nonprofit, property tax exemption when exempt from federal taxes: HB 1906
 Telephone solicitations, by nonprofit company or organization, requirements for, modifying: HB 1497
 Washington long-term care reinsurance association, creating: HB 1913

OCEAN WATERS AND RESOURCES (See also COMMERCIAL VESSELS AND SHIPPING; MARINE WATERS, STATE)

Marine resources advisory council, extending expiration of: ***SSB 5590, CH 91 (2022)**

OIL AND GAS (See also FUELS; UTILITIES)

Natural gas, renewable, as alternative energy resource when siting facilities: HB 1812

Oil spills, financial responsibility requirements, including certificates: HB 1691

Oil spills, statewide master oil and hazardous substance spill prevention and contingency plan, modifying provisions:

***SB 5747, CH 54 (2022)**

Petroleum/other hydrocarbons, future purchases from Russia of, urging congress to support restricting/prohibiting: HJM 4003

Petroleum/petrochemical high hazard facilities, skilled journeypersons in, wage rate criteria for: HB 1776

OPEN PUBLIC MEETINGS (See also CITIES AND TOWNS; COUNTIES; LEGISLATURE)

Agendas, online posting of, requirement: HB 1056

Executive sessions, during governing body meetings, when public excluded, indicating in meeting minutes: HB 1329

Heather "Newsbrooke" Brooke, Ph.D. act, creating revised Washington state open public meetings act via: HB 1329

Legislative meetings/hearings, knowingly open carrying firearm/weapon at, prohibiting: ***ESSB 5038, CH 261 (2021)**

Legislature, executive rules committee in house of representatives, all meetings to be open to public: HB 1695

Legislature, facilities and operations committee in senate, all meetings to be open to public: HB 1695

Notices, for special meetings, agency online posting of: HB 1056

Open public meetings act of 1971, revising as Washington state open public meetings act (OPMA): HB 1329

Public attendance/comment, via remote access means, at public agency governing body meetings, when: HB 1329

Remote meetings via remote access, for governing bodies of local governments/public agencies, requirements: HB 1329

Remote or limited meetings, during declared emergency, agency authority for: HB 1056

School districts, board of directors meetings, audio recordings of, requiring, when: EHB 1973

School districts, board of directors meetings, conduct/order of business/quorum, model policy/procedure for: HB 2087

School districts, board of directors meetings, recordings of, public record requests for: EHB 1973

Uniform public expression protection act: ***SSB 5009, CH 259 (2021)**

Video recordings, of governing body meetings, online availability requirements: HB 1329

Virtual setting, holding regular/special meetings with public testimony in, public agency authority for: HB 1180

ORDERS OF COURT (See also PROTECTION ORDERS)

Ex parte orders, county clerk processing of, authorizing higher fee for: HB 1407

OUTDOOR RECREATION (See also BOATS AND BOATING; DISCOVER PASS; FISHING; GROWTH MANAGEMENT; PARKS; PARKS AND RECREATION COMMISSION; RECREATION AND CONSERVATION OFFICE)

Better Washington outdoor recreation leadership and development, joint select committee on, establishing: HB 1882

Better Washington outdoor recreation leadership and development, report on: HB 1882

Clean air act, "enjoyment of life and property," to include parks and related areas: HB 1057

Districts, park and recreation, property tax levy rate limit for island district in county of 2 million or more: ***HB 1034, CH 117 (2021)**

Facilities, parks and recreation commission-owned, on national/state registers, leasehold excise tax exemption: ***HB 2058, CH 147 (2022)**

Outdoor recreation and climate adaptation account, creating: HB 1823

Parks/trails/outdoor spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292

Recreation sites/lands, state, extending free days when discover pass not required to: ***SB 5504, CH 83 (2022)**

Recreation sites/lands, state, free access via repeal of discover pass and daily permit fees: HB 1824

Roads/trails/paths, use in rural counties by groups of 6 or more not in same household, bicycle tour permit for: HB 1435

Schools, outdoor/nature-based education programs in, pilot project for, establishing: HB 1466

Skiing, ski rack on vehicle, temporary obstruction of single license plate by, allowing, when: ***EHB 1784, CH 130 (2022)**

State lands/facilities designated for recreation, "open safe, open now" plan Phase 3 regulations capacity limits: HB 1553

Trails, DNR-/DFW-managed, electric-assisted bicycle use on, when: HB 1524

Trails, electric-assisted bicycle use on trails closed to motor vehicles, determining where and which bicycle classes:

***ESSB 5452, CH 191 (2021)**

Washington outdoor recreation leadership and development act, or the better world act: HB 1882

PARKING

- Chain up/chain off areas, use by certain commercial motor vehicles for parking, when: HB 1839
- Parking lot, solar canopy on, when on commercial property, sales/use tax deferral, when: ***ESSB 5714, CH 161 (2022)**
- Parking lots, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
- Rest areas, safety, reopening for use and parking, requirements for: HB 1655
- Trucks, commercial, commercial/port district parking lot/spaces construction for, tax exemptions: HB 1657
- Vehicles used as residences, illicit wastewater discharges from, identifying potential for and preventing: HB 1540
- Vehicles, recreational, overnight parking of, local government ordinance to prohibit, when: HB 1540

PARKS (See also DISCOVER PASS; GROWTH MANAGEMENT; OUTDOOR RECREATION)

- City parks, speed zones, automated traffic safety cameras use for speed violations in, authority for: HB 1915, HB 2119, ***ESSB 5974, CH 182 (2022)**
- City/county parks, funding for, local sales/use tax: HB 1025
- Clean air act, "enjoyment of life and property," to include parks and related areas: HB 1057
- Construction or replacement, as public works, 988 suicide prevention hotline on signs for: HB 1600
- County parks, violations of rules/regulations in, issuance of civil infractions for: HB 1925
- Districts, park and recreation, commissioners, election of: HB 1727
- Districts, park and recreation, parks funding, local sales/use tax: HB 1025
- Districts, park and recreation, property tax levy rate limit for island district in county of 2 million or more: ***HB 1034, CH 117 (2021)**
- Facilities, parks and recreation commission-owned, on national/state registers, leasehold excise tax exemption: ***HB 2058, CH 147 (2022)**
- Metropolitan park districts, commissioners, election of: HB 1727
- Metropolitan park districts, parks funding, local sales/use tax: HB 1025
- Outdoor recreation leadership and development act, Washington, or the better world act: HB 1882
- Outdoor recreation spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SSB 5292
- Public parks, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
- State, free access days when discover pass not required, extending to recreation sites and lands: ***SB 5504, CH 83 (2022)**
- State, free access to parks and lands, via repeal of discover pass and daily permit fees: HB 1824

PARKS AND RECREATION COMMISSION (See also BOATS AND BOATING; DISCOVER PASS; OUTDOOR RECREATION)

- Anadromous fish protection and recovery, state goal for, commission role: HB 1653
- Better Washington outdoor recreation leadership and development, report on, commission role: HB 1882
- Facilities, commission-owned, on national register of historic places/WA heritage register, leasehold excise tax exemption: ***HB 2058, CH 147 (2022)**
- Jumping into waterways from bridges, signs to discourage, commission role: HB 1595
- Recreation sites/lands, state, extending free days when discover pass not required to, commission role: ***SB 5504, CH 83 (2022)**

PERFORMING ARTS AND PERFORMANCE FACILITIES

- Building for the arts program, project and program funding limits, raising: ***HB 1647, CH 121 (2022)**
- Cultural access programs, sales/use tax for, imposition by a city, when: HB 1058
- Performing arts, regular instruction in at least one visual art and one performing art at each public school: ***ESSB 5878, CH 250 (2022)**

PERSONAL PROPERTY (See also ROADS AND HIGHWAYS; TAXES - BUSINESS AND OCCUPATION; TAXES - USE; TRANSPORTATION, DEPARTMENT)

- Execution/attachment/garnishment, for consumer debt/private student loan debt, personal property exemption, when: HB 1447, ***HB 1525, CH 50 (2021)**
- Forfeiture of seized property, certain civil asset forfeiture amounts to deposited into account: ***SSB 5728, CH 162 (2022)**
- Interest/penalties, for delinquent real property taxes, applicability to personal property: ***EHB 1982, CH 143 (2022)**
- Personality rights, minor children featured on for-profit vlog, setting side earnings on video content for: HB 2032
- Taxation, exempting personal property up to one hundred thousand dollars from: HB 1819, HJR 4208
- Theft, definition of, to include concealing another's property to deprive them of its use or benefit: HB 1656
- Unclaimed property act, uniform, replacing with revised uniform unclaimed property act: ***ESSB 5531, CH 225 (2022)**

Unclaimed property, legislative task force on, establishing: HB 1352

PEST CONTROL AND PESTICIDES

Pesticide advisory board, establishing to advise department of agriculture: HB 1993

Pesticide application act, Washington, increasing pesticide registration and licensing fees: *SSB 5317, CH 244 (2021)

Pesticide control act, Washington, increasing pesticide registration and licensing fees: *SSB 5317, CH 244 (2021)

Pesticide registration, commission on, changing name to commission on integrated pest management: SB 5653

Pesticide safety education program, certain license fees transmission to WSU for: *SSB 5317, CH 244 (2021)

PHARMACIES AND PHARMACISTS (See also DRUGS)

Compounding of prescription drugs, revising definition to exclude reconstitution and mixing: HB 1445

Pharmacies, critical access, definition and requirements: HB 1813

Pharmacies, selected laws/regulations, timely consideration of waiver or suspension of, when: *ESSB 5178, CH 268 (2021)

Pharmacy benefit managers, filling prescription through mail order: HB 1813

Pharmacy benefit managers, limiting of covered person's choices, prohibitions: HB 1813

Pharmacy benefit managers, requirements: HB 1813

Pharmacy practices act, exemption, dialysate/dialysis device manufacturers dispensing directly to patients: HB 1675

Pharmacy quality assurance commission, language requirements for prescription drug containers/labels role of: HB 1852

Pharmacy quality assurance commission, member composition/compensation/qualifications/quorums for: *SSB 5753, CH 240 (2022)

Pharmacy services administration organizations, requirements: HB 1813

Prescription labels/containers, language requirements for directions for use/side effects on, pharmacy role: HB 1852

POLLUTION CONTROL HEARINGS BOARD

Cosmetic products, toxic chemicals in, prohibitions, board enforcement role: HB 1853, 2SSB 5703

Plastic and expanded polystyrene packaging, prohibitions, board enforcement role: HB 1118, *E2SSB 5022, CH 313 (2021)

Plastic packaging and film/food service/other products, certain labeling requirements violations, board role: HB 1799

Plastic packaging, postconsumer recycled content, minimum, appeals to board of decisions concerning: HB 1488

Project permitting and review processes, for clean energy projects, facilitating siting/permitting, board role: HB 2002

PORT DISTRICTS (See also LOCAL GOVERNMENT; SPECIAL AND SPECIAL PURPOSE DISTRICTS)

Aircraft noise abatement, authorized programs, merging double amendments of RCW section concerning: *EHB 1192, CH 65 (2021)

Broadband services, retail, in unserved areas, provided by districts, authority/process for: HB 1336, *2SSB 5383, CH 293 (2021)

Cargo-handling equipment/infrastructure, zero and near zero emissions, purchasing authority: *ESB 5026, CH 88 (2021)

Port commissions, commissioner elections, ranked choice voting for: HB 1156

Port commissions, commissioners on, increasing from 3 to 5, deadline for redrawing district boundaries for: *SB 5582, CH 47 (2022)

Ports, public, activities undertaken by, exemption from permitting, when: HB 1436

Trucks, commercial/port district, district or other parking lot/spaces construction for, tax exemptions: HB 1657

Wildfires, volunteer firefighter leave from employment for firefighting for port district, requirements: *SSB 5384, CH 105 (2021)

PRODUCTIVITY BOARD

Reestablishing board, and revising requirements for: HB 1997, ESSB 5082

PROFESSIONAL EDUCATOR STANDARDS BOARD (See also SCHOOLS AND SCHOOL DISTRICTS)

Administrators, continuing education, to include equity-based practices/national standards/indigenous communities: HB 1426

African American studies endorsement, for educators, creating, PESB role: HB 1829

Certificates, limited mental health staff certificate. for trauma-informed counseling of COVID-impacted students: HB 1444

Educators with certificates/permits, reprimands of, reviewing/vacating, work group on rules for, PESB to convene: HB 1791

Educators with certificates/permits, reprimands of, rules for reviewing/vacating, PESB to adopt: HB 1791
 Educators, certification of, cultural competency/diversity/equity/inclusion standards and training for, PESB role: ***ESSB 5044, CH 197 (2021)**
 Military spouse employment act, PESB role: HB 1592
 Paraeducators, certification of, cultural competency/diversity/equity/inclusion standards of practice for, PESB role: ***ESSB 5044, CH 197 (2021)**
 School staff/educators, cultural competency/diversity/equity/inclusion standards and training for, PESB role: ***ESSB 5044, CH 197 (2021)**
 Teachers, continuing education, to include equity-based school practices: HB 1426
 Teachers, cultural competency/diversity/equity/inclusion standards and training for, PESB role: ***ESSB 5044, CH 197 (2021)**
 Teachers, residency certification, evaluation and recommendation for: HB 1028
 Teachers, residency certification, model procedure for, board role: HB 1028
 Teachers, residency certification, preparation programs for, role of: HB 1028

PROFESSIONS (See also ACCOUNTANTS AND ACCOUNTING; BUSINESSES; ELECTRICIANS AND ELECTRICAL INSTALLATIONS; HEALTH CARE PROFESSIONS AND PROVIDERS; LICENSING, DEPARTMENT)

Barbers, licenses, renewal when expired, deadline for avoiding cancellation: HB 1930
 Cosmetologists, licenses, renewal when expired, deadline for avoiding cancellation: HB 1930
 Engineers, professional, state-funded road projects, firm payments on subcontracts to separate firm, B&O tax deduction: HB 1522
 Estheticians, licenses, renewal when expired, deadline for avoiding cancellation: HB 1930
 Hair designers, licenses, renewal when expired, deadline for avoiding cancellation: HB 1930
 Interpreters, spoken language, for medical appointments, when medical provider provides, reimbursement: HB 2004
 Legal service contractors and plans, exclusion from insurers/insurance and inapplicability to certain arrangements: HB 1545, ***SSB 5810 (2022) V**
 Licenses, applicants for, when new Washington residents, expediting, procedures for: HB 1401
 Licenses, created for professions, DOL to review to recommend termination/continuation/modification of: HB 1403
 Licenses, creating to regulate a profession, restricting via public interest protection and least restrictive alternative: HB 1402
 Licensing authorities, determination of a criminal conviction's relevance to credential sought: ***HB 1399, CH 194 (2021)**
 Licensing authorities, determination of a criminal conviction's relevance to credential sought, factors to consider: ***HB 1874, CH 32 (2022)**
 Licensing, vaccination as condition for, law/rule/order requiring, prohibitions and exemption: HB 1065
 Licensure, competency-based assessment for, as alternative to educational/fee/training requirements: HB 1400
 Licensure, person with conviction seeking, determination of conviction's relevance, factors to consider: ***HB 1874, CH 32 (2022)**
 Licensure, person with criminal conviction seeking, determination of conviction's relevance, procedures: ***HB 1399, CH 194 (2021)**
 Manicurists, licenses, renewal when expired, deadline for avoiding cancellation: HB 1930
 Military spouses, credentialing of, assistance for and removal of barriers to: HB 1592
 Security guards, in election-related office/facility providing security with firearm/weapon: HB 1618
 Security, for public higher education institution or K-12 system, background checks and training: HB 1737
 Vaccination, law/rule/order requiring receipt as licensure condition, prohibitions and exemption: HB 1065

PROSECUTING ATTORNEYS, WASHINGTON ASSOCIATION OF

Child care agencies operating without a license, complaints, model policy for responding to, WAPA role: HB 1454

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Civil protection orders, the six types of, moving to a single new chapter: HB 1320
 Civil protection orders, updating and modifying: HB 1901
 Cyber harassment, in relation to protective orders: ***ESSB 5628, CH 231 (2022)**
 Cyberstalking, in relation to protective orders: ***ESSB 5628, CH 231 (2022)**
 Domestic violence protection orders, adding coercive control to "domestic violence" for purposes of: HB 1901
 Vulnerable adult protection orders, against person with right of control of deceased vulnerable adult's remains: SB 5629

Vulnerable adult protection orders, motion to modify or terminate, who may file: HB 1901

PSYCHIATRY AND PSYCHIATRISTS (See also HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH)

Partnership access lines for providers/moms/kids, various, modifications to: HB 1325

Telebehavioral health programs, partnership access lines, various, modifications to: HB 1325

PSYCHOLOGISTS (See also HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS)

Prescribing psychologists, certification of psychologist to exercise prescriptive authority as: HB 1863

Psychology, examining board of, certifying of prescribing psychologists and adding relevant member: HB 1863

Psychology, examining board of, member composition/compensation/qualifications/quorums for: ***SSB 5753, CH 240 (2022)**

School psychologists, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985

Telepsychology, psychology interjurisdictional compact act: HB 1286

Telepsychology, psychology interjurisdictional compact commission, establishing: HB 1286

PUBLIC ASSISTANCE (See also HEALTH CARE AUTHORITY; LONG-TERM CARE)

Aged, blind, or disabled assistance program, eligibility for victims of human trafficking: ***HB 1748, CH 208 (2022)**

Apple health and homes program, establishing, and office of health and homes, creating: HB 1866

Applicants/recipients, adjudicative proceeding application deadline, failing to meet, good cause exception: ***SSB 5729, CH 163 (2022)**

Applications/intake, agency inquiry about military service to provide relevant information: HB 1181

Assistance, public, DSHS programs, minimum service expectations and requirements for DSHS, establishing: HB 2075

Child welfare services, caregiver liaison program and caregivers automated notification system: HB 1945

Child welfare services, certain DCYF workers, training concerning placement of children experiencing disruption: HB 2038

Child welfare services, dependency proceedings, legal representation for child in, when: HB 1219

Child welfare services, dependency proceedings, placement with relative appointed as guardian: HB 1747

Child welfare services, dependency proceedings, returning child home, casework supervision of certain parents: HB 1944

Child welfare services, dependency proceedings, student who is the subject of, education requirements for: HB 1955

Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: ***2SSB 5331, CH 285 (2021)**

Child welfare services, dependent youth with developmental disabilities exiting system: HB 1061

Child welfare services, exceptional cost payments to foster parents accepting placement of certain children: HB 2038

Child welfare services, medical/dental/behavioral health care for children in DCYF custody: HB 1205

Child welfare services, social services specialist three job classification, increasing staffing level of: HB 2038

COVID-19, due to, assistance need standards for households, expanding goods/services included in: HB 1151

COVID-19, due to, consolidated emergency assistance program for families with children, modifying: HB 1151

COVID-19, due to, one-time cash benefit and transitional food assistance for certain households: HB 1151

COVID-19, due to, using certain freed-up federal coronavirus funds for cash and food assistance: HB 1368

COVID-19, due to, using certain freed-up federal coronavirus funds for medical assistance: HB 1368

Developmental and intellectual disabilities, individuals with, rehabilitation services for: ***SSB 5790, CH 167 (2022)**

Evergreen basic income trust, creating: HB 2009

Food assistance, transitional, for unsanctioned members of household ceasing to receive TANF: ***SSB 5785, CH 98 (2022)**

Home and community services, waiver services while living at home, personal needs allowance for, increasing: ***SSB 5745, CH 164 (2022)**

Host homes, with host home programs, real property used as, property tax exemption: HB 1175

Interpreters, spoken language, for medical appointments, when medical provider provides, reimbursement: HB 2004

Medicaid, agreements with managed care systems, submitting rates to systems before contract signing: HB 1959

Medicaid, assisted living facilities, provider prevailing wages, stakeholder group concerning, convening: HB 1645

Medicaid, assisted living facility payment methodology, fully funded model for, implementing: HB 1645

Medicaid, audio-only telemedicine, managed care plan/fee-for-service reimbursement of services via: HB 1196

Medicaid, behavioral health support specialist services coverage under: E2SSB 5884

- Medicaid, children's mental health assessment/diagnosis, from birth through 5 years of age: HB 1325
- Medicaid, children, early and periodic screening/diagnosis/treatment schedules, aligning with certain standards: SSB 5912
- Medicaid, clubhouses and peer-run organizations for persons with mental illness: ESB 5328
- Medicaid, community residential service providers, for persons with developmental disabilities, rates for, studying: ***ESSB 5268, CH 219 (2022)**
- Medicaid, developmental/intellectual disabilities, individuals with, employment/community inclusion provider rates: ***SSB 5790, CH 167 (2022)**
- Medicaid, dialysate/dialysis device manufacturers dispensing directly to patients, certain exemptions: HB 1675
- Medicaid, donor human milk for inpatient use, coverage for: ***E2SSB 5702, CH 236 (2022)**
- Medicaid, federal matching funds, reattributing certain federal funds 2019-2021 appropriations to: ***HB 1367, CH 5 (2021)**
- Medicaid, federal, when ineligible due to immigration status, state-only coverage and health/dental plans: HB 1191
- Medicaid, gender-affirming health care treatment, coverage for, requirements/unfair practices: ***2SSB 5313, CH 280 (2021)**
- Medicaid, HIV antiviral drugs coverage when FDA-approved: HB 2079
- Medicaid, hospital services, safety net assessment for, extending expiration of: ***HB 1316, CH 255 (2021)**
- Medicaid, long-term care, consumer directed employer program, rate-setting board and employer provisions: ***SSB 5258, CH 186 (2021)**
- Medicaid, long-term services and supports, eligibility determinations/other functions, performance by Indian tribes: HB 2060, ***SB 5866, CH 255 (2022)**
- Medicaid, managed care contracts, enrollees discharged from inpatient behavioral health, housing services for: HB 1860
- Medicaid, managed care organizations, covered lives assessment, foundational public health services use of: HB 1201
- Medicaid, managed care, genetic testing for children with seizures/neurological symptoms/etc.: HB 1346
- Medicaid, managed care/fee-for-service, payment for mobile crisis/triage facility/crisis stabilization services: HB 1182, HB 1477
- Medicaid, medicaid expenditure forecast work group, creating: SSB 5620
- Medicaid, nursing facilities, rate rebasing and case mix: HB 1275
- Medicaid, opioid overdose reversal medication, medicaid billing and reimbursement for: ***2SSB 5195, CH 273 (2021)**
- Medicaid, postpartum coverage for postpartum/pregnant persons, extending: ***SSB 5068, CH 90 (2021)**
- Medicaid, prescription drugs for mental health conditions, utilization management for, prohibiting, when: ESSB 5794
- Medicaid, program integrity activities, health care authority oversight/duties: SSB 5620
- Medicaid, rate enhancements and incentive payments, using federal medicaid matching funds for: ***HB 1367, CH 5 (2021)**
- Medicaid, state plan, adding minor behavioral health partial hospitalization/intensive outpatient programs to: ***2SSB 5736, CH 94 (2022)**
- Medicaid, suspense status, for persons incarcerated for less than 30 days, prohibiting: HB 1348
- Medicaid, suspense status, pre-release medical assistance reinstatement for confined persons in: ***E2SSB 5304, CH 243 (2021) PV**
- Medicaid, telemedicine, audio-only, patient/provider "established relationship" before providing, requirements: HB 1821
- Medicaid, telemedicine, delivery of behavioral health services via, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**
- Medicaid, waiver services, dependent youth with developmental disabilities eligibility: HB 1061
- Medical appointments, spoken language interpreters for, when medical provider provides, reimbursement: HB 2004
- Medical assistance clients, exiting inpatient behavioral health settings, homelessness/housing instability: HB 1860
- Medical assistance, persons enrolled in, supportive housing benefit for, when: HB 1866
- Postpartum/pregnant persons, medicaid postpartum coverage for, extending after COVID emergency: ***SSB 5068, CH 90 (2021)**
- Student financial aid, WA college grants, eligibility of recipients of certain assistance for: HB 1835
- Temporary assistance for needy families, diapers/other necessities for child under 3 years, monthly payments for: HB 1947, ***SSB 5838, CH 100 (2022)**
- Trafficking, human, victims of, aged, blind, or disabled program eligibility for: ***HB 1748, CH 208 (2022)**
- WorkFirst poverty reduction oversight task force, legislative-executive, adding nonvoting members: ***SB 5929, CH 176 (2022)**

WorkFirst TANF program, extension beyond 60 months limit for months when unemployment rate at/above 7 percent:

***2SSB 5214, CH 239 (2021)**

WorkFirst TANF program, ineligibility after 60 months, exemption from, for hardship, when: ***HB 1755, CH 24 (2022),**

***2SSB 5214, CH 239 (2021)**

WorkFirst TANF program, ineligibility after 60 months, exemption from, undue hardship standard for: HB 2048

WorkFirst TANF program, ineligibility after 60 months, exemption when unemployment rate at/above 7 percent: ***HB 1755, CH 24 (2022)**

Youth, host homes for, real property used as, property tax exemption for: HB 1175

PUBLIC DEFENSE, OFFICE (See also ATTORNEYS)

Interbranch advisory committee, with one nonvoting member from office, creating: ***ESSB 5490, CH 284 (2022) PV**

Juveniles, questioned by law enforcement, access to attorney when, office role: HB 1140

PUBLIC DISCLOSURE COMMISSION

Advertising, political, purchaser information disclosure to commercial advertiser, requirements: HB 1919

Ballot measures, defining for expenditures reporting purposes and modifying related provisions: HB 1919

Campaign finances, candidates/committees/independent, pre-election reporting periods, extending: HB 1919

Campaign finances, contributions, limits prior to election, expanding period of: HB 1919

Campaign finances, contributions, to committee supporting officeholder recall, limits exemption, when: HB 1919

Campaign finances, contributions, using contributions for child care or other direct caregiving responsibilities, when:

***SB 5855, CH 174 (2022)**

Campaigns, foreign national actions contributing to, when for or against ballot measure or initiative: HB 1475

Campaigns, foreign national decision-making role, when residing or working or attending college in state: HB 1475

Campaigns, foreign national participation, narrowing prohibitions to allow in certain cases: HB 1475

Committees, political and incidental, statement of organization filing deadline, modifying: HB 1919

Communications, electioneering, purchaser information disclosure to commercial advertiser, requirements: HB 1919

Communications, electioneering, synthetic media of candidates, prohibitions/requirements, when: SB 5817

Duties of commission, modifying: HB 1919

Elected officials/executive state officers, statements of financial affairs, contents and filing, requirements for: HB 1919

Executive state officers, to include charter school commission and directors of charter school boards: HB 1919

Lobbyists, for grassroots lobbying campaigns, reporting requirements, modifying: HB 1586

Media, synthetic, of candidates, prohibitions/requirements, when: SB 5817

Public disclosure transparency account, commission use of moneys in, PDC role: HB 1919

PUBLIC EMPLOYMENT AND EMPLOYEES (See also EMPLOYMENT AND EMPLOYEES; LABOR; LEGISLATURE; PRODUCTIVITY BOARD; UNEMPLOYMENT COMPENSATION)

Deferred compensation plans, to include Roth option: ***EHB 1752, CH 72 (2022)**

Elected officials/executive state officers, statements of financial affairs, contents and filing, requirements for: HB 1919

Elective public officers, recall of, ballot synopsis-related duties of county clerk: ***SB 5131, CH 92 (2021)**

Expenditure reduction efforts by employers due to COVID, impact on retirement benefits: ***SB 5021, CH 12 (2021)**

Immunization, right to decline, religious/philosophical/personal objections: HB 1006

Public service employers, materials for employees about federal public service loan forgiveness program: ***ESSB 5847, CH 248 (2022)**

Shared work program, impact on employee retirement benefits: ***SB 5021, CH 12 (2021)**

State employees, creating new/filling vacant positions, restricting in 2021-2023: HB 1027

State employees, inactive state retirement system accounts of, closing of and refunding balances in: ***SB 5367, CH 189 (2021)**

State employees, vacation leave accrual, increasing cap: HB 1992

State employees, whistleblower qui tam actions on behalf of state: HB 1076

State employees, with acquired COVID-19 immunities, DOT hiring/rehiring for maintenance/preservation work: HB 1963

State employees, working from home during pandemic, necessary expenditures, reimbursement of: E2SSB 5395

State employees, working from home during pandemic, remote working environment work group, establishing: E2SSB 5395

State employees, working from home during pandemic, social use of state internet resources, when: E2SSB 5395

State officer/employee, action/proceeding against that challenges legislation in certain cases, AG defense of, prohibiting:
 HB 1940
 State officers/employees, compensation increases, ceasing during 2021-2023: HB 1027
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Grievance arbitration, disciplinary, for law enforcement personnel, arbitrators for, PERC role: ***SSB 5055, CH 13 (2021)**

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Accessory dwelling unit incentive account, creating: HB 1337
 Accident fund, industrial insurance premiums in, using for safety grant program: HB 1097
 Advanced technology leadership and security strategic reserve account, creating: HB 1820, HB 1864
 Aeronautics account, aircraft fuel sales/use tax revenue deposits into: HB 1290, HB 2119
 Aeronautics account, appropriations from: HB 2118, ***SSB 5975, CH 187 (2022)**
 Aeronautics account, depositing excess funds from airport sale of abandoned aircraft into: ***ESB 5800, CH 56 (2022)**
 Affordable housing for all account, deposits into: HB 1277
 Agency financial transaction account, appropriations from: ***SSB 5975, CH 187 (2022)**
 Agency financial transaction account, creating: ***HB 1115, CH 32 (2021)**
 Air pollution control account, deposits into: HB 1075
 Air quality and health disparities improvement account, creating: ***E2SSB 5126, CH 316 (2021) PV**
 Air quality and health disparities improvement account, expenditures from, continuing: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Aquatic lands enhancement account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Basic health plan trust account, depositing certain dedicated cannabis account appropriations into: ***E2SSB 5796, CH 169 (2022)**
 Behavioral health loan repayment program account, certain controlled substance penalty deposits into: ***SSB 5728, CH 162 (2022)**
 Billy Frank Jr. national statutory hall collection fund, creating: HB 1372
 Budget stabilization account, reattributing federal coronavirus relief fund moneys to: HB 1467
 Budget stabilization account, transferring one billion dollars from Washington rescue plan transition account to: HB 1875
 Budget stabilization account, unemployment benefit charge role of: HB 1021
 Capitol building construction account, modifying purposes and use of funds of: EHB 2073
 Carbon emissions reduction account, appropriations from, for certain activities: HB 2118, HB 2119, ***ESSB 5974, CH 182 (2022), *SSB 5975, CH 187 (2022)**
 Carbon emissions reduction account, creating: ***E2SSB 5126, CH 316 (2021) PV**
 Carbon emissions reduction account, expenditures from, continuing: HB 2119
 Carbon emissions reduction account, renaming as outdoor recreation and climate adaptation account: HB 1823
 Carbon tax benefits account, creating: HB 1534
 Clean energy transition workforce account, creating: ***2SSB 5616, CH 157 (2022)**
 Clean fuels program account, creating: HB 1036, HB 1091
 Climate active transportation account, appropriations from: HB 2118, ***SSB 5975, CH 187 (2022)**
 Climate active transportation account, creating for certain active transportation grant programs use: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Climate bond proceeds account, creating: HB 1513, HB 1577
 Climate bond retirement account, creating: HB 1577
 Climate bonds retirement account, creating: HB 1513
 Climate commitment account, allocations/appropriations from, tribal consultations: HB 1753
 Climate commitment account, certain allocations from: ***E2SSB 5842, CH 181 (2022)**
 Climate commitment account, creating: ***E2SSB 5126, CH 316 (2021) PV**
 Climate commitment account, using funds for reducing greenhouse gas emissions from certain facilities: HB 1682
 Climate finance account, creating: HB 1513, HB 1577
 Climate investment account, allocations/appropriations from, tribal consultations: HB 1753
 Climate investment account, creating: ***E2SSB 5126, CH 316 (2021) PV**
 Climate investment account, expenditures from, continuing: HB 2119, ***ESSB 5974, CH 182 (2022)**

Climate transit programs account, appropriations from: HB 2118, ***SSB 5975, CH 187 (2022)**

Climate transit programs account, creating for certain transit grant programs use: HB 2119, ***ESSB 5974, CH 182 (2022)**

Common school construction account, depositing capital gains tax revenues into, when: ***ESSB 5096, CH 196 (2021)**

Community preservation and development authority local account, creating: HB 2128

Community reinvestment account, creating: HB 1827

Compostable products revolving account, repealing: HB 1799

Connecting Washington account, deposits into: HB 1036, HB 1091, HB 2119, ***ESSB 5974, CH 182 (2022)**

Consumer privacy account, creating: HB 1850, 2SSB 5062

Cooper Jones active transportation safety account, traffic safety camera-detected violations revenue deposits into: HB 2119, ***ESSB 5974, CH 182 (2022)**

Coronavirus state fiscal recovery fund, appropriating moneys for expenditure into health and homes account: HB 1866

Coronavirus state fiscal recovery fund, appropriating moneys for WA state convention economy grants from: HB 1879

Coronavirus state fiscal recovery fund, reenacting: ***2SSB 5616, CH 157 (2022)**

County criminal justice assistance account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

COVID-19 K-12 response account, creating to support school efforts to respond to pandemic: HB 1334

COVID-19 property tax deferral loan account, creating: HB 1332

COVID-19 public health response account, creating for statewide response to pandemic: HB 1334, HB 1368

COVID-19 public health response account, reenacting for statewide response to pandemic: ***2SSB 5616, CH 157 (2022)**

COVID-19 unemployment account, reimbursing benefit charges from, when: HB 1021

Criminal justice treatment account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Debt-limit general fund bond retirement account, use of: HB 1081, ***ESSB 5084, CH 331 (2021)**

Dedicated cannabis account, renaming dedicated marijuana account as: HB 1210

Dedicated cannabis account, renaming dedicated marijuana account as, appropriations from: ***E2SSB 5796, CH 169 (2022)**

Dedicated marijuana account, cannabis equity grant program funding from: HB 1827

Dedicated marijuana account, funding for cannabis social equity program grants/loans/mentors roster from: HB 2022

Dedicated marijuana account, renaming as dedicated cannabis account: HB 1210

Dedicated marijuana account, renaming as dedicated cannabis account, appropriations from: ***E2SSB 5796, CH 169 (2022)**

Dedicated McCleary penalty account, repealing: ***2SSB 5616, CH 157 (2022)**

Defense community compatibility account, certain projects to be funded by: SB 5291

Defense community compatibility account, for grants for capital projects: SB 5782

Department of licensing wage lien account, creating: HB 1369, ***ESSB 5355, CH 102 (2021)**

Depositaries, public, credit unions as, repealing section: ***SB 5106, CH 91 (2021)**

Depositaries, public, linked deposit program, revising provisions of: ***SB 5787, CH 99 (2022)**

Depositaries, public, Washington state public financial cooperative use of: E2SSB 5188

Derelict vessel removal account, watercraft excise tax deposits in: ***HB 1700, CH 124 (2022)**

Digital equity account, creating: HB 1723

Disaster response account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Driver licensing technology support account, creating as subaccount in highway safety fund: ***ESSB 5226, CH 240 (2021)**

Driver licensing technology support account, creating in place of subaccount: ***2SSB 5616, CH 157 (2022)**

Driver resource center fund, creating: HB 2076

Early learning facilities development account, bonds proceeds deposits/transfers: HB 1081

Education legacy trust account, as a related fund in relation to expenditure limit: HB 1999

Education legacy trust account, depositing capital gains tax revenues into, when: ***ESSB 5096, CH 196 (2021)**

Education legacy trust account, using funds for early learning and child care programs: ***E2SSB 5237, CH 199 (2021)**

Education legacy trust account, using funds for family empowerment scholarship program: HB 1633, HB 2131

Education legacy trust account, using funds for K-12 education scholarship program: HB 1215, HB 2042

Election audit account, creating: HB 2115

Electric vehicle account, transfers from, when: ***2SSB 5000, CH 171 (2021), *SSB 5975, CH 187 (2022)**

Electric vehicle account, transfers to general fund from, terminating, when: HB 2119, ***ESSB 5974, CH 182 (2022)**

Elementary and secondary school emergency relief III account, reenacting: ***2SSB 5616, CH 157 (2022)**

Emergency drought response account, creating for certain transfers from general fund: 2SSB 5746

Emergency rental assistance account, creating: HB 1228, HB 1398

- Energy efficiency account, reenacting and amending, and continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
- Energy facility site evaluation council account, creating: HB 1812
- Enhanced 911 account, renaming as 911 account and using for 911 excise tax receipts deposits: HB 1703
- Equitable access to credit program account, creating: HB 1015
- Equity in housing account, creating for revenues from estate tax and transfers to foreclosure fairness account: HB 1465
- Fair fund, deposits into and expenditures from to assist fairs: ***2SSB 5362, CH 245 (2021)**
- Fair start for kids account, appropriations from after creating: HB 1370
- Fair start for kids account, as a related fund in relation to expenditure limit: HB 1999
- Fair start for kids account, creating: HB 1213, ***E2SSB 5237, CH 199 (2021)**
- Fair start for kids account, deposits into after creating: HB 1496
- Farm and forest account, bonds proceeds deposits/transfers: HB 1081, ***ESSB 5084, CH 331 (2021)**
- Fire protection compliance account, creating for depositing of fines and licensing fees: SSB 5880
- Fire service training account, modifying deposits into: HB 1971
- Fish and wildlife account, payments for wolf-caused livestock injury/loss from: ***SB 5058, CH 14 (2021)**
- Foreclosure fairness account, deposits into, from equity in housing account: HB 1465
- Forest resiliency account, reenacting: ***2SSB 5616, CH 157 (2022)**
- Foundational public health services account, certain deposits into: HB 1201, HB 1345, HB 1550, HB 1676
- Fur farm transition account, creating: HB 1718
- General fund, near-general fund/outlook analysis and deficit: HB 1163
- Greenhouse gas emissions reduction account, creating: HB 1513, HB 1577
- Habitat conservation account, bonds proceeds deposits/transfers: HB 1081, ***ESSB 5084, CH 331 (2021)**
- Health and homes account, creating: HB 1866
- Health professional loan repayment and scholarship program fund, funds use for certain conditional contracts: HB 1504
- Highway bond retirement fund, transfers from general fund to and appropriations from: HB 1602
- Highway safety fund, creating driver licensing technology support account as subaccount in: ***ESSB 5226, CH 240 (2021)**
- Highway safety fund, using for reducing rural roadway departures program: HB 1605
- Home security fund account, deposits into: HB 1277
- Home security fund account, distributing certain funds to: HB 1866
- Housing trust fund, using funds for early learning facility projects: HB 1370
- Human rights commission worker protection act account, Washington state, creating: HB 1076
- Information technology security account, creating: HB 2044
- Interstate 405 and state route number 167 express toll lanes account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232
- JUDY transportation future funding program account, renaming transportation future funding program account as: ***ESSB 5974, CH 182 (2022)**
- Labor and industries worker protection act account, creating: HB 1076
- Landlord mitigation program account, deposits into: HB 1277
- Landlord mitigation program account, use of funds in: HB 1593, ***E2SSB 5160, CH 115 (2021) PV**
- Law enforcement officers' and firefighters' plan 2 retirement fund, balance transfer to, for benefit enhancements: HB 1701, SSB 5652
- Learning device and technology account, creating: HB 1365, HB 1450
- Lifeline for independent living account, creating: HB 1883
- Linked deposit program, surplus treasury funds investment options, expanding to investment instruments: ***SB 5787, CH 99 (2022)**
- Linked deposit program, time certificate of deposit investment program, renaming as surplus funds investment program: ***SB 5787, CH 99 (2022)**
- Liquor excise tax fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
- Liquor revolving fund, appropriations from: HB 1480, SSB 5417
- Liquor revolving fund, depositing certain limited spirits retail license-related fees into: HB 1062
- Local government planning support account, creating for certain real estate excise tax revenue deposits: HB 1981
- Local law enforcement officers' and firefighters' retirement system benefits improvement account, balance transfer: HB 1701, SSB 5652
- Long-term services and supports trust account, repealing trust program and: HB 1594

Low-income weatherization and structural rehabilitation assistance account, deposits into: HB 1084
 Main street trust fund, credits for contributions to: HB 1279
 Manufactured/mobile home park relocation fund, using for tenant relocation assistance: HB 1083
 Manufacturing and warehousing job centers account, creating to mitigate local sales tax revenue losses: HB 1521
 Manufacturing cluster acceleration account, creating in place of subaccount: ***2SSB 5616, CH 157 (2022)**
 Meat inspection account, creating: HB 1102
 Minority and women's business enterprises account, depositing certain civil penalties in: HB 1259
 Model toxics control capital account, grant/loan program for local government remedial cleanup actions, modifying: ***SB 5895, CH 102 (2022)**
 Model toxics control operating account, depositing certain penalty amounts in: HB 1853, ***E2SSB 5022, CH 313 (2021)**, 2SSB 5703
 Mortgage lending fraud prosecution account, delaying expirations of account and surcharge deposited in: ***HB 1104, CH 31 (2021)**
 Motor vehicle account, appropriations from: ***SSB 5975, CH 187 (2022)**
 Motor vehicle fund, certain deposits into: HB 2119, ***ESSB 5853, CH 59 (2022)**, ***ESSB 5974, CH 182 (2022)**
 Motor vehicle fund, electric motorcycle additional fee deposits in: SSB 5085, ***2SSB 5085, CH 149 (2022)**
 Motor vehicle fund, transfers from general fund to: HB 1249
 Motor vehicle fund, vehicle identification number inspection fee distributions to, discontinuing: SSB 5778
 Move ahead WA account, appropriations from: HB 2118, ***SSB 5975, CH 187 (2022)**
 Move ahead WA account, creating in motor vehicle fund for "move ahead WA" projects/improvements: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Move ahead WA flexible account, appropriations from: HB 2118, ***SSB 5975, CH 187 (2022)**
 Move ahead WA flexible account, certain transfers from general fund to: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Move ahead WA flexible account, creating for "move ahead WA" flexible projects/programs/activities: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Multimodal transportation account, appropriations from: ***SSB 5975, CH 187 (2022)**
 Multimodal transportation account, deposits into: HB 1572, HB 2119, ***ESSB 5974, CH 182 (2022)**
 Multimodal transportation account, transfer from general fund to: HB 1249
 Multimodal transportation account, transfer to general fund from, terminating, when: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Multiuse roadway safety account, use of funds for certain wheeled all-terrain vehicle roadway use: HB 1546
 Natural climate solutions account, adding additional use of funds from: HB 1823
 Natural climate solutions account, allocations/appropriations from, tribal consultations: HB 1753
 Natural climate solutions account, certain allocations from: ***E2SSB 5842, CH 181 (2022)**
 Natural climate solutions account, creating: HB 1513, ***E2SSB 5126, CH 316 (2021) PV**
 Nonappropriated funds/accounts, receiving fees from businesses/organizations, transfers from, prohibiting: HB 1146
 Nondebt-limit general fund bond retirement account, use of: HB 2095
 Office of resiliency account, creating: HB 1147
 Opioid overdose reversal medication account, creating: ***2SSB 5195, CH 273 (2021)**
 Opportunity pathways account, as a related fund in relation to expenditure limit: HB 1999
 Opportunity pathways account, local effort assistance funding for charter schools from: HB 1591
 Outdoor recreation account, bonds proceeds deposits/transfers: HB 1081, ***ESSB 5084, CH 331 (2021)**
 Outdoor recreation and climate adaptation account, creating: HB 1823
 Performance audits of government account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Personnel service fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Price ceiling unit emission reduction investment account, creating: ***E2SSB 5842, CH 181 (2022)**
 Public disclosure transparency account, public disclosure commission use of moneys in: HB 1919
 Public employees' benefits board medical benefits administration account, eliminating: ***2SSB 5616, CH 157 (2022)**
 Public use general aviation airport loan revolving account, deposits/funds use: HB 1030, ***SB 5031, CH 175 (2021)**
 Public works assistance account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Public works assistance account, transfers to move ahead WA account from: ***ESSB 5974, CH 182 (2022)**
 Puget Sound capital construction account, appropriations from: ***SSB 5975, CH 187 (2022)**
 Puget Sound ferry operations account, appropriations from: ***SSB 5975, CH 187 (2022)**
 Puget Sound gateway facility account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232
 Recovery rebate account, creating for DOR pandemic-related remittances to low-income persons: HB 1334

Recycled content account, creating: ***E2SSB 5022, CH 313 (2021)**
 Recycling enhancement account, creating: ***E2SSB 5022, CH 313 (2021)**
 Recycling improvement account, creating: HB 1488
 Refrigerant emission management account, creating: HB 1050
 Renewable fuels accelerator account, creating: ***SSB 5910, CH 292 (2022)**
 Responsible battery management account, creating: HB 1896
 Responsible packaging management account, creating: HB 1118, HB 2003
 Road usage charge account, creating for deposits of receipts from road usage charge program: HB 2026
 Rosa Franklin legislative internship program scholarship account, creating: ***SB 5431, CH 108 (2021)**
 Rural infrastructure assistance account, creating: HB 1263
 Ruth Lecocq Kagi early learning facilities development account, bonds proceeds deposits/transfers: ***ESSB 5084, CH 331 (2021)**
 Ruth Lecocq Kagi early learning facilities revolving account, bonds proceeds deposits/transfers: ***ESSB 5084, CH 331 (2021)**
 School seismic safety grant program account, creating: ***SSB 5933, CH 113 (2022)**
 School seismic safety grant program bond account, creating: HB 2095
 School seismic safety grant program taxable bond account, creating: HB 2095
 Semiquincentennial account, creating: ***SSB 5756, CH 97 (2022)**
 Shop local and save sales and use tax holiday mitigation account, creating: HB 2018
 Special personnel litigation revolving account, eliminating: ***2SSB 5616, CH 157 (2022)**
 State building construction account, bonds proceeds deposits/transfers: HB 1081, ***ESSB 5084, CH 331 (2021)**
 State drought preparedness account, renaming state drought preparedness and response account as: 2SSB 5746
 State drought preparedness account, transfers from general fund into, when: 2SSB 5746
 State health care affordability account, creating: ***E2SSB 5377, CH 246 (2021)**
 State health care affordability account, depositing certain penalty amounts in: HB 1671
 State lands development authority account, creating: HB 1173
 State patrol highway account, appropriations from: HB 2057
 State patrol highway account, vehicle identification number inspection fee distributions to: SSB 5778
 State route number 520 civil penalties account, funds use, restrictions and conditions for: HB 1529
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 State taxable building construction account, bonds proceeds deposits/transfers: HB 1081, ***ESSB 5084, CH 331 (2021)**
 State treasurer's service fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 State v. Blake reimbursement account, creating: HB 1578
 Statewide 988 behavioral health crisis response line account, creating: HB 1182, HB 1477
 Statewide pandemic preparation and response task force account, creating: HB 1340
 Student achievement council fund for innovation and quality, eliminating and replacing: ***2SSB 5789, CH 244 (2022)**
 Student support pathways account, scholarships disbursement from: HB 1425
 Tacoma Narrows toll bridge account, appropriations and transfers from other accounts to: HB 2127
 Tacoma Narrows toll bridge account, transfers from general fund to and appropriations from: HB 1602, HB 2028
 Tacoma Narrows toll bridge account, transfers from general fund to and use of funds from: ***SSB 5488, CH 223 (2022)**
 Timber tax distribution account, deposits into/distributions to county/appropriations to department of revenue from: HB 2093
 Transportation partnership account, revising to be in the motor vehicle fund: ***2SSB 5616, CH 157 (2022)**
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 Transportation vehicle fund, using for transition to electric/alternative fuel vehicles for student transportation: HB 1644
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 Unemployment compensation fund, reimbursing from UIR account for forgiven unemployment compensation benefits: ***ESSB 5478, CH 292 (2021)**
 Unemployment insurance relief account, creating for reimbursing for forgiven unemployment compensation benefits: HB 1568
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 Unemployment insurance trust fund, provisions concerning: HB 1343
 Universal services account, creating for telecommunications excise taxes deposits for use by certain programs: HB 1460

Veterans and military members suicide prevention account, creating: HB 1181
 Veterans conservation corps account, repealing: ***2SSB 5616, CH 157 (2022)**
 Veterans' assistance fund, property tax levy for: HB 1965
 Washington bred owners' bonus fund and breeder awards account, deposits into: HB 1928
 Washington career and college pathways innovation challenge program account, establishing: ***2SSB 5789, CH 244 (2022)**
 Washington equine industry reinvestment account, creating: HB 1928
 Washington future fund trust fund, creating: HB 1861
 Washington horse racing commission operating account, deposits into: HB 1928
 Washington long-term care reinsurance program account, creating: HB 1913
 Washington rescue plan transition account, reenacting: ***2SSB 5616, CH 157 (2022)**
 Washington rescue plan transition account, transferring one billion dollars to budget stabilization account: HB 1875
 Washington state attorney general charitable asset protection account, creating: ***SSB 5034, CH 176 (2021)**
 Washington state human rights commission worker protection act account, creating: HB 1076
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 Washington tax justice and equity fund, creating: HB 1494
 Waste reduction, recycling, and litter control account, funds for ecology activities from: HB 1488
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 Workforce education investment account, as a related fund in relation to expenditure limit: HB 1999
 Workforce education investment account, funds in/appropriations from, expanding uses of: HB 1504
 Workforce education investment account, workforce education investment surcharge deposits into, revisions: HB 1504
 Youth fishing opportunities account, creating: HB 1431
 Youth tobacco and vapor products prevention account, depositing certain fees and penalties in: HB 1550
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 Youth tobacco and vapor products prevention account, vapor products delivery sales license fee deposits in: HB 1345

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Aquatic lands, noxious weed control, liaisons and assessment amounts: HB 1355
 Aquatic lands enhancement account, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Aquatic lands, state-owned, seaplane mooring by abutting residential owner: HB 1240
 Burning, flammable materials/refuse/waste forest materials on DNR-protected lands, permit requirement, violations of: HB 1423
 Easements/rights-of-way, on state lands, for transport of timber/sand/gravel/other materials, when: ***HB 1491, CH 49 (2021)**
 Manufacturing industrial centers, state lands in/by, development authorities for: HB 1173
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 State lands, free access via repeal of discover pass and daily permit fees: HB 1824
 State lands, interbay property in Seattle, redevelopment of: HB 1173
 State lands, leases for agricultural/grazing purposes, nondefault or early termination provision, lessee compensation, when: ***EHB 1199, CH 36 (2021)**
 State lands, leasing by DNR of, increasing maximum lease length for certain purposes: ***HB 1430, CH 194 (2022)**
 State lands, leasing for commercial/industrial/business purposes, maximum lease length, increasing: ***HB 1430, CH 194 (2022)**
 State lands, sales by DNR of, public auction provision, modifying: HB 1405
 State lands, sales by DNR of, sale notices and location, and applicability of requirements: SB 5201
 State lands/facilities designated for recreation, "open safe, open now" plan Phase 3 regulations capacity limits: HB 1553

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Community and technical colleges, guided pathways model, evaluation by institute of: ***E2SSB 5194, CH 272 (2021)**

Community transition services, for juveniles as custody option, institute to assess impact of: HB 1186
 Environmental health disparities map, measures/methods used in, technical review of, institute to conduct: ***E2SSB 5141, CH 314 (2021)**
 Farmworkers, specific needs of, comprehensive study of, institute to conduct: HB 1847, HB 2102
 Incarcerated individuals, programs with top participation, IPP to evaluate: 2SSB 5692
 Inmates, postsecondary education participation before and after release, studying: HB 1044
 Reentry community services program, for confined persons, research and evaluation role of institute: ***E2SSB 5304, CH 243 (2021) PV**
 Reentry community services program/other programs, IPP evaluation of: 2SSB 5692

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Recommendations of committee, implementation: HB 1024, HB 1041

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Bus and bus facilities competitive grant program, establishing for grants for transit rolling stock and facilities: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Connecting communities grant program, establishing: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Development, transit-oriented, under GMA, grants to pay for SEPA impact statement and other costs: SB 5312
 Development, transit-oriented, under GMA, in relation to accessory dwelling units and transit stops: HB 1711
 Development, transit-oriented, under GMA, middle housing types and zoning: HB 1782
 Fare enforcement, alternative system for, establishment, when: HB 1301
 Health-related measures, restricting transit access due to declining to comply with, prohibiting: HB 1305, HB 1317
 Rail fixed guideway systems, components of, in enhanced service zones, levying of certain excise taxes for: HB 2062, ***SSB 5528, CH 285 (2022)**
 Rail fixed guideway systems, state safety oversight agency, UTC to replace DOT as: HB 1418
 Regional mobility grant program funds, regional transit authority/Sound Transit eligibility to compete for: ***ESSB 5974, CH 182 (2022)**
 Regional transit authorities, alternative fare enforcement system establishment by resolution: HB 1301
 Regional transit authorities, enhanced service zones, motor vehicle excise and commercial parking taxes for: HB 2062, ***SSB 5528, CH 285 (2022)**
 Regional transit authorities, impounding unattended vehicle obstructing high capacity transportation right of way: SSB 5863
 Transit support grant program, establishing to provide financial support for operating and capital expenses: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Vaccination, law/rule/order requiring receipt as transit access condition, prohibitions and exemption: HB 1065
 Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, for transit access, prohibiting: HB 1720

PUBLIC WORKS (See also MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS)

988 suicide prevention hotline, on signs for certain public works projects: HB 1600
 Alternative contracting procedures, capital projects advisory review board role: ***SB 5032, CH 230 (2021)**
 Alternative contracting procedures, job order contracts and work orders: HB 1288
 Alternative contracting procedures, reauthorization of and improvements to: ***SB 5032, CH 230 (2021)**
 Apprenticeship utilization requirements, for municipality/DOT/school district/college contracts: HB 1308
 Broadband access, in unserved areas, grant/loan program for, emergency public works broadband projects: HB 1673
 Broadband access, in unserved areas, grant/loan program for, various modifications: HB 1673
 Community preservation and development authorities, boards of directors for, membership: ***EHB 1471, CH 47 (2021)**
 Community preservation/development authority, qualified facility/stadium, impact assessment fee on admission price: HB 2128
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 Contracting, building materials, environmental product declarations for: HB 1103
 Higher education institutions, public, construction/other public works, bid limits for, increasing: SB 5844
 Improvement system, interagency multijurisdictional team for, removing expiration date: ***SSB 5403, CH 190 (2021)**
 Infrastructure bank, national, legislation to establish, requesting that congress pass: SJM 8006
 Local infrastructure investment programs, local jurisdiction commencing of: HB 1966

Local infrastructure project areas and financing, taxing districts/property tax levies/public improvements: HB 1243, SB 5823

Municipalities, contracts with community service organizations for public improvements, modifying requirements: HB 2052

Pollinator habitat, requirements when public works project includes landscaping: ***SSB 5253, CH 278 (2021)**

Pre-design, for major capital construction projects, reducing requirements: ***HB 1023, CH 54 (2021)**

Prevailing wages, subprevailing wage certificates for individuals with disabilities, eliminating: ***SB 5763, CH 55 (2022)**

Prime contracts, bidding on, within one hour and within 48 hours, modifying bidder requirements for: HB 1391, ***ESB 5356, CH 103 (2021)**

Public facilities, in rural counties, local sales/use tax for, extending expiration of: HB 1333

Public facilities, rural infrastructure grant program for local governments in rural counties for: HB 1263

Public improvements, increment financing by local governments via tax increment financing areas: HB 1189

Public works assistance account, continuing temporary uses of funds in: ***SSB 5616, CH 157 (2022)**

School districts, capital projects requirements, bond authorization training for boards of directors: HB 1306

Small works roster, limited public works process use: HB 1259

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Broadband access, in unserved areas, grant/loan program for, emergency public works broadband projects, board role: HB 1673

Broadband access, in unserved areas, grant/loan program for, various modifications: HB 1673

PUGET SOUND PARTNERSHIP

Anadromous fish protection and recovery, state goal for, partnership role: HB 1653

Justice, environmental, environmental health disparities, partnership actions to reduce: ***E2SSB 5141, CH 314 (2021)**

RAILROADS (See also ROADS AND HIGHWAYS)

Amtrak, eliminating fares for Amtrak Cascades passengers 18 years of age and younger, submitting fare revision for: HB 2119, ***ESSB 5974, CH 182 (2022)**

Railroad crossing grant program, creating: ***ESSB 5974, CH 182 (2022)**

Safety, railroads and rail fixed guideway systems, duties and authority of UTC, expanding: HB 1418

Workers, family and medical leave and related employment protections for: ESSB 5065

Workers, protections for Washington railroad workers: ESSB 5065

REAL ESTATE AND REAL PROPERTY (See also AGRICULTURE; BOUNDARIES; HOMES AND HOUSING; LOANS; MAPS AND MAPPING; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - PROPERTY; TAXES - REAL ESTATE SALES EXCISE)

Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**

Brokers, buyer unfair practice letter/other communications, not presenting to seller if seller instructs broker not to: HB 2059

Brokers, license renewals, continuing education, to include fair housing education/unfair practices prevention: ***SSB 5378, CH 288 (2021)**

Brokers, statutory duties of, owing not only to those to whom they render brokerage services but to all parties: HB 2059

Common interest communities, foreclosure of lien on unit for owner unpaid assessments, when: ***EHB 1482, CH 222 (2021)**

Dampers, fire and/or smoke, installation/inspection/maintenance/testing of: HB 1971

Deeds of trust, surcharge for recording of, delaying expiration of: ***HB 1104, CH 31 (2021)**

Deeds/covenants, existing, racial/other restrictions against protected classes in, city/county review/notices of: HB 1335

Deeds/covenants, restrictive, , prohibition of types of housing city required to allow under GMA , prohibiting: HB 1981

Disclosure statement, commercial/residential transactions, requirements and seller liability, modifying: HB 1951

Disclosure statement, commercial/residential transactions, seller to disclose damage by animals: HB 1951

Disclosure statement, high-speed internet access availability disclosure in: HB 1064

Flipping, offering for sale within 12 months of purchase, electrical license/certified electrician for electrical work: ***SSB 5267, CH 51 (2021)**

Flipping, offering for sale within 12 months of purchase, telecommunications contractor license for work when: ***SSB 5267, CH 51 (2021)**

Foreclosure, assistance provisions of foreclosure fairness act, temporary expansion of applicability: HB 1108
 Foreclosure, beneficiaries, mediation participation and fee remittance by, expanding: HB 1108
 Foreclosure, foreclosure mediation program and federally insured depository institutions: HB 1108
 Foreclosure, foreclosure mediation program, deadline for referral to mediation: HB 2088
 Foreclosure, preventing, and addressing racial inequities, via estate tax revenues: HB 1465
 Foreclosure, protections, penalties for delinquent property taxes, eliminating: HB 1410
 Homestead state property tax exemption for portion of assessed value of residential property, when: HB 1579
 Homesteads, exemption in bankruptcy proceedings, amount and application of: ***ESSB 5408, CH 290 (2021)**
 Liens, as part of C-PACER program for clean energy building improvements, assessment/lien provisions: ***SSB 5862, CH 101 (2022)**
 Manufactured homes, as real property, clarifying when and providing a process for establishing: HB 2072
 Mortgage lending fraud prosecution account, delaying expirations of account and surcharge deposited in: ***HB 1104, CH 31 (2021)**
 Mortgage loan originators, with loan agency, working from own residence: ***SB 5077, CH 15 (2021)**
 Public property, surplus, disposal for affordable housing as public benefit purpose, requirements for: HB 1908
 Public property, surplus, intergovernmental disposition of, "affordable housing" for purposes of: HB 1511
 Real property, sale/transfer for affordable rental housing, real estate excise tax exemption: HB 1643
 Real property, sales under execution, electronic media use for: ***EHB 1271, CH 122 (2021)**
 Recording standards for documents, uniform, and recording standards commission: ***SB 5019, CH 137 (2021)**
 Residential property, antidisplacement state property tax exemption for portion of assessed value of: HB 1494
 Residential property, homestead state property tax exemption for portion of assessed value of, when: HB 1579
 Sales of long-term real property assets, capital gains realized from, imposing capital gains tax on: HB 1496
 Smoke control systems, installation/inspection/maintenance/testing of: HB 1971
 State lands, state lands development authorities, authorizing formation of: HB 1173
 Titles, registrars of, duties required by repeal of chapter 65.12 RCW: ***HB 1376, CH 66 (2022)**
 Titles, registry system for, repealing chapter 65.12 RCW: ***HB 1376, CH 66 (2022)**
 Titles, registry system for, withdrawal from and discontinuation of, including notice concerning: ***HB 1376, CH 66 (2022)**
 Uniform real property electronic recording act, repealing as title and revising chapter: ***SB 5019, CH 137 (2021)**

RECORDS (See also ARCHIVES; AUDITORS AND AUDITING; CONSUMER PROTECTION; CORPORATIONS; DRIVERS AND DRIVERS' LICENSES; JUVENILES AND JUVENILE COURT; LICENSING, DEPARTMENT; REAL ESTATE AND REAL PROPERTY)

Blockchain technology/applications, Washington blockchain work group, establishing: HB 1729, ***ESSB 5544, CH 226 (2022)**
 Data, personal identity, verifiable credentials for protecting, government use of and trust framework for: SB 5534
 Data, personal, data privacy day, commemorating: ***HR 4642 (2022)**
 Data, personal, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303
 Data, personal, regarding public health emergency, privacy in private and public sectors: 2SSB 5062
 Data, personal, state agency sale to third party of, prohibiting: HB 1552
 Data, personal, Washington foundational data privacy act: HB 1850
 Data, personal, Washington state consumer data privacy commission, creating: HB 1850
 Data, state agency use of immutable data/file systems/backups, Washington state ransomware protection act: HB 2044
 Disclosure, exemptions, body worn camera recordings made by law enforcement or corrections agency: HB 1991
 Disclosure, exemptions, child victims/witnesses of crimes, identifying information: HB 1024, HB 1041, HB 1408
 Disclosure, exemptions, child victims/witnesses of crimes, voice as identifying information: HB 1024, HB 1408
 Disclosure, exemptions, COVID-19 health data: HB 1127
 Disclosure, exemptions, currently or formerly incarcerated individual's sensitive records: HB 1956
 Disclosure, exemptions, data from out-of-state or federal agency or regulatory association to financial institutions dept.: ***HB 1899, CH 8 (2022)**
 Disclosure, exemptions, disease/notifiable condition/public health threat personal identifying information: HB 1328
 Disclosure, exemptions, elections security information and continuity of operations plan: HB 1068
 Disclosure, exemptions, food supply contaminant monitoring by DOH, federal FDA information related to: ***SB 5303, CH 99 (2021)**
 Disclosure, exemptions, sunshine committee recommendations: HB 1024, HB 1041

Disclosure, exemptions, voter signatures/phone numbers/email addresses on correction forms/ballot envelopes: ***HB 1953, CH 140 (2022)**

Disclosure, exemptions, WASPC records pursuant to notification systems/programs and jail booking/reporting system: ***ESSB 5245, CH 82 (2022)**

Disclosure, exemptions, wolf conflict resolution, personal information of persons involved with, extending expiration: ***SB 5972, CH 294 (2022)**

Driving records, personal/identity information associated with records held by DOL, prohibiting release of: HB 2013

Driving records, releasing to various persons and entities, when: ***SSB 5152, CH 93 (2021)**

Guardians, certified professional, training course curriculum and materials, availability for copying/disclosure: HB 1977

Owners, of motor vehicles/vessels, list/identity information, furnished to certain entities for certain purposes: ***SSB 5152, CH 93 (2021)**

Owners, of motor vehicles/vessels, personal/identity information associated with DOL records, prohibiting release: HB 2013

Personal data, businesses controlling/processing, Washington foundational data privacy act: HB 1850

Personal data, businesses controlling/processing, Washington privacy act: 2SSB 5062

Personal data, state agency sale to third party of, prohibiting: HB 1552

Personal data, Washington state consumer data privacy commission, creating: HB 1850

Personal information, captured biometric, people's privacy act provisions concerning: HB 1433

Personal information, captured, processing by business entities, individual's rights and opt-in consent for: HB 1433

School districts, board of directors meetings, recordings of, public record requests for: EHB 1973

Sunshine committee, recommendations of: HB 1024, HB 1041

RECREATION AND CONSERVATION OFFICE

Anadromous fish protection and recovery, state goal for, office role: HB 1653

Fishing and shellfishing opportunity grant program, creating, office role: HB 1431

Invasive species council, expiration of, extending: ***SB 5063, CH 177 (2021)**

Outdoor school for all program, establishing and awarding grants for, office role: HB 2014, HB 2078

Recreation and conservation funding board, state anadromous fish protection and recovery goal role of: HB 1653

Salmon recovery and funding board, statewide riparian habitat conservation grant program, developing: HB 1838

REDISTRICTING COMMISSION

Governor, election by county and electoral votes, commission role: HB 1014

Redistricting plan, for congressional and legislative districts, amending: ***HCR 4407 (2022)**

Redistricting plan, for congressional and legislative districts, requirements before final approval of: SB 5560

RELIGION AND RELIGIOUS ORGANIZATIONS (See also DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; LABOR)

Apostasy, foreign country death penalty for, protection in child custody determinations against: ***HB 1042, CH 23 (2021)**

Belief or practice, sincerely held, foreign country death penalty for, protection in child custody determinations against: ***HB 1042, CH 23 (2021)**

Brown, Bishop Leo Charles, Jr., service, life, and achievements of, recognizing and honoring: ***HR 4617 (2021)**

Christian Science treatment, abuse/neglect exemption references, removing: HB 1048

Churches, restricting access due to declining to comply with health-related measures, prohibiting: HB 1305, HB 1317

Farmers markets, property owned by church/nonprofit denomination and used for, property tax exemption: HB 1906, HB 1967, ***SB 5505, CH 84 (2022)**

Health care faith-based practices, abuse/neglect exemption, when: HB 1048

Immunization, requiring for COVID in spite of religious objections, prohibiting: HB 1720

Immunization, right to decline based on religious objections: HB 1006, HB 1065

Institutions and venues, religious and sectarian, "open safe, open now" plan Phase 3 regulations capacity limits: HB 1553

Organizations, reopening/resuming at phase 2 of pandemic Roadmap to Recovery plan: HB 1321

Quarantine, involuntary detention/isolation or, to control contagious/infectious disease, requiring of, prohibiting: HB 2030

Saint Patrick's Day, the Feast of St. Patrick, patron saint of Ireland, commemorating the celebration of: ***HR 4657 (2022)**

Schooling, applying state funding to religious instruction etc., constitutional amendment to remove prohibition: HJR 4206

Vaccination, requiring for COVID in spite of religious objections, prohibiting: HB 1720

Vaccination, right to decline based on religious objections: HB 1006, HB 1065

Victims, non-hate crime offenses, aggravating circumstance if defendant motivated by biased perception: HB 1071

RETIREMENT AND PENSIONS (See also RETIREMENT SYSTEMS, DEPARTMENT; SENIOR CITIZENS; VETERANS)

Benefits, state systems, impact of COVID-related expenditure reductions on: ***SB 5021, CH 12 (2021)**

Deferred compensation plans, for public employees, to include Roth option: ***EHB 1752, CH 72 (2022)**

Defined contribution retirement plans, family child care providers, collective bargaining: HB 1771

Firefighters, pensions/1947 act, interruptive military service credit for purposes of, when: HB 1804, SB 5726

Inactive state system accounts, closing of and refunding balances in: ***SB 5367, CH 189 (2021)**

LEOFF, plan 1, one-time lump sum benefit, or greater of two options for member with line-of-duty disability: ***SSB 5791, CH 168 (2022)**

LEOFF, plan 2, benefit enhancements, local LEOFF retirement system benefits improvement account balance transfer for: HB 1701, SSB 5652

Military service credit, interruptive, "veteran" for purposes of, when: HB 1804, SB 5726

PERS, opting out of membership when new hire age 60 or older: SB 5352

PERS, plan 1, "compensation earnable" exclusions: HB 1992

PERS, plan 1, interruptive military service credit for purposes of, when: HB 1804, SB 5726

PERS, plan 1, monthly benefit from, increasing: HB 1565, HB 1721, ***SB 5676, CH 52 (2022)**

PERS, plan 2, separated members of, PEBB insurance plans/contracts participation by: HB 1911

PERS, retirees reentering school district employment while receiving pension payments, when: HB 1699

Police/first-class cities, pensions, interruptive military service credit for purposes of, when: HB 1804, SB 5726

PSERS, disability allowance, total disability criteria/offsets to allowance/medical examination: ***HB 1669, CH 22 (2022)**, SB 5748

SERS, opting out of membership when new hire age 60 or older: SB 5352

SERS, plan 2, separated members of, PEBB insurance plans/contracts participation by: HB 1911

SERS, plans 2 and 3, early retirement during COVID-19 pandemic: HB 1032

SERS, retirees reentering school district employment while receiving pension payments, when: HB 1699

Service credit, state systems, impact of COVID-related expenditure reductions on: ***SB 5021, CH 12 (2021)**

TRS, opting out of membership when new hire age 60 or older: SB 5352

TRS, plan 1, "earnable compensation" exclusions: HB 1992

TRS, plan 1, monthly benefit from, increasing: HB 1565, HB 1721, ***SB 5676, CH 52 (2022)**

TRS, plan 2, separated members of, PEBB insurance plans/contracts participation by: HB 1911

TRS, plans 2 and 3, early retirement during COVID-19 pandemic: HB 1032

TRS, retired or disabled school employees under, PEBB medical/dental plans: HB 1040

TRS, retirees reentering school district employment while receiving pension payments, when: HB 1699

WSPRS, "salary" for members commissioned before July 1, 2001, exclusions from: HB 1992

WSPRS, military service credit, "index" for purposes of, modifying: ***SB 5296, CH 98 (2021)**

RETIREMENT SYSTEMS, DEPARTMENT (See also RETIREMENT AND PENSIONS)

Accounts, inactive state retirement system, closing of and refunding balances in, DRS role: ***SB 5367, CH 189 (2021)**

Deferred compensation plans, Roth option in, DRS to offer: ***EHB 1752, CH 72 (2022)**

REVENUE, DEPARTMENT

Business licensing, licensing law administrative and technical clarifications: ***ESB 5800, CH 56 (2022)**

County timber tax on harvesters, DOR administration/collection of, timber tax distribution account appropriations for: HB 2093

COVID-19 pandemic, creating recovery rebate account for related remittances to low-income persons: HB 1334

Nonprofits, not benefitting from property tax exemption structure, work group on, convening, DOR role: HB 1967

Voluntary disclosure agreement program, for registration of business/payment of prior tax obligations, codifying: HB 2099

REVISED CODE OF WASHINGTON (See also INITIATIVE AND REFERENDUM)

Cannabis, replacing "marijuana" with "cannabis" throughout RCW: HB 1210

Community, trade, and economic development, department of, references to, changing to department of commerce: HB 1857

Electronic version of RCW, reformatting of, indenting to indicate subsection/subparagraph levels: HB 1230
 Environmental health and safety, reorganization/recodification in 2020 for, RCW citation corrections due to: ***EHB 1192, CH 65 (2021)**
 Gender neutral language, code improvement for, repealing obsolete section requiring: ***EHB 1192, CH 65 (2021)**
 Obsolete language, removing from RCW: ***EHB 1192, CH 65 (2021)**, HB 1857
 State agencies/departments, as new statutory state spending programs, expiration date requirement: HB 1177
 Technical corrections, making various: ***EHB 1192, CH 65 (2021)**, HB 1857
 Unemployment compensation statutes, cross-reference corrections in: ***HB 1612, CH 17 (2022)**

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Bridges, jumping into waterways from, informational signs to discourage: HB 1595
 Bridges, new, as public works, 988 suicide prevention hotline on signs for: HB 1600
 Columbia river basin project, groundwaters from, agreements for, area/subarea establishment prior to: ***SSB 5230, CH 185 (2021)**
 Columbia river, navigation channel maintenance/improvements, by U.S. army corps of engineers, requirements exemption, when: SSB 5125
 Columbia river, third bridge between southwest WA and Oregon over, options for constructing, studying: HB 2084
 Dredged materials, disposal of, at site used for federal navigation channel projects/activities site: HB 1193
 Navigation channel maintenance/improvements, federal, permit/review requirements, removing various: HB 1193
 Stock watering, riparian, clarifying existing legal right to access surface water for: HB 2106
 Zack's law, signs discouraging jumping from bridges into cold waterways: HB 1595

ROADS AND HIGHWAYS (See also BICYCLES; MOTOR VEHICLES; TRAFFIC; TRANSPORTATION; TRANSPORTATION, DEPARTMENT)

Bicycles, electric-assisted, use on roads closed to motor vehicles, determining where and which bicycle classes: ***ESSB 5452, CH 191 (2021)**
 Bridges, jumping into waterways from, informational signs to discourage: HB 1595
 Bridges, new, 988 suicide prevention hotline on signs on or near, when: HB 1595
 Bridges, new, as public works, 988 suicide prevention hotline on signs for: HB 1600
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 Bridges, Tacoma Narrows toll bridge project financial obligations, adjusting tolls, when: ***SSB 5488, CH 223 (2022)**
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- Interstate 405 corridor project, state route number 167 and, sales/use taxes deferral for persons involved in: ***EHB 1990, CH 274 (2022)**
- Interstate 90/US 395 north Spokane corridor projects, limited project for community purposes to remedy impacts: ***ESSB 5853, CH 59 (2022)**
- Litter control, funding and agency coordinated efforts: ***SB 5040, CH 231 (2021)**
- Maintenance/replacement, preservation and safety as transportation system priorities: HB 1137
- Motorcycles, operator use of right shoulder on limited access roadway, when: HB 1254
- Pedestrians, walking/moving on roadway next to sidewalk, due caution to avoid colliding with vehicle: ***SB 5687, CH 235 (2022)**
- Projects, transportation, additive omnibus transportation budget for certain operating and capital appropriations: HB 2118, ***SSB 5975, CH 187 (2022)**
- Projects/programs/activities, using motor vehicle sales/use tax revenues for: HB 1604
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- Public road construction activities, value of products used in, determining for taxation purposes: HB 1666
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- Rest areas, safety, human trafficking informational posters in, modifying requirements: HB 2077
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- Road usage charge program, for vehicle per mile fee payment, establishing, and implementing in phases: HB 2026
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- Roads, wheeled all-terrain vehicle use on, multiuse roadway safety account funds use in connection with, when: HB 1546
- Roads, wheeled all-terrain vehicle use on, qualified WATV use on certain county roads in a rural county: HB 1870
- Rural roads, reducing rural roadway departures program, creating: ***ESSB 5974, CH 182 (2022)**
- Rural roads, reducing rural roadway departures program, establishing: HB 1605
- Signs, directional for auto malls, on state highways rights-of-way, when: HB 1142
- Signs, discouraging jumping from bridges into cold waterways, Zack's law: HB 1595
- Speed limit, maximum of 20 mph on nonarterial highway, local jurisdiction authority to establish, when: ***SB 5687, CH 235 (2022)**
- Speed limit, maximum of 20 mph on nonarterial state highway, DOT secretary authority to establish, when: ***SB 5687, CH 235 (2022)**
- State highways, rights-of-way, directional signs for auto malls, when: HB 1142
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- State route number 167 and Interstate 405 corridor project, sales/use taxes deferral for persons involved in: ***EHB 1990, CH 274 (2022)**
- State route number 520 civil penalties account, removing obsolete provisions: ***2SSB 5616, CH 157 (2022)**
- State route number 520, construction of bridge replacement/HOV project, sales/use tax deferral, extending period of: ***HB 2024, CH 144 (2022)**
- State route number 520, construction/operation, bond/loan obligations, SR 520 civil penalties account use for: HB 1529
- Toll facilities, Interstate 405/state route number 167 corridor, authority to issue bonds solely as toll revenue bonds: HB 2089
- Toll facilities, Interstate 405/state route number 167 express toll lanes account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232
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- Toll facilities, Tacoma Narrows toll bridge project debt service costs, phase two of corrective funding measures for: HB 2127
- Toll facilities, Tacoma Narrows toll bridge project deferred sales taxes, early full payment of: HB 2028
- Toll facilities, Tacoma Narrows toll bridge project financial obligations, adjusting tolls, when: ***SSB 5488, CH 223 (2022)**
- Toll facilities, Tacoma Narrows toll bridge project financial obligations, completing: HB 1602, ***SSB 5488, CH 223 (2022)**

US 395 north Spokane corridor/Interstate 90 projects, limited project for community purposes to remedy impacts:

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Vehicle per mile fee, road usage charge program payment of, establishing, and implementing in phases: HB 2026

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Mineral resource lands, action removing designation under GMA: ***SB 5042, CH 218 (2022)**

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Batteries, portable/medium-format, retailer selling, mandatory battery stewardship organization participation by: HB 1896

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Fireworks, consumer, city or county limits or prohibition: HB 1059, HB 1638

Ghost guns and ghost gun kits, selling/purchasing of, prohibitions/penalties: HB 1705

Internet/mobile applications, marketing/advertising to minors via, prohibitions: HB 1697

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Price increases, excessive/unjustified during state of emergency, prohibiting: ESSB 5191

Retail industry, increasing educational, training, and job opportunities in: HB 2019

Retail theft, organized, in 2nd degree, with multiple accomplices participating in: SB 5781

Retail theft, organized, Washington state organized retail theft task force, establishing: HB 2113

Shop local and save sales and use tax holiday, one-time three-day, creating: HB 2018

Spirits, vodka or vodka ingredient/input/material produced in or imported/sourced from Russia, sale of, prohibiting: HB 2134

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Indian tribes and school districts, data sharing: ***SSB 5252, CH 9 (2022)**

Indian tribes and school districts, tribal councils and boards, regional meetings: ***SSB 5252, CH 9 (2022)**

Language access programs, model policy/procedures, WSSDA role: HB 1153

Native education, office of, WSSDA partnering with, for certain data gathering: ***SSB 5252, CH 9 (2022)**

School board directors, governance cultural competency/diversity/equity/inclusion standards and training for, WSSDA role: ***ESSB 5044, CH 197 (2021)**

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Administrators, continuing education, to include equity-based practices/national standards/indigenous communities: HB 1426

- African American studies endorsement, for teachers, administrators, and educational staff associates, creating: HB 1829
- Americans of Chinese descent history month, each January as, designation of, and school activities commemorating: ESB 5264
- Apprenticeship programs, regional, through educational service districts, establishing: HB 1536
- Arts, visual/performing, regular instruction in at least one visual art and one performing art at each public school: ***ESSB 5878, CH 250 (2022)**
- Athletics, individual competition intended for female students, prohibiting students assigned male sex at birth from participation: HB 1556
- Attendance, community truancy boards, renaming as community engagement boards: HB 1113
- Attendance, excused absence, absence for mental health reasons as: ***HB 1834, CH 31 (2022)**
- Attendance, reducing absences with multitiered and culturally/linguistically responsive supports system: HB 1113
- Attendance, unexcused absences and truancy petitions: HB 1113
- Basic education funds, OSPI authority to delay/withhold, limiting, and requiring revised funds distribution rules: HB 2000
- Bonds and payment levies, school district, simple majority to authorize: HB 1226, HJR 4200
- Bonds, for capital projects, bond authorization training for district boards of directors: HB 1306
- Bone marrow donation, awareness of, public school instruction in: SSB 5594
- Buildings, public school, statewide first responder building mapping information system data, transfer to OSPI: HB 1484
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- Camas High School Papermakers gymnastics team, congratulating: ***HR 4614 (2021)**
- Career and technical education, career-connected program in agriculture, food, and natural resource sciences: HB 1544
- Career and technical education, dual credit courses, low-income students in, subsidizing costs via program: HB 1760
- Career and technical education, skill center programs class size, reducing: HB 1415
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- Career pathways day, at high schools, options for/barriers to, report on: ***E2SSB 5600, CH 156 (2022)**
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- Charter schools, enrollment stabilization allocations for, when: HB 1476, HB 1590
- Charter schools, establishing, extending time frame for: HB 1195, HB 1962
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- Charter schools, public, bone marrow donation, awareness of, instruction in: SSB 5594
- Charter schools, public, local effort assistance funding for: HB 1591
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- College in the high school programs, low-income students in, maximum per college credit tuition fee for: HB 1760
- College in the high school programs, low-income students in, subsidizing costs via low-income student program: HB 1760
- College in the high school programs, statutory provisions governing, reorganizing and clarifying: HB 1302
- Computer science, elective course in, for youth in institutional education program in juvenile institution: ***SB 5657, CH 234 (2022)**
- Computer science, substituting for 3rd-year math or science course, for purposes of graduation requirements: ***SB 5299, CH 307 (2021)**
- Construction work, "other work" excluded from, procurement requirements for service contracts for: ***ESB 5017 (2022)**

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COVID-19, enrollment stabilization allocations for local education agencies due to, when: HB 1476, HB 1590

COVID-19, governor emergency education relief fund, using freed-up federal coronavirus funds for: HB 1368

COVID-19, learning loss/missed extracurricular activities, bridge year pilot program establishment to address: 2SSB 5265

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Health, epilepsy/seizure disorders, students with, health plans and parent-designated adults for: HB 1085

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Health, mental health, absence for mental health reasons to be excused absence: ***HB 1834, CH 31 (2022)**

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Health/social services, funding, reclassifying as physical, social, and emotional support staff funding: HB 1664, HB 1985

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- Indian tribal schools, bone marrow donation, awareness of, instruction in: SSB 5594
- Indian tribal schools, enrollment stabilization allocations for, when: HB 1476, HB 1590
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- Indian tribal schools, teacher syllabi and instructional materials, by grade or course, posting on website: HB 2056
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- Institutional education program, elective computer science course for youth in juvenile institution: *SB 5657, CH 234 (2022)
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- Language access programs, for culturally responsive systemic family engagement, districts to implement: HB 1153
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- Levies for schools, state and state additional property taxes, valuation for, at lesser of true/fair value or 2018 value: HB 2129
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- Levies for schools, state property tax levies, property valuation for, at lesser of true/fair value or 2018 value: HB 2129
- Levies for schools, state property tax levies, property valuation for, lowering to 75 percent of true and fair value: HB 2125
- Levies for schools, state property tax, limitations upon, part I and part II highest lawful levy amounts: HB 1358, HB 1898
- Levies, state property tax, statements or notices of taxes due, "school tax" or similar phrase in, prohibiting: HB 1581
- Mascots/logos/team names, public school use of Native American names/symbols/images as, prohibiting: HB 1356
- Mastery-based learning, barriers to, work group on, cross-disciplinary student skills profile, developing: *SSB 5249, CH 144 (2021)
- Meal programs, reduced-price lunches, eliminating copays: *EHB 1342, CH 74 (2021)
- Meal programs, school breakfast/national school lunch, income information electronic repository for, establishing: *HB 1833, CH 111 (2022)
- Meals, requiring K-8 students to eat or drink outside, prohibiting, and limiting student option to eat/drink outside: HB 1976
- Media literacy and digital citizenship, supporting through district leadership teams, grant program: SB 5242
- Menstrual hygiene products, in gender-neutral and female-student bathrooms, providing: HB 1273
- Mental health, psychologists and social workers, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985

Military-friendly schools, committed to military students/families, purple star award to recognize, creating: SSB 5762
 Nurses, as physical/social/emotional support staff, allocations for: HB 1664, HB 1985
 Nursing assistants, certified, high school student CNA's/trainees utilization in rural hospitals, pilot programs for: SSB 5892
 Outdoor school for all program, establishing and awarding grants for: HB 2014, HB 2078
 Outdoor/nature-based education programs in schools, pilot project for, establishing: HB 1466
 Paraeducators, fundamental course of study for, deadlines for providing and requirements for in-person instruction: EHB 1942
 Parents and families of Washington state's students, recognizing their important role and honoring: ***HR 4649 (2022)**
 Parents' bill of rights, when child receiving public education, establishing and posting online: HB 2087
 Performing/visual arts, regular instruction in at least one visual art and one performing art at each public school: ***ESSB 5878, CH 250 (2022)**
 Physical education, credits, earning via voluntary community service actions: HB 1452
 Private schools, drinking water sampling/testing for lead, requirements: HB 1139
 Private schools, educational goods/services for, reimbursement of parents via freedom in education program for: HB 1555
 Private schools, family empowerment scholarship program, establishing: HB 1633, HB 2131
 Private schools, instructional hours and days/year, emergency waiver: ***EHB 1131, CH 8 (2021)**
 Private schools, K-12 education scholarship program, as voucher program, establishing: HB 1215, HB 2042
 Professional learning days, cultural competency/diversity/equity/inclusion standards and training during: ***ESSB 5044, CH 197 (2021)**
 Public education, when child receiving, parents'/legal guardians' rights, establishing and posting online: HB 2087
 Public speaking and confidence/leadership, pilot project grant program for: HB 1270
 Racism, institutional, training for staff/boards/superintendents in order to dismantle: ***ESSB 5044, CH 197 (2021)**
 Residential schools or juvenile detention facilities, enrollment stabilization allocations for, when: HB 1476, HB 1590
 Residential schools, institutional education program, duties of agencies and accountability work group: HB 1295
 Ridgefield High School, student Trey Knight, track and field athlete and national high school hammer throw record holder, honoring: ***HR 4616 (2021)**
 Running start program, low-income students in, subsidizing costs via low-income student program: HB 1760
 Running start program, running start summer school program, establishing: HB 1760
 Safety, bicycle and pedestrian programs, duties of: HB 1039
 Safety, bicycle education grant program, statewide school-based, establishing: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Safety, drills, conducted by schools, prohibiting if based on active shooter scenarios: HB 1941
 Safety, pedestrian and bicycle curriculum for, updating: HB 1039
 Safety, roadways in school walk areas, automated traffic safety cameras for speed violations in: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Safety, safe routes to school program, funding and analysis of: HB 1607
 Safety, safe routes to school program, grant funding under, when: HB 1039
 Safety, school seismic safety grant program, for school seismic safety grants and planning grants, establishing: HB 2095, ***SSB 5933, CH 113 (2022)**
 Safety/security services, K-12, provided by classified staff or contractors, requirements and training program: HB 1214
 Security, for public K-12 school system, background checks and training: HB 1737
 Sexual assault in schools, victim-centered trauma-informed approach to responding to: HB 1916
 Sexual health education, comprehensive, compliance dates for, delaying: HB 1422
 Sexual health education, comprehensive, sex trafficking, teaching how to prevent and avoid being recruited into: HB 2016
 Skill center programs, career and technical education class size for, reducing: HB 1415, HB 1664
 Skill center students, funding for classes in sending districts, provisions concerning: HB 2011
 Special education, enrollment stabilization allocations for, when: HB 1476, HB 1590
 Special education, IDD students, transition plans/high school and beyond plans/school to work program/etc.: ***SSB 5790, CH 167 (2022)**
 Special education, individual transportation of students with IEP: HB 1808, SSB 5581
 Sports, high school, bridge year pilot program for addressing missed opportunities, establishing: 2SSB 5265
 Sports, individual competition intended for female students, prohibiting students assigned male sex at birth from participation: HB 1556

- Sports, practices/competitions, mandatory mask/face covering or COVID-19 testing for, prohibiting, when: HB 1887
- Sports, school team names, using Native American names/symbols for, prohibiting: HB 1356
- Staff, cultural competency/diversity/equity/inclusion standards and training for: ***ESSB 5044, CH 197 (2021)**
- Staff, limited mental health staff certificate, for counseling of students impacted by COVID-19: HB 1444
- Staff, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: HB 1363
- STEM education innovation alliance, STEM education report card, data in: SSB 5553
- Student learning, center for improvement of, duties: HB 1208
- Student success, supporting, 2015 WSU report and recommendations on, updating: HB 1746
- Students not meeting academic standards, performance goals for, adopting/revising: HB 1208
- Students, highly capable, programs and services for, equity in: HB 1404, HB 1611
- Students, K-8, requiring eating or drinking to be done outside, prohibiting, and limiting student outdoor option: HB 1976
- Students, male, gender-based disparities and disproportionate negative outcomes for, efforts to reduce: HB 1917
- Students, parents and families of Washington state's, recognizing their important role and honoring: ***HR 4649 (2022)**
- Students, resumption of in-person instruction to prioritize delivery to certain groups of: HB 1366
- Students, transgender, policies/procedures, district primary contact regarding: HB 1900
- Students, when the subject of dependency proceedings, education requirements for: HB 1955
- Students, with disabilities, improving attendance via necessary services: HB 1113
- Students, with disabilities/developmental disabilities, school buses for transporting, video recording devices for: HB 2054
- Students, with epilepsy/seizure disorders, health plans and parent-designated adults: HB 1085
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- Teachers, certificated instructional staff experience factors, adding to regionalization factors for compensation: HB 1419
- Teachers, compensation, basic education allocations for, rebasing of: HB 1266
- Teachers, continuing education, to include equity-based school practices: HB 1426
- Teachers, cultural competency/diversity/equity/inclusion standards and training for: ***ESSB 5044, CH 197 (2021)**
- Teachers, housing for, school district role and tax exemption: SB 5043
- Teachers, residency certification, evaluation and recommendation for: HB 1028
- Teachers, residency certification, evidence-based assessment of teaching effectiveness for, repealing: HB 1028
- Teachers, retired but reentering school district employment while receiving pension payments, when: HB 1699
- Teachers, syllabi and instructional materials, by grade or course, district to post on website: HB 2056
- Teachers, with certificates/permits, reprimands of, rules for and work group on reviewing/vacating: HB 1791
- Technology, equity gaps in public schools, state plan for reducing: HB 1365, HB 1450
- Therapy animals and their human handlers, celebrating/honoring, and saluting therapy animal teams' service: ***HR 4656 (2022)**
- Traffic safety education, traffic stops for infractions, driver-law enforcement interactive best practices training about: HB 1585
- Transportation, during emergency, expanded services/funds allocation, during remote instruction: ***E2SSB 5128, CH 234 (2021)**
- Transportation, of pupils, vehicle transition to electric/alternative fuel vehicles, feasibility plans/charging stations: HB 1644
- Transportation, of students, individual arrangements for, costs/allocations and certain reports: HB 1808, SSB 5581
- Universal teleconnect service program, state, establishing: HB 1460
- Vaccination, COVID-19 vaccine, prioritizing school teachers and classified/private school staff for receipt of: HB 1420
- Vaccination, immunization program for school-age children, modifying provisions via students' medical freedom act: HB 1968
- Vaccination, law/rule/order requiring receipt of, exemption when medical/philosophical/religious objection: HB 1065
- Vaccination, law/rule/order requiring receipt of, prohibitions and exemption: HB 1065
- Vaccination, measles-mumps-rubella, philosophical or personal objection: HB 1006
- Vaccination, minimum required for schools/day care centers, prohibiting board of health from establishing: HB 1968
- Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: HB 1720
- Visual/performing arts, regular instruction in at least one visual art and one performing art at each public school: ***ESSB 5878, CH 250 (2022)**
- Water, lead in, sampling/testing at drinking water outlets, requirements: HB 1139
- Weapons/firearms, in facilities during meetings of district boards of directors, prohibiting: HB 1630

Wilfong, Ester, teacher, administrator, and professional association leader, recognizing and honoring: ***HR 4659 (2022)**

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Cultural access programs, sales/use tax for, imposition by a city, when: HB 1058

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STEM education innovation alliance, STEM education report card, data in: SSB 5553

STEM education, youth development programs promoting, voluntary grassroots advocacy organizations sponsoring: 2SSB 5643

Youth educational programming, capital facilities used for, deferred local sales/use tax funds use for: ***SSB 5080, CH 178 (2021)**

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Address confidentiality program, eligibility of election officials due to cyber harassment for: ***ESSB 5628, CH 231 (2022)**

Archivist, chief, secretary document recording standards role as: ***SB 5019, CH 137 (2021)**

Cyber harassment, of certain secretary of state's office staff and other election officials, class C felony: ***ESSB 5628, CH 231 (2022)**

Data, personal identity, verifiable credentials for protecting, secretary role: SB 5534

Election officials, cyber harassment of, class C felony: ***ESSB 5628, CH 231 (2022)**

Elections, post-certification audits of ballots/counting systems, independent company to conduct, secretary role: HB 1506

Elections, pre-certification audits of ballots and the manual count, secretary role: HB 1778

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Recording standards for documents, uniform, secretary rule-making authority: ***SB 5019, CH 137 (2021)**

Tax increase legislation, general election advisory votes, secretary to communicate results to office of code reviser: HB 1582

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Daffodil festival: ***HR 4643 (2022)**

SENIOR CITIZENS (See also DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; HOMES AND HOUSING; LABOR; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Aged, blind, or disabled assistance program, eligibility for victims of human trafficking: ***HB 1748, CH 208 (2022)**

Energy burden of low-income seniors, electrical or natural gas company discounts and grants to reduce: ***ESSB 5295, CH 188 (2021)**

Housing organizations, nonprofit senior, operating unlicensed bingo, as bona fide nonprofit organizations: HB 2025

Hunting licenses, big and small game, discounts for seniors: HB 1185

Osteoporosis, national osteoporosis month, recognizing and appreciating: ***HR 4615 (2021)**

Property tax exemption program, combined disposable income, health care/insurance deductions from: HB 1438

Property tax exemption program, manufactured/mobile home community landlord exemption under, when: HB 1248

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Senior call-check service and notification program, establishing: HB 1460

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Abortion, performing by means of medication, prohibiting, class C felony: HB 1679

Abortion/attempted abortion due to Down syndrome, class C felony: HB 1008

Aggravating circumstances, negative perception of non-hate crime offense victim as motivation: HB 1071

Assault, 3rd degree, provider's gametes/reproductive material implanted without consent into patient, class C felony: HB 1848

Ballots, drop boxes, unofficial collection site misrepresented as official: ***SB 5015, CH 85 (2021)**

Ballots, returning on behalf of person when lacking an established relationship with them, class C felony: HB 2115

Blacklisting, as prohibited labor practice, revisions to: HB 1005

Branding of another person, unlawful, crime of, class B felony: HB 1844

Catalytic converter, deceiving purchaser or purchasing despite deception, second offense, class C felony: HB 1873

Catalytic converter, purchase by scrap metal business that knows it is stolen, gross misdemeanor: HB 1873

Catalytic converter, theft with certain damage to owner's property, theft in second degree, seriousness level: HB 1873, HB 1994

Catalytic converters, confrontation with owner/3rd party trying to prevent theft, special allegation and verdict: HB 1994

Catalytic converters, stolen by defendant to sell/transfer/exchange online, special allegation and verdict: HB 1873

Coercive control, against family or household member or intimate partner, crime of, gross misdemeanor: HB 1449

Commutation of sentences, conditional: E2SSB 5036

Controlled substances act, convictions under, resentencing hearing for offender, when: ***SSB 5361, CH 286 (2021)**

Controlled substances, imitation, convictions for crimes involving, resentencing hearing for offender, when: ***SSB 5361, CH 286 (2021)**

Cyber harassment, involving electronic communication, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**

Cyber harassment, of criminal justice participant, class C felony: ***ESSB 5628, CH 231 (2022)**

Cyberstalking, using electronic tracking device, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**

Deadly weapon enhancements, provisions: HB 1169

Death penalty, in foreign country for apostasy/homosexuality/religious belief or practice, protection in child custody cases against: ***HB 1042, CH 23 (2021)**

Demonstrations, permitted, knowingly open carrying firearm/weapon at or near, gross misdemeanor: ***ESSB 5038, CH 261 (2021)**

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Drug offenses, controlled substance/counterfeit, manufacture/sale/distribution/etc., offenses/penalties, expanding: HB 1561

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Drug offenses, drug paraphernalia use, prohibitions, modifying: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Drug offenses, drug paraphernalia, prohibitions, exempting fentanyl testing equipment from: SB 5509

Drug offenses, fentanyl, knowingly possessing without prescription, criminal penalties for: HB 1922, HB 1937

Drug offenses, State v. Blake reimbursement account, creating: HB 1578

Drug offenses, State v. Blake, resentencing hearings and hearings to vacate convictions related to, conducting: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Election officials, harassing an election official, class C felony, when: SSB 5148

Election-related offices/facilities, firearms/weapons in, gross misdemeanor: HB 1618

Elections, fraud committed by election official/employee/volunteer, class C felony: HB 2115

Elections, fraud during an election, knowingly committing, class C felony: HB 2115

Emergency medical services provider or firefighter, interfering with, gross misdemeanor: HB 1826, SSB 5839

Emergency services, theft from, in the first degree, class B felony: HB 2120

Emergency services, theft from, in the second degree, class C felony: HB 2120

Enhancements, deadly weapon, earned release time, when: HB 1282

Enhancements, firearm or deadly weapon, consecutive, resentencing, petition for: HB 1169

Enhancements, for certain controlled substance violations in protected zones, eliminating: HB 1169

Enhancements, for involving minor in criminal street gang-related felony, eliminating: HB 1169

Enhancements, partial confinement and earned release for, restrictions on, eliminating: HB 1169

Enhancements, various, earned release time, when: HB 1282

Firearm enhancements, various, provisions: HB 1169, HB 2094

Firearm/weapon, in election-related offices/facilities, gross misdemeanor: HB 1618

Firearm/weapon, in facilities during school district board of directors meetings, gross misdemeanor: HB 1630

Firearm/weapon, knowingly open carrying at state capitol or in or near permitted demonstration, gross misdemeanor, when: ***ESSB 5038, CH 261 (2021)**

Firearm/weapon, knowingly open carrying in location of governing body meeting, gross misdemeanor: HB 1630

Firearms, ghost guns/ghost gun kits, prohibitions, misdemeanor/gross misdemeanor, when: HB 1705

Firearms, untraceable, and unfinished frames/receivers, prohibitions, misdemeanor/gross misdemeanor: HB 1705

Firefighter or emergency medical services provider, interfering with, gross misdemeanor: HB 1826, SSB 5839

Fur farming and fur products manufacturing/production, prohibitions, misdemeanor: HB 1375, HB 1718

Harassment, of an election official, class C felony, when: SSB 5148

Hate crime offenses, as crimes against persons: HB 1071

Hazing, by person attending college and causing substantial bodily harm to another person, class C felony: HB 1758

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Impaired driving, felonies, prior offense time limitation, extending: ESB 5054

Indigency, court authority to refrain from imposing costs on indigent defendant, when: HB 1412

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Laser, unlawful discharge of a, first degree, class A felony: HB 1394

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Laser, unlawful discharge of a, sentencing provisions: HB 1394

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Life without possibility of parole, for offense committed when 16 to 24 years of age, resentencing and release: HB 1344

Long sentences, for offenses committed before age of 25, release from confinement, when: HB 1344

Mental health condition, at time of criminal offense, mitigating sentence due to: HB 1637

Mental health sentencing alternative to incarceration, eligibility for: ***2SSB 5293, CH 242 (2021) PV**

Metal property, private, scrap metal business purchasing/receiving when known to be stolen, gross misdemeanor: HB 1873

Metal property, scrap, deceiving purchaser or purchasing despite deception, second offense, class C felony: HB 1873

Metal property, theft with certain damage to owner's property, theft in second degree, seriousness level: HB 1873, HB 1994

Mischief, criminal, to include openly carrying/displaying deadly weapon in threatening manner, class C felony: HB 1283

Murder, first degree, aggravated, eliminating firearm discharge from/near motor vehicle as basis for: HB 1692

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Offender scores, drug offenses, level I, sentencing grid for, modification of: HB 1307

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Offender scores, failure to register as sex or kidnapping offender, deleting cross reference: ESB 5054

Offender scores, increased due to juvenile adjudications/convictions, resentencing hearing when: HB 1413

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Physical control of vehicle under the influence, provisions: HB 1817, HB 2021, ESB 5054, ***SSB 5728, CH 162 (2022)**

Reproduction, assisted, false representation in, by persons/health care providers/entities, class C felony: HB 1848

Robbery, first or second degree, attempt or incident at cannabis retail outlet, special allegation and verdict: HB 2029, SB 5927

Robbery, second degree, as persistent offender finding basis, conditional commutation: E2SSB 5036

Robbery, second degree, as persistent offender finding basis, resentencing hearing for offender: ***ESB 5164, CH 141 (2021)**

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Theft, from emergency services, in the second degree, class C felony: HB 2120

Theft, in second degree, metal property theft with certain damage to owner's property, seriousness level: HB 1873, HB 1994

Theft, organized retail theft in 2nd degree, with multiple accomplices participating in, class C felony: SB 5781
 Vehicular assault under influence, of more than one intoxicating substance, increasing standard sentence range: HB 2021
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 Weapon/firearm, in facilities during school district board of directors meetings, gross misdemeanor: HB 1630
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Sexually violent predators, transitioning into community, board policy recommendations for: ***E2SSB 5163, CH 236 (2021)**

SEX OFFENSES AND OFFENDERS (See also SEX OFFENDER POLICY BOARD)

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 Assault, sexual, cases of, statewide resource prosecutor for, grant program for establishing: HB 1916
 Assault, sexual, examination of state resident victim by out-of-state facility, WA state reimbursement of costs: HB 1916
 Assault, sexual, in schools, victim-centered trauma-informed approach to responding to: HB 1916
 Assault, sexual, nonfatal strangulation victims, forensic nurse examiners for: ***2SSB 5183, CH 269 (2021)**
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 Assault, sexual, survivors of, rights of and case status updates for: HB 1109
 Assault, sexual, training for officers investigating cases and interacting with victims: HB 1916
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 Assault, sexual, victims of, terminating tenancy, landlord mitigation program role: HB 1593
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 Commercial sexual abuse of minor, victims of, vacation of conviction records of, applying for, when: ***ESSB 5180, CH 237 (2021)**
 Commercially sexually exploited adults, health and transition centers for, requirements and funding: HB 1989
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 Exploitation of a minor, sexual, apparent victim of, transportation by law enforcement to parent/legal guardian: HB 1989
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 Exploitation of children, sexual, offenses involving, mandatory offender fee, modifying requirements: HB 2043
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 Harassment, and discrimination, policies and complaint procedures, model student handbook language for: HB 1900
 Harmful material, providing to a minor, crime of, establishing as gross misdemeanor or class C felony: HB 1292
 Indecent liberties, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Inmate, convicted of sex offense and housed in facility housing persons of different biological sex, prohibiting, when: HB 1960
 Internet crimes against children task force, recommendations of, implementing: SSB 5572

Minors, sexually explicit conduct, selling depictions of self engaged in, when no other minor in depictions: SSB 5572
 Misconduct, sexual, with minor, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)
 Molestation, of child, 1st/2nd/3rd degrees, raising seriousness levels of: HB 1384
 Molestation, of child, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)
 Offenders, victims of sex offenses/domestic violence, vacation of conviction records of, applying for, when: *ESSB 5180, CH 237 (2021)

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Rape of a child, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)

Rape, second degree, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)

Registration as offender, failure to register, offender score, deleting cross reference: ESB 5054

Sexually violent offenders, in special commitment center, state ID card for: *E2SSB 5163, CH 236 (2021)

Sexually violent predators, conditional release and transition facilities development, studying: *E2SSB 5163, CH 236 (2021)

Sexually violent predators, conditional release of, options, placement, and treatment: *E2SSB 5163, CH 236 (2021)

Sexually violent predators, conditional release of, to less restrictive alternative: *E2SSB 5163, CH 236 (2021)

Sexually violent predators, placement of, geographical distribution: *E2SSB 5163, CH 236 (2021)

Sexually violent predators, sex offender treatment providers, increasing, work group on, convening: *E2SSB 5163, CH 236 (2021)

Trafficking, sex, comprehensive sexual health education to include how to prevent and avoid being recruited into: HB 2016

Trafficking, sex, indigenous survivors of, services and resources for, grant funding to provide and support: HB 1571

Trafficking, sex, informational posters in safety rest areas, modifying requirements: HB 2077

Trafficking, sex, using motor vehicle in committing, disqualification from driving commercial vehicle for life: *SSB 5631, CH 51 (2022)

Trafficking, sex, victims of, aged, blind, or disabled program eligibility for: *HB 1748, CH 208 (2022)

Trafficking, sex, victims of, vacation of conviction records of, applying for, when: *ESSB 5180, CH 237 (2021)

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Crab, biotoxin contamination regulation of, department of health authority for: HB 1508

Fishing and shellfishing opportunity grant program, creating to increase youth participation: HB 1431

Licenses, personal use shellfish and seaweed license, age threshold for mandatory licensing, raising: SB 5552

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Child care agencies operating without a license, complaints, model policy for responding to, WASPC role: HB 1454

Community oversight boards, compliance with requirement to establish, reporting of, WASPC role: HB 1203

Emergency services, theft from local fire/medical services, replacing stolen equipment, funds for, WASPC role: HB 2120

Fund the police act of 2022, recruitment/retention/support of law enforcement officers. WASPC role: HB 1787

Law enforcement agencies, local in WA, funding and staffing levels of, studying, WASPC role: HB 1787

Law enforcement agencies, one-time body camera programs funding awards, WASPC role: HB 1787

Law enforcement recruitment efforts and related programs, WASPC role: HB 1787

Notification systems, WASPC records pursuant to, public disclosure exemption: *ESSB 5245, CH 82 (2022)

Officers, behavioral health/suicide prevention, pilot programs, WASPC role: HB 1000

Scrap metal businesses, ongoing electronic statewide no-buy list database program, WASPC role: HB 1873

Solitary confinement, use in correctional facilities, monthly reports on, WASPC role: HB 1756

Statewide first responder building mapping information system, repealing, WASPC data transfer/notice duties: HB 1484

SHORELINES AND SHORELINE MANAGEMENT (See also HYDRAULIC PERMITS AND PROJECTS; LAKES AND RESERVOIRS; MARINE WATERS, STATE; RIVERS AND STREAMS; SHORELINES HEARINGS BOARD)

Dredged materials, disposal of, at site used for federal navigation channel projects/activities site: HB 1193

Fish habitat and passage projects, public, substantial development permit requirements exemption: ***SSB 5381, CH 289 (2021)**

Marine shoreline stabilization/armoring, replacing, options and requirements for: ***SSB 5273, CH 279 (2021)**

Marine shoreline stabilization/armoring, replacing, to include residential and nonresidential: HB 1838

Marine structure, in waters of Puget Sound, replacement or repair of, most recent code standards: E2SSB 5885

Master programs, county and city schedule for reviews/revisions, extending periodic deadlines: HB 1241, HB 1978

Mitigation, compensatory, and mitigation hierarchy and net ecological gain: HB 1117

Navigation channel maintenance/improvements on Columbia river, by U.S. army corps of engineers, requirements exemption, when: SSB 5125

Navigation channel maintenance/improvements, federal, permit/review requirements, removing various: HB 1193

Ports, public, activities undertaken by, exemption from permitting, when: HB 1436

Salmon, recovery of, riparian management zone protection and restoration, requirements: HB 1838

Salmon/anadromous fish, recovery of, supporting through SMA planning revisions: HB 1117

Salmon/steelhead, recovery of, supporting through SMA: HB 1653

Shoreline master programs and GMA comprehensive plans, review/revision schedules coordination: HB 1241

Shoreline master programs, guidelines for, addressing sea level rise/increasing storm severity: HB 1099

SHORELINES HEARINGS BOARD (See also POLLUTION CONTROL HEARINGS BOARD; SHORELINES AND SHORELINE MANAGEMENT)

Project permitting and review processes, for clean energy projects, facilitating siting/permitting, board role: HB 2002

SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; LONG-TERM CARE; PUBLIC ASSISTANCE)

Assisted living facilities, medicaid payment methodology, fully funded model for, DSHS role: HB 1645

Broadband assistance program, Washington, to provide reduced voice and broadband services rates, DSHS role: HB 1723

Child support, when child incarcerated in juvenile rehabilitation facility, DSHS enforcement role, repealing: HB 1897, HB 2050

Cyberstalking, of adult protective services employee, class C felony: ***ESSB 5628, CH 231 (2022)**

Dementia/Alzheimer's disease, dementia action collaborative, establishing, DSHS role: HB 1646

Developmental and intellectual disabilities, individuals with, school to work program, establishing, DSHS role: ***SSB 5790, CH 167 (2022)**

Developmental and intellectual disabilities, individuals with, statewide council, establishing, DSHS role: ***SSB 5790, CH 167 (2022)**

Developmental disabilities administration, no-paid service caseload clients, case resource management services: ***SSB 5819, CH 247 (2022)**

Developmental disabilities administration, no-paid service caseload, new employees to review and maintain: ***SSB 5819, CH 247 (2022)**

Developmental disabilities administration, services provided by, eligibility and delivery of, review of: ***ESSB 5268, CH 219 (2022)**

Evergreen basic income trust, creating within DSHS: HB 2009

Homeless encampments, public right-of-way, office of intergovernmental coordination on, creating, DSHS role: E2SSB 5662

Hospitals, state, bureau of family experience to be established within each, DSHS role: 2SSB 5807

Hospitals, state, child study and treatment center in Pierce county to be third state hospital: 2SSB 5807

Long-term care system, state, training materials for local health jurisdictions concerning, developing, DSHS role: HB 1218

Long-term services and supports, medicaid, eligibility determinations/other functions, DSHS contracts with tribes for: HB 2060, ***SB 5866, CH 255 (2022)**

Medical school graduates, international, limited license for, when nominated by DSHS: HB 1129

Public assistance, applicants/recipients, adjudicative proceeding application deadline, missing, good cause exception:

***SSB 5729, CH 163 (2022)**

Public assistance, minimum service expectations and requirements for DSHS, establishing: HB 2075

Senior call-check service and notification program, establishing: HB 1460

Sexually violent predators, conditional release to less restrictive alternative, placements for, DSHS role: ***E2SSB 5163, CH 236 (2021)**

Sexually violent predators, conditional release/transition facilities development, DSHS to study: ***E2SSB 5163, CH 236 (2021)**

Sexually violent predators, sex offender treatment providers, increasing, work group on, DSHS role: ***E2SSB 5163, CH 236 (2021)**

SOLID WASTE (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS MATERIALS; HAZARDOUS WASTE)

Animal meat, waste material from and garbage associated with, feeding to swine, prohibiting: SB 5300

Batteries, large format, possible battery stewardship program participation by producers of: HB 1896

Batteries, portable and medium-format, battery stewardship organizations and plans, producer participation in: HB 1896

Biodegradable products, labeling supported by national/international test methods: HB 1686

Compost procurement ordinances and plans, requirements for local governments: HB 1799

Compost reimbursement pilot program, establishing and implementing: HB 1799

Food serviceware, single-use, food service business supplying only when customer wants: ***E2SSB 5022, CH 313 (2021)**

Industrial symbiosis grant program, for local waste coordination project grants: ***SB 5345, CH 308 (2021)**

Industrial waste coordination program, for local industrial symbiosis projects support: ***SB 5345, CH 308 (2021)**

Landfills, methane emissions from, activities to reduce: HB 1799

Landfills, municipal or limited purpose, methane emission limits and collection/control systems: HB 1663

Litter control, "pick it up, Washington" program, operation of: HB 1501

Litter control, funding and agency coordinated efforts: ***SB 5040, CH 231 (2021)**

Organic materials management facilities, siting of: HB 1799

Organic materials management, comprehensive provisions for: HB 1799

Organic materials, waste collection requirements, solid waste plans, and landfill disposal reduction: HB 1799

Packaging and paper products, producer responsibility organizations for, provisions governing: HB 2003

Packing materials, renting or leasing through sharing and reuse program, sales and use tax exemption: HB 1830

Plastic beverage containers, postconsumer recycled content, minimum, requirements: ***E2SSB 5022, CH 313 (2021)**

Plastic bottles and rigid plastic containers, resin type code labels for: ***E2SSB 5022, CH 313 (2021)**

Plastic carryout bags, single-use, alternatives to, delaying requirements for: HB 1053

Plastic household cleaning and personal care product containers, postconsumer recycled content: ***E2SSB 5022, CH 313 (2021)**

Plastic packaging and film/food service/other products, compostable or noncompostable, labeling to indicate: HB 1799

Plastic packaging material, nonbiodegradable, suspending production/usage/sale in favor of biodegradable materials: HB 2116

Plastic packaging, postconsumer recycled content for, stakeholder advisory committee on, convening: ***E2SSB 5022, CH 313 (2021)**

Plastic packaging, postconsumer recycled content, minimum, requirements: HB 1488, HB 1932, HB 2003, ***E2SSB 5022, CH 313 (2021)**

Plastic packaging, postconsumer recycled content, stakeholder advisory committee, establishing: HB 1488

Plastic packaging, producer responsibility programs and reuse/recycling rates: HB 1118

Plastic products, biodegradable, labeling supported by national/international test methods: HB 1686

Plastic trash bags, postconsumer recycled content and labeling requirements: ***E2SSB 5022, CH 313 (2021)**

Plastic trash bags, state agency purchasing when complying with postconsumer recycled content requirements: ***E2SSB 5022, CH 313 (2021)**

Polystyrene products, expanded, sales and distribution prohibitions: HB 1118, ***E2SSB 5022, CH 313 (2021)**

Recyclability, of products/packaging in the state, material characterization studies to provide information: HB 1932

Recyclability, of products/packaging, when deceptive/misleading claim made about, selling/etc., prohibiting: HB 1932, HB 2003

Recycled content account, creating: ***E2SSB 5022, CH 313 (2021)**

Recycled content paper carryout bags, use of nonwood renewable fiber in: HB 1145

Recycling and waste reduction, renew advisory council, establishing: HB 2003

Recycling enhancement account, creating: ***E2SSB 5022, CH 313 (2021)**

Recycling, plastic resin markets, studying: ***E2SSB 5022, CH 313 (2021)**

Recycling, solar photovoltaic module stewardship/takeback program, delaying certain implementation dates: ***HB 1393, CH 45 (2021)**

Recycling/reuse, plastic and other packaging, producer responsibility programs: HB 1118

Trash bags, plastic, postconsumer recycled content and labeling requirements: ***E2SSB 5022, CH 313 (2021)**

Trash bags, plastic, state agency purchasing when complying with postconsumer recycled content requirements: ***E2SSB 5022, CH 313 (2021)**

SPECIAL AND SPECIAL PURPOSE DISTRICTS (See also AUDITOR, STATE; BOUNDARIES; CITIES AND TOWNS; CONSERVATION; COUNTIES; DIKING AND DRAINAGE; ELECTIONS; FIRE PROTECTION; HEALTH AND SAFETY, PUBLIC; HOMES AND HOUSING; LOCAL GOVERNMENT; PARKS; PORT DISTRICTS; SEWAGE AND SEWERS; SOLID WASTE; TRANSPORTATION; UTILITIES; WATER; WEEDS)

Aerial imaging technology, state/local/tribal government uses of, studying: HB 1629

Data, personal identity, verifiable credentials for protecting, use of/trust framework for, role of districts: SB 5534

Elections, general, even-year, district option to hold: HB 1156

Municipalities, contracts with community service organizations for public improvements, modifying requirements: HB 2052

Voting in elections, ranked choice, optional use by various districts: HB 1156

SPORTS AND RECREATION (See also HORSE RACING; OUTDOOR RECREATION; PARKS)

Athletic fields, local parks funding for, local sales/use tax: HB 1025

Athletic teams, at colleges, hazing prevention and reduction act: HB 1751

Athletics, intercollegiate, college athlete name, image, or likeness act, uniform: ESSB 5942

Athletics, intercollegiate, college athletes, name/image/likeness agents for, registration as: ESSB 5942

Athletics, intercollegiate, programs regulated by an association, representatives from, committee of, convening: ESSB 5942

Bowling alleys, proprietors of, making retail sales, B&O tax preferential rate: HB 1299

Football, Cooper Douglas Kupp, wide receiver, Los Angeles Rams, recognizing and honoring: ***HR 4662 (2022)**

Gymnastics, Camas High School Papermakers gymnastics team, congratulating: ***HR 4614 (2021)**

Health-related measures, restricting activities participation due to declining to comply with, prohibiting: HB 1305, HB 1317

High school sports, missed opportunities due to COVID, bridge year pilot program establishment to address: 2SSB 5265

Hockey, Dr. John Utendale, former coach and NHL hockey player, honoring: ***HR 4637 (2022)**

Pickleball, designating as official state sport: ***SB 5615, CH 188 (2022)**

Public schools sports teams, using Native American names/symbols for names of, prohibiting: HB 1356

School sports, individual competition intended for female students, prohibiting students assigned male sex at birth from participation: HB 1556

Skiing, ski rack on vehicle, temporary obstruction of single license plate by, allowing, when: ***EBH 1784, CH 130 (2022)**

Sport practices/competitions, mandatory mask/face covering or COVID-19 testing for, prohibiting, when: HB 1887

Sports exhibitions, in indoor/outdoor venues, "open safe, open now" plan Phase 3 regulations attendance limits: HB 1553

Student athletes, newly recruited, four-year colleges to reserve 50% of athletic scholarship funding for: HB 1390

Track and field, Trey Knight, Ridgefield High School, national high school hammer throw record holder, honoring: ***HR 4616 (2021)**

Wagering on sports events, crimes involving: HB 1674

Wagering on sports events, involvement by certain persons, prohibitions: HB 1674

Wagering on sports events, sports wagering lounges and sports boards: HB 1674

Wagering on sports events, through pools by cardrooms or racetracks, authorizing: HB 1674

STADIUMS AND OTHER VENUES

Community preservation/development authority, qualified facility/stadium, impact assessment fee on admission price: HB 2128

STALKING

Cyberstalking, using electronic tracking device, gross misdemeanor or class C felony: ***ESSB 5628, CH 231 (2022)**

Stalking protection orders, moving to a single civil protection orders chapter: HB 1320

Stalking protection orders, updating and modifying: HB 1901

Victim, terminating tenancy, landlord mitigation program role: HB 1593

STATE AGENCIES AND DEPARTMENTS (See also ADMINISTRATIVE PROCEDURE; AUDITOR, STATE; BUDGETS; BUILDINGS, STATE; CAPITOL CAMPUS, STATE; CHIEF INFORMATION OFFICER, OFFICE OF THE STATE; CIVIL ACTIONS AND PROCEDURE; COURTS; EMERGENCY, STATE OF; ENTERPRISE SERVICES, DEPARTMENT; GUBERNATORIAL APPOINTMENTS; LEGISLATURE; LOCAL GOVERNMENT; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; OPEN PUBLIC MEETINGS; PRODUCTIVITY BOARD; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC WORKS; RECORDS; SCHOOLS AND SCHOOL DISTRICTS; STATE GOVERNMENT; WAGES AND HOURS; WASHINGTON ADMINISTRATIVE CODE (WAC))

Aerial imaging technology, state/local/tribal government uses of, studying: HB 1629

Behavioral health consumer advocacy, state office of, establishing: HB 1086

Boards, aviation assurance fund board, convening and staffing: HB 2086

Boards, climate oversight board, creating: HB 1513

Boards, community aviation revitalization board, convening: HB 1030, ***SB 5031, CH 175 (2021)**

Boards, housing benefit district advisory board, establishing: HB 1128, HB 1880

Boards, oversight board for department of children, youth, and families, adding one member to: HB 1665

Boards, pesticide advisory board, establishing: HB 1993

Boards, prescription drug affordability board, establishing: HB 1671, ***2SSB 5532, CH 153 (2022)**

Boards, productivity board, reestablishing and revising requirements for: HB 1997, ESSB 5082

Boards, state election audit board, creating for each general election: HB 2115

Boards, sustainable equitable affordable measured board, establishing: HB 2020

Boards, Washington state board of dental therapy and dental hygiene, creating: HB 1885

Boards, workforce education investment accountability and oversight board, recodifying in RCW 28B.77: HB 1780

Boards/commissions, agricultural/related, reviewing for equity for historically underrepresented farmers: HB 1395

Boards/commissions, for health professions, member composition/compensation/qualifications/quorums for various: ***SSB 5753, CH 240 (2022)**

Boards/commissions/etc., class one groups, community members on, low-income/with lived experience, stipends/allowances for: ***2SSB 5793, CH 245 (2022)**

Budgeting, accounting, and reporting system, agency programs, zero-based budget reviews of: HB 1178

Budgeting, accounting, and reporting system, joint legislative fiscal oversight committee, establishing: HB 1163

Budgeting, accounting, and reporting system, joint legislative unanticipated revenue oversight committee, creating: SB 5909

Budgeting, accounting, and reporting system, near-general fund/outlook analysis and budget deficit: HB 1163

Budgeting, accounting, and reporting system, unanticipated receipts, agency allotment amendment request: SB 5909

Budgeting, accounting, and reporting system, unanticipated receipts, agency request/governor transmission: HB 1163

Commissions, audiology and speech-language pathology compact commission, establishing: HB 1043

Commissions, long-term services and supports trust commission, repealing trust program and: HB 1594

Commissions, nursing care quality assurance commission, executive director for: HB 1123

Commissions, psychology interjurisdictional compact commission, establishing: HB 1286

Commissions, recording standards commission, renaming e-recording commission as: ***SB 5019, CH 137 (2021)**

Commissions, state commercial aviation coordinating commission, extending deadlines/expiration dates for: HB 1198

Commissions, universal health care commission, establishing: ***E2SSB 5399, CH 309 (2021)**

Commissions, Washington state cannabis commission, establishing: HB 1710

Commissions, Washington state men's commission, establishing: HB 1917

Commissions, Washington state rural commission, establishing: HB 2136

Cooperative, Washington state public financial cooperative, establishing as state agency: E2SSB 5188

Cost of state government, administrative, 2021-2023, reducing: HB 1027

Cyber activities, malicious, state agency protections against, Washington state ransomware protection act: HB 2044

Cybersecurity, office of, creating: ***ESSB 5432, CH 291 (2021)**

Data, personal identity, verifiable credentials for protecting, use of and trust framework for, role of agencies: SB 5534

Data, personal, state agency sale to third party of, prohibiting: HB 1552

Data, state agency use of immutable data/file systems/backups, Washington state ransomware protection act: HB 2044

Executive branch, staffing/purchasing/travel/training, restricting in 2021-2023: HB 1027

- Fee increases, simple majority vote by legislature for approval: HJR 4203
- Health-related measures, in order/directive, right to decline to comply when ordered by agency/designee: HB 1305, HB 1317
- Housing and homelessness department, new state, legislative task force on creating a, establishing: HB 1987
- Human resources managers, state agency, committee for developing apprenticeship programs, establishing: ***E2SSB 5600, CH 156 (2022)**
- Information technology, state agency, independent security assessment of audits of, contracting for: ***ESSB 5432, CH 291 (2021)**
- Investments with entities headquartered/principally located in Russia or aiding Russia's invasion of Ukraine, prohibiting: HB 2137
- New state agencies/departments, as new statutory state spending programs, expiration date requirement: HB 1177
- Procurement, biochar, using in state agency-funded projects, when: ***SSB 5961, CH 293 (2022)**
- Procurement, contracts with entities aiding Russia's invasion of Ukraine, terminating/refraining from entering into: HB 2135, HB 2137
- Procurement, contracts with entities headquartered/principally located in Russia, terminating/refraining from entering into: HB 2135, HB 2137
- Procurement, copy paper, produced via process yielding less carbon dioxide, as agency purchase option: HB 1518
- Procurement, goods/services, product lead time as factor when economic conditions disrupt supply chains: HB 2092
- Procurement, outdoor power equipment, zero emission, agencies to purchase only, when: HB 1918
- Procurement, plastic trash bags complying with postconsumer recycled content requirements: ***E2SSB 5022, CH 313 (2021)**
- Procurement, reclaimed refrigerant purchasing preference: HB 1050
- Procurement, services and equipment, restricting in 2021-2023: HB 1027
- Procurement/contracting, building materials, environmental product declarations for: HB 1103
- Procurement/contracting, with competitive bidding, product lead time as factor when supply chains disrupted: HB 2092
- Programs, nonentitlement, agency zero-based budget reviews of, when: HB 1178
- Property, surplus public, intergovernmental disposition of, "affordable housing" for purposes of: HB 1511
- Property, surplus public, political subdivision/municipality disposal for affordable housing, requirements for: HB 1908
- Renewable fuels, statewide office of, establishing: ***SSB 5910, CH 292 (2022)**
- Resiliency, Washington state office of, establishing, and creating advisory board within office: HB 1147
- Russia's invasion of Ukraine, contracts with entities aiding, terminating or refraining from entering into: HB 2135, HB 2137
- Russia's invasion of Ukraine, investments with entities headquartered/principally located in Russia or aiding, prohibiting: HB 2137
- Russia, contracts with entities headquartered or principally located in, terminating/refraining from entering into: HB 2135, HB 2137
- Spending programs, new statutory state, performance statements/expiration dates for and JLARC review of: HB 1177
- Vaccination, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570
- Vehicles, electric, passenger/light duty vehicles of model year 2030 or later sold/registered in WA to be, as state goal: HB 2119, ***ESSB 5974, CH 182 (2022)**
- WorkFirst poverty reduction oversight task force, legislative-executive, adding nonvoting members: ***SB 5929, CH 176 (2022)**

STATE DESIGNATIONS, OFFICIAL

- Dinosaur, official state, Sucasaurus rex as: HB 1067
- Nickname, official state, designating "The Evergreen State" as: ESB 5512
- Sport, official state, designating pickleball as: ***SB 5615, CH 188 (2022)**

STATE GOVERNMENT (See also ADMINISTRATIVE PROCEDURE; BUDGETS; CAPITOL CAMPUS, STATE; COURTS; GOVERNOR; JUDGES; LEGISLATURE; PUBLIC EMPLOYMENT AND EMPLOYEES; STATE AGENCIES AND DEPARTMENTS)

- Branches of state government, legislative/executive/judicial, interbranch advisory committee, creating: ***ESSB 5490, CH 284 (2022) PV**
- Capitol building lands, modifying statutory provisions: EHB 2073
- Contributions to state expenditures, voluntary, help out Washington state government act for: HB 1238
- Cost of, administrative, during 2021-2023 fiscal biennium, reducing: HB 1027

Environment, clean/healthy, right to, and state political subdivisions as natural resources trustees: HJR 4209
 Russia's invasion of Ukraine, investments with entities headquartered/principally located in Russia or aiding, prohibiting: HB 2137
 Russia's invasion of Ukraine, state agency contracts with entities aiding, terminating or refraining from entering into: HB 2135, HB 2137
 Russia, contracts with entities headquartered or principally located in, terminating/refraining from entering into: HB 2135, HB 2137
 State capitol committee, as interbranch advisory committee of state government, re-establishing: EHB 2073
 State of liberty, creating from eastern Washington, and establishing transition committees for: HB 1239
 State of liberty, creating from eastern Washington, petitioning congress for consent: HJM 4000
 State of the state address, joint legislative session for: ***HCR 4406 (2022)**
 Taiwan, partnership between the people of Washington state and the people of, recognizing and honoring: ***HR 4651 (2022)**
 Taiwan, strong commercial/cultural/economic relationship between Washington and, acknowledging: ***HR 4613 (2021)**
 Tribal-state relations committee, joint legislative, establishing: HB 1640
 United States, founding of, WA's semiquincentennial committee for observing 250th anniversary of, establishing: ***SSB 5756, CH 97 (2022)**
 Vaccination, COVID-19 vaccination proof for access to public places, prohibiting government from requiring: HB 1570

STUDENT ACHIEVEMENT COUNCIL

Apprentices, supplemental CC/TC instruction/credits and degree pathways/related issues, examining, SAC role: ***E2SSB 5764, CH 166 (2022)**
 Apprentices, various issues involving, contracting with Ruckelshaus center for examining of, SAC role: ***E2SSB 5764, CH 166 (2022)**
 Athletics, intercollegiate, programs regulated by an association, representatives from, committee of, convening: ESSB 5942
 Behavioral health loan repayment program, increasing loan repayment awards for certain professionals, SAC role: HB 1504
 Capital projects, 4-year colleges, supporting health care/behavioral health programs enrollment, SAC role: HB 1949
 Family empowerment scholarship program, as private school or home instruction program, establishing, SAC role: HB 1633, HB 2131
 Free application for federal student aid/state application for financial aid, community grant program for, SAC role: HB 1835
 Gift equity packaging policy, receiving up to full unmet need when receiving private scholarship, SAC role: ***HB 1907, CH 138 (2022)**
 Homeless and foster care students pilot program, expanding access to: HB 1166
 K-12 education scholarship program, as private school or home-based instruction voucher program, establishing: HB 1215
 Membership of council, adding graduate student to: HB 1472
 Student achievement council fund for innovation and quality, eliminating and replacing: ***2SSB 5789, CH 244 (2022)**
 Undocumented student relief grants, using freed-up federal coronavirus funds for: HB 1368
 Washington career and college pathways innovation challenge program, establishing: ***2SSB 5789, CH 244 (2022)**
 Washington college grant program, statewide marketing campaign for, conducting, SAC role: HB 1835
 Washington fund for innovation and quality in higher education program, repealing: ***2SSB 5789, CH 244 (2022)**
 Workforce education investment accountability and oversight board, staff support for, SAC to provide: HB 1780

STUDENT FINANCIAL ASSISTANCE, OFFICE (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES)

Crime victims and families scholarship program, establishing, office role: HB 1584
 Health professional loan repayment and scholarship program, office role: HB 1504
 K-12 education scholarship program, as private school/home-based instruction voucher program, establishing, office role: HB 2042
 Nurse educator loan repayment program, establishing, office role: ***HB 2007, CH 276 (2022)**
 Student loan advocate, federal public service loan forgiveness program, materials concerning, advocate role: ***ESSB 5847, CH 248 (2022)**
 Washington college grants, eligibility of recipients of certain public assistance, office role: HB 1835

Washington health corps, administrator of programs under, office as: ***HB 2007, CH 276 (2022)**
 Washington student loan program, creating, office role: HB 1736

STUDIES

Aerial imaging technology, state/local/tribal government uses of: HB 1629
 Apprentices, state registered, retention of, barriers and challenges to: ***E2SSB 5600, CH 156 (2022)**
 Behavioral health, root causes of rising behavioral health issues in Washington communities: HB 2053
 Biochar, manufacture of, sourcing forest products for, feasibility of: ***SSB 5961, CH 293 (2022)**
 Broadband fiber connections, missing, and inadequate service in underserved areas, addressing via highways: HB 1457, ESSB 5439
 Businesses, with liquor licenses, privileges granted to mitigate pandemic effects for, impacts of: HB 1480, SSB 5417
 Cannabinoids, review of available research/data/other jurisdictions' regulations related to: HB 2123
 Cardiac and stroke emergencies, current system response for: HB 1995, ***SSB 5821, CH 58 (2022)**
 Community and technical colleges, guided pathways model: ***E2SSB 5194, CH 272 (2021)**
 Community residential service providers for persons with developmental disabilities, medicaid rates for: ***ESSB 5268, CH 219 (2022)**
 Comprehensive plans, review/revision by counties/cities, costs for each jurisdiction size for: HB 1981
 Deserts, child care, with a focus on families of children with developmental/intellectual disabilities: HB 2082
 Disaster preparedness, necessary supplies stockpile, and commodity sourcing for: HB 1567
 Farmworkers, specific needs of: HB 1847, HB 2102
 Ferry employees, newly hired/from underrepresented communities, impact of bargaining agreements on: HB 1608
 Fiscal notes, accuracy and reliability of: HB 1179
 Global war on terror, state residents who died in, monument to honor: HB 1849
 Inmates, postsecondary education participation before and after release: HB 1044
 Law enforcement agencies, local in WA, funding and staffing levels of: HB 1787
 Personal data opt-out technology: 2SSB 5062
 Personal information, captured, processing by business entities, individual's opt-in consent for, obtaining: HB 1433
 Plastic resin markets: ***E2SSB 5022, CH 313 (2021)**
 Safe routes to school program, funding and administration of: HB 1607
 Sexually violent predators, conditional release/transition facilities development: ***E2SSB 5163, CH 236 (2021)**
 Space economy, employment and training opportunities in: HB 1190
 State patrol, commissioned officers, state barriers to hiring: HB 2057
 State patrol, commissioned/noncommissioned staff, labor force available for: HB 2057
 Third bridge over Columbia river between southwest WA and Oregon, options/strategies to construct: HB 2084
 Underground economy in the WA state construction industry, nature and scope of: SSB 5783
 Vehicle identification number inspection program, examining and recommending improvements: SSB 5778

SUBDIVISIONS (See also BOUNDARIES; MAPS AND MAPPING)

Permits, for construction projects, exemption from, when: HB 1436

SUBSTANCE USE DISORDER (See also ALCOHOLIC BEVERAGES; DRUGS; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH)

Advance directives, mental health, for behavioral health disorder treatment: ***ESSB 5370, CH 287 (2021)**
 Behavioral health administrative services organizations, community-based programs, establishing: HB 1578
 Behavioral health administrative services organizations, partial hospitalization/intensive outpatient programs for minors: ***2SSB 5736, CH 94 (2022)**
 Behavioral health administrative services organizations, providing treatment services, B&O tax deduction for: ***HB 1296, CH 124 (2021)**
 Behavioral health care, children in DCYF custody through child welfare services: HB 1205
 Behavioral health co-response services/programs, best practices/training/workforce development for co-responders: ***SSB 5644, CH 232 (2022)**
 Behavioral health consumer advocacy, state office of, establishing: HB 1086
 Behavioral health consumer advocacy, state office of, increasing minors' access to services: HB 1800
 Behavioral health consumer advocacy, state office of, statewide advisory council, adding member to: HB 1800
 Behavioral health consumer advocates, certified, role and certification of: HB 1086

- Behavioral health disorders, law enforcement arresting of persons with, alternatives to: HB 1499, HB 1578, ***ESB 5476, CH 311 (2021) PV**
- Behavioral health disorders, terminology in certain sex offense statutes, correcting: HB 1857
- Behavioral health disparities map, developing and maintaining: HB 2035
- Behavioral health emergency services, nonparticipating providers/out-of-network services/dispute resolution: HB 1688
- Behavioral health loan repayment program, certain civil asset forfeiture amounts to be deposited for use by: ***SSB 5728, CH 162 (2022)**
- Behavioral health loan repayment program, increasing loan repayment awards for certain professionals: HB 1504
- Behavioral health ombuds, regional programs, discontinuing and integrating into advocate program: HB 1086
- Behavioral health prevention and equity impact council, establishing: HB 2035
- Behavioral health services, client criminal justice system involvement reduction: ***SSB 5157, CH 267 (2021)**
- Behavioral health services, performance measures, improvement projects, and value-based purchasing: ***SSB 5157, CH 267 (2021)**
- Behavioral health services, via audio-only telemedicine, BHASO and MCO reimbursement for, when: HB 1196
- Behavioral health services, via telemedicine, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**
- Behavioral health settings, inpatient, medical assistance clients exiting, homelessness/housing instability: HB 1860
- Behavioral health settings, inpatient, medical assistance clients exiting, housing-related care coordination: HB 1860
- Behavioral health support specialists, as trained paraprofessionals, certification/use/practice of: E2SSB 5884
- Behavioral health workforce pilot program and training support grants for community treatment providers, establishing: HB 1504
- Behavioral health, community system, managed care organization contracts with agencies, continuity: HB 1281
- Behavioral health, crisis response/suicide prevention, implementation coalition and 988 crisis hotline system: HB 1182, HB 1477
- Behavioral health, improving, using criminal justice local sales/use tax for: HB 1069
- Behavioral health, mental health/substance use disorder providers, grant program for, establishing: HB 1504
- Behavioral health, root causes of rising behavioral health issues in Washington communities, work group to study: HB 2053
- Behavioral health/health care occupations with current/projected shortages, information on: HB 1949
- Capital projects, 4-year colleges, supporting health care/behavioral health occupations degree programs enrollment: HB 1949
- Children and youth behavioral health work group, membership/duties of and convening of advisory group by: HB 1890
- Children, abuse/neglect at SUD residential treatment facility, investigation of: HB 1920
- Commitment, involuntary, adolescents, designated crisis responder interviews by video to include: ***SSB 5073, CH 264 (2021)**
- Commitment, involuntary, care coordinator role: ***SSB 5073, CH 264 (2021)**
- Commitment, involuntary, of veterans, diversion to veterans administration facility for treatment: HB 1314
- Commitment, involuntary, orders for less restrictive alternative treatment: ***SSB 5073, CH 264 (2021)**
- Commitment, involuntary, reentry community services program expansion in order to include persons under: ***E2SSB 5304, CH 243 (2021) PV**
- Community and technical colleges, mental health counseling/services access for students, pilot program: ***E2SSB 5194, CH 272 (2021)**
- Community behavioral health agencies/providers, opioid overdose reversal medication dispensing/prescribing: ***2SSB 5195, CH 273 (2021)**
- Community behavioral health program, certain appropriations provided for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**
- Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: ***E2SSB 5304, CH 243 (2021) PV**
- Correctional facilities, body scanner pilot program, drug free prisons act for: ***2SSB 5695, CH 160 (2022)**
- Crisis response services, 988 crisis hotline coordination with hotline centers, 911 systems, and crisis system: HB 1182, HB 1477
- Deferred prosecution, for SUD/mental health disorder, when DUI/physical control of vehicle under influence: HB 1817
- Firearm rights, voluntary waiver of, role of substance use disorder professionals: SB 5491
- Hospitals, psychiatric, beds for psychiatric services, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**

- Impaired practitioner programs, as health programs, contracts with physician health or SUD monitoring program: HB 1654, ***SSB 5496, CH 43 (2022)**
- Impaired practitioner programs, as health programs, requirements under uniform disciplinary act: HB 1654, ***SSB 5496, CH 43 (2022)**
- Incarcerated persons, prohibiting medicaid suspense status when incarcerated for less than 30 days: HB 1348
- Juvenile consuming controlled substance, delivery from law enforcement custody to evaluation/treatment facility: HB 1559
- Managed care organizations, partial hospitalization/intensive outpatient programs for minors: ***2SSB 5736, CH 94 (2022)**
- Men/male youth/boys, gender-based disparities and disproportionate negative outcomes for, efforts to reduce: HB 1917
- Minors, behavioral health services for, access via HCA-dedicated employee/parent portal/advisory groups: HB 1800
- Minors, partial hospitalization/intensive outpatient programs for, BHASO and MCO provision of: ***2SSB 5736, CH 94 (2022)**
- Mobile mental health crisis intervention programs/services, emergency crisis assistance teams for, establishing: HB 1392
- Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550
- Opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**
- Opioid overdose reversal medication, dispensing/distribution by nurse in hospital ER, requirements: ***HB 1761, CH 25 (2022)**
- Opioid overdose reversal medication, dispensing/distribution of or prescription for, when: ***2SSB 5195, CH 273 (2021)**
- Opioid use disorder, opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**
- Opioid use disorder, opioid overdose reversal medication, access to and dispensing/distributing or prescribing of, requirements: ***2SSB 5195, CH 273 (2021)**
- Overdoses, overdose and suicide fatality review teams, establishing: HB 1074
- Parenting plans, modifying residential time restrictions due to alcohol/drug use when parent maintains sobriety: SSB 5920
- Peer specialists, certified, safe station pilot programs role of: ESSB 5074
- Peer specialists, certified, Washington state certified peer specialist advisory committee, establishing: HB 1865
- Peer specialists, including trainees, certified, profession of, creating: HB 1865
- Peer specialists/peer specialist trainees, licensed, licensing/practice requirements and advisory committee for: HB 1349
- Prescription drugs, warehousing/reselling, preferential B&O tax rate, eliminating to provide SUD recovery funding: HB 2091
- Psychiatric beds, in hospitals, certificate of need exemption to allow for: ***SSB 5236, CH 277 (2021)**
- Safe station pilot programs, at fire departments, grant program for: ESSB 5074
- Schools, suicide prevention/mental health/substance use/eating disorders information for students on websites of: HB 1373
- Substance misuse and use disorder, various efforts and programs for: ***ESB 5476, CH 311 (2021) PV**
- Substance use disorder professional trainees, certification renewal waiver for: ***HB 1063, CH 57 (2021)**
- Substance use disorder professionals, voluntary waiver of firearm rights role of: SB 5491
- Substance use disorder professionals/professional trainees, certification via apprenticeship program: ***EHB 1311, CH 165 (2021)**
- Substance use disorder, law enforcement interactions with persons with, basic training concerning: HB 1578
- Substance use disorder, various appropriations to certain agencies in connection with: ***ESB 5476, CH 311 (2021) PV**
- Substance use disorder/overdoses, information on school district/educational service district websites: HB 1759
- Substance use recovery services advisory committee, establishing: HB 1499, HB 1558, HB 1578, ***ESB 5476, CH 311 (2021) PV**
- Substance use recovery services plan, for measures to assist persons with SUD, establishing: HB 1499, HB 1558
- Substances use recovery services plan, to assist persons with SUD, establishing: HB 1578, ***ESB 5476, CH 311 (2021) PV**
- Telemedicine, audio-only, behavioral health services via, BHASO and MCO reimbursement for, when: HB 1196
- Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: HB 1196
- Telemedicine, audio-only, facility fee for, prohibiting originating-site hospitals from charging: HB 1708
- Telemedicine, audio-only, patient/provider "established relationship" before providing, requirements: HB 1821
- Telemedicine, behavioral health services via, BHASO and MCO reimbursement for, when: ***SSB 5325, CH 100 (2021)**

Telemedicine, delivery of behavioral health services to covered persons via, reimbursement for: ***SSB 5325, CH 100 (2021)**

Treatment, assisted outpatient, criteria/petitions/procedures for: HB 1773

Treatment, behavioral health administrative services organizations providing, B&O tax deduction for: ***HB 1296, CH 124 (2021)**

Treatment, community-based outreach and intensive care management programs, establishing: HB 1578

Treatment, evaluation and treatment facilities, delivery of juvenile from law enforcement custody to, when: HB 1559

Treatment, evaluation and treatment facilities, provisions: HB 2041

Treatment, expanded recovery support services program, establishing: HB 1578, ***ESB 5476, CH 311 (2021) PV**

Treatment, for juvenile offenders via community transition services program: HB 1186

Treatment, grant program for services for certain individuals with SUD, establishing: ***ESB 5476, CH 311 (2021) PV**

Treatment, homeless outreach stabilization and transition program, establishing: ***ESB 5476, CH 311 (2021) PV**

Treatment, inpatient, voluntary admission to, raising age for consent of minor to 16 years of age for: HB 2041

Treatment, inpatient/residential, planned/scheduled admission for, prior authorization by health plan/MCO, when: HB 1464

Treatment, involuntary outpatient: ***SSB 5073, CH 264 (2021)**

Treatment, less restrictive alternative, various orders for: HB 1773, ***SSB 5073, CH 264 (2021)**

Treatment, opioid overdose reversal medication bulk purchasing and distribution program, establishing: ***2SSB 5195, CH 273 (2021)**

Treatment, opioid overdose reversal medication dispensing/distributing or prescribing in connection with: ***2SSB 5195, CH 273 (2021)**

Treatment, outpatient, raising age for minor to request/receive to 16 years of age: HB 2041

Treatment, recovery navigator programs, BHASO's to establish: ***ESB 5476, CH 311 (2021) PV**

Treatment, secure withdrawal management and stabilization facilities: ***SSB 5073, CH 264 (2021)**

Treatment, services for certain low-income persons with, grant program for, establishing: HB 1578

Treatment, veterans, diversion from involuntary commitment to veterans administration facility: HB 1314

SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI) (See also SCHOOLS AND SCHOOL DISTRICTS)

Attendance, excused absence, absence for mental health reasons as, OSPI role: ***HB 1834, CH 31 (2022)**

Attendance, policies, OSPI rule-making role: HB 1113

Attendance, reducing student absences with multitiered supports system, OSPI role: HB 1113

Basic education funds, OSPI authority to delay/withhold, limiting, and requiring revised allocations distribution rules: HB 2000

Bicycle and pedestrian safety, safe routes to school program, analysis by OSPI and DOT: HB 1607

Bicycle and pedestrian safety, school curriculum relating to, OSPI to update: HB 1039

Bike safety awareness program, creating, OSPI role: HB 1039

Bridge year pilot program, to address learning loss/extracurricular activities missed due to COVID, OSPI role: 2SSB 5265

Building bridges programs, dedicated cannabis account appropriations for: ***E2SSB 5796, CH 169 (2022)**

Career pathways day, at high schools, options for/barriers to, report on, OSPI role: ***E2SSB 5600, CH 156 (2022)**

Career/technical education and student organizations, in agriculture/food/natural resource sciences, OSPI role: HB 1544

Developmental and intellectual disabilities, students with, transition process for, OSPI role: ***SSB 5790, CH 167 (2022)**

Discrimination/sexual harassment/harassment/intimidation/bullying, model student handbook language, OSPI role: HB 1900

Districts, boards of directors, implementation of state policies by, superintendent of public instruction role: HB 1986

Districts, small, consolidation of, planning grants for, OSPI role: SB 5487

Driver training schools, stops for infractions, driver-law enforcement interactive best practices training about, OSPI role: HB 1585

Dual credit courses/programs, annual report concerning, OSPI role: HB 1867

Dual credit courses/programs, subsidizing costs via low-income student program, OSPI role: HB 1760

Enrollment stabilization allocations for local education agencies, OSPI role: HB 1476, HB 1590

Financial education public-private partnership, OSPI role, modifying: HB 1938

Financial education, certificated staff professional development on, grant program for, OSPI role: HB 1938

Graduation: a team effort partnership advisory committee, duties of, OSPI role: ***HB 1834, CH 31 (2022)**

Health education, public health knowledge/skills needed by students in grades 9-12, OSPI to identify: HB 1149

Imagination library of Washington program, nonprofit to create and operate, OSPI role: HB 2068

Indian tribal activities/traditional education/leadership development programs participation, credits for, OSPI role: HB 2090

Institutional education program, for youth in/released from secure facilities, duties of OSPI and work group: HB 1295

Institutional education program, institutional education accountability work group, establishing: HB 1295

Language access programs, for culturally responsive systemic family engagement, OSPI role: HB 1153

Learning devices, student learning device grant program, establishing, OSPI role: HB 1365, HB 1450

Media literacy and digital citizenship, supporting through district leadership teams, grant program, OSPI role: SB 5242

Native education, office of, partnering with WSSDA for certain data gathering: ***SSB 5252, CH 9 (2022)**

Outdoor school for all program, establishing and awarding grants for, OSPI role: HB 2014, HB 2078

Outdoor/nature-based education programs in schools, pilot project for, establishing, OSPI role: HB 1466

Public health education advisory committee, convening, OSPI role: HB 1149

Public speaking and confidence/leadership, pilot project grant program, OSPI role: HB 1270

Purple star award, for recognizing military-friendly schools committed to military students/families, creating, OSPI role: SSB 5762

Running start program, running start summer school program, establishing, OSPI role: HB 1760

Safety, school seismic safety grant program, establishing, OSPI role: HB 2095, ***SSB 5933, CH 113 (2022)**

School meal programs, income information electronic repository for, establishing, OSPI role: ***HB 1833, CH 111 (2022)**

School staff, cultural competency/diversity/equity/inclusion standards and training for, OSPI role: ***ESSB 5044, CH 197 (2021)**

Schools, statewide first responder building mapping information system, transfer of public school data to OSPI: HB 1484

Sexual assault in schools, victim-centered trauma-informed approach to responding to, OSPI role: HB 1916

Staff, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address, OSPI role: HB 1363

Student learning, center for improvement of, duties: HB 1208

Students, highly capable, programs and services for, equity in, OSPI role: HB 1404, HB 1611

Superintendent, term limit, constitutional amendment: HJR 4207

Technology, equity gaps in public schools, state plan for reducing, OSPI role: HB 1365, HB 1450

Traffic safety education, stops for infractions, driver-law enforcement interactive best practices training about, OSPI role: HB 1585

Transportation, of students, individual arrangements for, costs/allocations, OSPI role: SSB 5581

Transportation, of students/special passengers, individual arrangements for, costs/allocations, OSPI role: HB 1808

Tribal consultation training and schedule, development of, OSPI role: ***SSB 5252, CH 9 (2022)**

TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC. (See also LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (JLARC); TAXES - PUBLIC UTILITY TAX)

Accessory dwelling units, low-income rental, as physical improvements to single-family dwellings, property tax exemption, when: HB 1841

Adult family homes, for persons with developmental disabilities, nonprofit-owned property for, property tax exemption: HB 1789

Affordable housing, multi-family property tax exemption for multi-unit residential structures and units converted to: ESB 5832

Alternative fuel vehicles and electric vehicles, certain tax preferences involving, role of general fund in supporting: HB 2119, ***ESSB 5974, CH 182 (2022)**

Alternative fuel vehicles, various tax preferences for: HB 1503, HB 2119, ***2SSB 5000, CH 171 (2021), *ESSB 5974, CH 182 (2022)**

Annexation sales tax credit, qualifying by annexing unincorporated territory within urban growth area, when: ***2SSB 5368, CH 312 (2021) PV**

Bad debts of buyers, B&O tax deduction and sales/use tax credit/refund for sellers for, narrowing: HB 1539

Behavioral health administrative services organizations, B&O tax deduction for: ***HB 1296, CH 124 (2021)**

Bowling alleys, proprietors of, making retail sales, B&O tax preferential rate: HB 1299

Breast pumps/repair/parts/supplies, sales and use tax exemptions: HB 1535

Broadband, low earth orbit satellites and wireline/wireless connections, tax preferences to support/facilitate: HB 1702

Bullion, precious metal or monetized, as intangible personal property, property tax exemption: HB 1417

Bullion, precious metal or monetized, sale of, B&O tax exemption: HB 1417

Businesses, economic impacts of COVID pandemic on, B&O tax credit: HB 1012

Businesses, economic impacts of COVID pandemic on, B&O tax deferral: HB 1188

Businesses, small, small business tax credit, increasing: ***ESSB 5980, CH 295 (2022)**

Businesses, start-up, B&O tax exemption for, when: HB 2114

Captive insurers, exempting from B&O taxation, when: ***2SSB 5315, CH 281 (2021)**

Carbon pollution tax, on sales/use of fossil fuels by EITE industries, tax credits in connection with, when: HB 1534

Clean fuels production facilities, sales/use tax deferral: HB 1988

Commute trip reduction incentives, tax credits for large employers implementing, role of general fund in supporting: HB 2119, ***ESSB 5974, CH 182 (2022)**

Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528

Commuter ride sharing, renaming as ride sharing, for purposes of certain excise tax preferences: HB 1514

Computer data centers, sales/use tax exemption, broadening eligibility and extending expiration: HB 1459, SSB 5262

Computer data centers, sales/use tax exemption, in counties with certain population, when: HB 1473, HB 1846

Cooperatives, limited equity, providing owned housing for low-income persons, property tax exemption: HB 1350, ***SB 5713, CH 93 (2022)**

COVID-19, economic impacts of, B&O tax deferral to address: HB 1188

COVID-19, economic impacts of, B&O tax exemption for eligible businesses to address: HB 1520

COVID-19, grants addressing impacts, B&O/public utility tax exemptions: HB 1002

COVID-19, grants addressing impacts, B&O/public utility/retail sales tax exemptions: HB 1095

Custom farming services, persons performing for a farmer, B&O tax exemption for: HB 1380

Custom farming services, persons performing, persons doing certain hauling for, public utility tax exemption: HB 1380

Customized employment training program, B&O tax credit, extending: HB 1033

Data centers, sales/use tax exemption, broadening eligibility, modifying further, and extending expiration: HB 1846

Diapers, adult and baby, sales and use tax exemptions: ESB 5309

Diapers/diaper services, infant/toddler/child, sales and use tax exemptions: HB 1535

Electric or hybrid vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572

Electric vehicles and alternative fuel vehicles, certain tax preferences involving, role of general fund in supporting: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric vehicles, various tax preferences for: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric vehicles, with hydrogen fuel cell, sales/use tax exemptions: ***2SSB 5000, CH 171 (2021)**

Energy conservation payments by BPA to utilities as credits, B&O tax exemption, when: ***SB 5008, CH 226 (2021)**

Engineers, state-funded road projects, firm payments on subcontracts to separate firm, B&O tax deduction: HB 1522

Equitable access to credit program, contributions to, B&O tax credit for: HB 1015

Farmers markets, nonprofit conducting activities related to, property tax exemption, when: HB 1906, HB 1967

Farmers markets, property owned by certain nonprofits and used for, property tax exemption: HB 1906, HB 1967, ***SB 5505, CH 84 (2022)**

Farming services, custom, person performing or hauling for person performing, tax exemptions for, when: ***HB 1641, CH 119 (2022)**

Farmworkers, temporary housing for, sales/use tax exemptions for, expanding: ***2SSB 5396, CH 250 (2021)**

Federal tax credit programs, new markets/rehabilitation/others, low-income school district participation to finance facilities: SSB 5181

Fire departments, fire suppression vehicles with emissions or fuel reduction technology, sales/use tax exemptions: HB 1479

Food manufacturing/selling of manufactured food products, B&O tax exemptions, removing expiration of: HB 1858

Foods, prepared, sold by grocery stores, sales and use tax exemptions: HB 1535

Fossil fuels, certain tax preferences for fossil fuel products, terminating: HB 1537

Fruit/vegetables, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285

Gold star family member, principal residence of, property tax exemption for: HB 1636

Hauling, agricultural products or farm machinery/equipment, for farmer, public utility tax exemption: HB 1380

Health and social welfare organizations, providing behavioral health treatment, B&O tax deduction for: ***HB 1296, CH 124 (2021)**

Health benefit exchange, B&O tax exemption for, eliminating expiration date of: ***HB 1765, CH 73 (2022)**

Historic automobile museums, deferred sales/use tax payments, forgiving first two payments due to COVID-19 pandemic: HB 2108

Hog fuel, sales and use tax exemptions, extending expiration of: HB 1387, HB 1924

Homes, single-family dwellings, damaged by natural disaster, improvements to, property tax exemption: ***ESB 5454, CH 192 (2021)**

Hospitality industry, certain businesses making certain retail sales, B&O tax preferential rate: HB 1299

Host homes, with host home programs, real property used as, property tax exemption: HB 1175

Housing, affordable owned, provided for low-income persons by low equity cooperatives, property tax exemption: HB 1350, ***SB 5713, CH 93 (2022)**

Housing, affordable rental, incentive program and property tax exemption: HB 1035

Housing, affordable rental, real property sale/transfer for, real estate excise tax exemption: HB 1643

Housing, affordable, multi-family property tax exemption for multi-unit residential structures in RTAs, expanding: ***E2SSB 5287, CH 187 (2021)**

Housing, affordable, properties selling/renting 25% of units to nonprofits/local government, property tax exemption: ***E2SSB 5287, CH 187 (2021)**

Housing, affordable/workforce, state sales tax remittance under infrastructure program: HB 1966

Housing, for school district employees, leasehold excise tax exemption: SB 5043

Hybrid or electric vehicles, purchase or use by rental car company, sales and use tax exemptions: HB 1572

Hydrogen, electrolytic/renewable, production facilities, sales/use tax deferral: HB 1988

Hydrogen, green electrolytic, electricity sales to businesses producing/processing, public utility tax exemption: HB 1792

Hydrogen, green electrolytic, production facilities as "electric vehicle infrastructure" for sales/use/leasehold tax exemptions: HB 1569, HB 1792, ***SSB 5910, CH 292 (2022)**

Hydrogen, green electrolytic, production facilities, adding to tax exemptions for renewable hydrogen production: ***SSB 5910, CH 292 (2022)**

Hydrogen, renewable, certain tax exemptions and production and sales by cities: HB 1792

Hydrogen, renewable, electricity sales to businesses producing/processing, public utility tax exemption: HB 1792

Industrial/manufacturing facilities, new construction of, in targeted urban areas, property tax exemption: ***EHB 1386, CH 218 (2021)**

Industrial/manufacturing facilities, new construction/targeted urban areas, property tax exemption, extending eligibility: ***ESB 5849, CH 172 (2022)**

Interest/investment earnings, on public funds, public depositaries receiving, B&O tax deduction for: HB 1531

Interstate 405 corridor project, state route number 167 and, sales/use taxes deferral for persons involved in: ***EHB 1990, CH 274 (2022)**

Investment income, B&O tax deduction for, restricting to individuals: HB 1111

Investment projects, manufacturing/research and development, in certain counties, sales/use tax deferral program: ***ESB 5901, CH 257 (2022) PV**

Main street program, tax credit for contributions to, additional credit on top of: HB 1279

Manufactured or mobile homes, property tax exemptions, when: HB 1409

Manufactured/mobile home community landlords, property tax exemption program exemption for: HB 1248

Manufactured/mobile home community tenants, property tax exemption program additional exemption for: HB 1247

Manufacturers, various, lowering B&O tax rates: HB 1858

Manufacturing operations, zero emissions vehicles/renewable electricity/clean fuels, sales/use tax deferral: HB 1988

Manufacturing/research and development, investment projects in certain counties, sales/use tax deferral program: ***ESB 5901, CH 257 (2022) PV**

Marijuana, medical use, excise tax exemption for sales, when: ESSB 5004

Marijuana, medical use, sales/use tax exemption, excluding products with artificial/synthetically derived cannabinoids from: HB 2122

Motion picture competitiveness program, contributions to, B&O tax credit for, modifying: HB 1914

Motor vehicle dealers, cash incentives from manufacturers for retail sales, B&O tax deduction for: ***HB 1495 (2021) V**

Motor vehicle fuel, exported after production in WA, tax exemption for, repealing and replacing with credit system: HB 2119

Newspaper business, family-owned interests in a, estate tax deduction for: HB 1465

Newspapers, publishing and/or printing of, B&O tax exemption: HB 2111

Nonprofit organizations, property tax exemptions, eligibility for, expanding: HB 1906

Nonprofit organizations, real/personal property owned by, property tax exemption when exempt from federal taxes: HB 1906

Outdoor power equipment, zero emission equipment, retail sales tax and use tax exemptions for: HB 1918

Packing materials, renting or leasing through sharing and reuse program, sales and use tax exemption: HB 1830

Parks and recreation commission-owned facilities, on national/state registers, leasehold excise tax exemption: ***HB 2058, CH 147 (2022)**

Payment card processing companies, B&O tax exemption for certain amounts for, when: ESSB 5459

Personal property, exempting up to one hundred thousand dollars from taxation: HB 1819, HJR 4208

Personal protective equipment, manufacturer B&O tax exemption and sales/use tax exemptions: HB 1489

Prescription drugs, warehousing/reselling, preferential B&O tax rate, eliminating to provide SUD recovery funding: HB 2091

Processors for hire and manufacturers, lowering B&O tax rates: HB 1858

Property tax exemption program, for seniors/veterans/retired-disabled, various provisions: HB 1247, HB 1248, HB 1438

Property tax exemption structure, nonprofits not benefitting from, work group on, convening: HB 1967

Property tax exemption, for improvements to single-family dwellings damaged by natural disaster: ***ESB 5454, CH 192 (2021)**

Property tax exemption, property owned by certain nonprofits and used for farmers market: ***SB 5505, CH 84 (2022)**

Property taxes, state, homestead exemption from: HB 1579

Property taxes, state, residential real property exemption from, when: HB 1579

Property taxes, state, residential real property exemption from, when, constitutional amendment for: HB 1494, HJR 4204

Property taxes, when property used for business purposes experiences revenue reduction, tax deferral: HB 1332

Renewable energy system cost recovery program, solar project preferences: HB 1814

Renewable resources, storage facilities for electricity from, sales/use tax deferral: HB 1988

Rental car companies, electric or hybrid vehicle purchase or use by, sales and use tax exemptions: HB 1572

Restaurants, that ceased engaging in business during pandemic, pandemic tax forgiveness for: HB 2133

Ride sharing, commuter ride sharing renamed as, expanding sales/use/motor vehicle excise tax exemptions eligibility of: HB 1514

Ride sharing, commuter, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528

Road usage charge program, certain tax preferences in connection with phased implementation of: HB 2026

Salmon, restoration, grants for, B&O tax deduction and sales tax exemption for: ***ESB 5220, CH 143 (2021)**

School construction, qualifying, labor/materials used for, sales/use tax exemptions: HB 1235

School district employees, housing for, leasehold excise tax exemption: SB 5043

Semiconductor materials, manufacturing/processing of, lowering B&O tax rate: HB 1858

Shop local and save sales and use tax holiday, one-time three-day exemption for certain items, creating: HB 2018

Solar canopies, commercial property with parking lot or other area for, sales/use tax deferral, when: ***ESSB 5714, CH 161 (2022)**

Solar energy systems, community and shared commercial solar projects, preferences: HB 1814

Solar energy systems, community solar incentive program, establishing, public utility tax credit: HB 1814

Solar energy, manufacturers of systems and components, preferential B&O tax rate, extending expiration of: ***ESB 5849, CH 172 (2022)**

Solar/wind energy facilities, property taxes, exemption from and payment of fee in lieu of, when: HB 1921

State route number 167 and Interstate 405 corridor project, sales/use taxes deferral for persons involved in: ***EHB 1990, CH 274 (2022)**

State route number 520, construction of bridge replacement/HOV project, sales/use tax deferral, extending period of: ***HB 2024, CH 144 (2022)**

Storage facilities, for renewable resource electricity, sales/use tax deferral: HB 1988

Tacoma Narrows toll bridge project deferred sales taxes, early full payment of: HB 2028

Tangible personal property, of new residents/nonresident armed forces members, expanding use tax exemption: HB 1112

Timber and timber products, business of selling, lowering B&O tax rates: HB 1858

Timber, extraction and products manufacturing and processing for hire, lowering B&O tax rates: HB 1858

Transportation businesses, urban/motor/log, railroad/tugboat, and public service, lowering public utility tax rates: HB 1858

Transportation-related tax incentives, funding via operating budget, when: HB 1603

Underdeveloped property, in targeted urban areas, redevelopment of, sales/use tax deferral program for: ***E2SSB 5755, CH 241 (2022)**

Unmanned aircraft systems, commercial, adding to "commercial airplane" for certain tax preferences: HB 1470

Urban growth areas, annexation of unincorporated territory within, qualifying for annexation sales tax credit, when: ***2SSB 5368, CH 312 (2021) PV**

Vapor products, taxed at wholesale level prior to new effective date, tax credit, when: HB 1345

Vegetables/fruit, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: HB 1285
 Veterans/spouses of veterans or military members, businesses hiring, tax credits for: HB 1677
 Wealth tax, Washington state, certain exemptions and credits in connection with: HB 1406
 Wind/solar energy facilities, property taxes, exemption from and payment of fee in lieu of, when: HB 1921
 Wineries, small, liquor excise tax on sales, exemption: HB 1116
 Working families' tax exemption, providing sales/use tax exemption, annual remittance reductions rate adjustment: ***HB 1888, CH 33 (2022)**
 Working families' tax exemption, providing sales/use tax exemption, clarifications/technical corrections: ***EHB 2096, CH 41 (2022)**
 Working families' tax exemption, providing sales/use tax exemption, expanding eligibility/increasing remittance: HB 2015
 Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: HB 1297, HB 1319
 Working families' tax exemption, replacing "exemption" with "credit" and "remittance" with "refund": ***EHB 2096, CH 41 (2022)**

TAXES - AIRCRAFT FUEL

Airport aid grant program, airport projects through, aircraft fuel sales/use tax funds use for, tracking: HB 1290
 Distributors, excise tax levied upon, increasing rate for transportation funding purposes: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Revenues, sales and use tax, deposits into aeronautics account: HB 1290

TAXES - BORDER AREA MOTOR VEHICLE FUEL AND SPECIAL FUEL

Border area fuel tax, maximum authority for certain cities/towns to impose, increasing: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Rate, limit in 2021 and adjustments: HB 1284

TAXES - BUSINESS AND OCCUPATION (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Data, personal, making sales of/exchanging for consideration, persons engaged in business of, B&O tax on: HB 1303
 Public road construction activities, value of products used in, determining: HB 1666
 Surcharge for workforce education investment, B&O tax surcharge for, modifying: HB 1318, HB 1504
 Surcharge for workforce education investment, B&O tax surcharge for, modifying application of: ***SSB 5799, CH 170 (2022)**
 Vapor and tobacco products, B&O taxation of, adding vapor and tobacco products surcharges: HB 1550

TAXES - CAPITAL GAINS (See also TAXES - EXCISE)

Repealing capital gains tax: HB 1912

TAXES - ESTATE (See also ESTATES, TRUSTS, AND PROBATE; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Repealing state estate tax: HB 1245
 Restructuring, raising exclusion amount and instituting tax increases to make tax more progressive: HB 1465

TAXES - EXCISE (See also IMPACT FEES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Alcoholic beverages, low-proof, tax on sales by licensees to spirits retailers: HB 1734
 Capital gains tax, gains from sale/exchange of certain long-term capital assets: ***ESSB 5096, CH 196 (2021)**
 Capital gains tax, gains realized from sale of long-term real property and other capital assets, imposing: HB 1496
 Capital gains tax, repealing: HB 1912
 Carbon pollution tax on greenhouse gas emissions, imposing: HB 1513
 Carbon pollution tax on sale/use of fossil fuels, imposing: HB 1577
 Carbon pollution tax on sale/use of fossil fuels, imposing on energy-intensive trade-exposed industries: HB 1534
 Commuter ride sharing, renaming as ride sharing, for purposes of certain excise tax preferences: HB 1514
 Data collectors, commercial, excise tax on collection of consumer data by: HB 2107
 Income, any tax based on, state-imposed, including taxes on taxpayers or on their employers, prohibiting: HB 1583
 Internet access tax, on internet access service subscriptions, imposing: HB 1460
 Liquor excise tax fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**

Liquor excise taxes, wine sales by small winery, exemption: HB 1116
 Marijuana producers and processors, excise tax on, smaller local government authority to impose: HB 1933
 Modifications to provisions, including clarifications/corrections/efficiencies/easing compliance burdens: ***ESSB 5251, CH 145 (2021)**
 Motor vehicles, special use tax on value of, for grade-separated transportation funding, with low-income rebate: HB 1304
 Payment, taxes not paid by original due date, computation of interest on: HB 2099
 Payment, taxes paid by extended due date, requiring payment of interest but not penalties, when: HB 2099
 Statewide 988 behavioral health crisis response line tax, on use of radio access lines, imposing: HB 1182, HB 1477
 Tax laws, administrative and technical clarifications and easing of compliance burdens: ***ESB 5800, CH 56 (2022)**
 Telephone and voice over internet protocol tax, on switched access lines in state, imposing: HB 1460
 Wireless devices, smart, retail sales of, imposing tax on: HB 1365, HB 1450

TAXES - HAZARDOUS SUBSTANCES

Motor vehicle fund, hazardous substances pollution tax deposits in, provisions: HB 2119, ***ESSB 5974, CH 182 (2022)**

TAXES - LOCAL OPTION TRANSPORTATION

Parking tax, commercial, regional transit authority option to fix and impose: HB 2062, ***SSB 5528, CH 285 (2022)**

TAXES - LODGING

Sale of lodging, special excise taxes on, using for housing and rental assistance: HB 1069
 Sale of lodging, special excise taxes on, using for housing/facilities for homeless youth: HB 1070

TAXES - MOTOR VEHICLE EXCISE

Special tax, for enhanced service zones, regional transit authority levying of: HB 2062, ***SSB 5528, CH 285 (2022)**

TAXES - MOTOR VEHICLE FUEL

Fuel licensees, reducing the cumulative rate by half for, and replacing revenues via retail sales/use tax on motor vehicles: HB 2138
 Motor vehicle fuel, exported after production in WA, exemption for, repealing and replacing with credit system: HB 2119
 Road usage charges and motor vehicle fuel excise tax, double taxation, constitutional amendment to prohibit: HJR 4202
 Tax rate information, posting at fuel pumps: HB 1222, ***SSB 5975, CH 187 (2022)**

TAXES - PROPERTY (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Collection of taxes, during public health crises, modifications for continuity of operations: ***EHB 1271, CH 122 (2021)**
 Conservation futures, property tax levy provisions: HB 1672
 Delinquent taxes, interest assessed prior to payment agreement on, due and payable: HB 1410
 Delinquent taxes, penalties on, eliminating: HB 1410
 Game lands, DFW, payments to counties in lieu of property taxes: ***SB 5159, CH 184 (2021) PV**
 Interest/penalties suspension and payment extensions/tax deferral, due to COVID emergency: HB 1332
 Interest/penalties, for delinquent taxes, applicability to personal property: ***EHB 1982, CH 143 (2022)**
 Land, current use classification, involuntary removal, assessor inspection and owner documentation for refund: HB 1683
 Levies, annual regular property tax revenue growth limit, modifying: HB 1362
 Levies, annual regular property tax, based on inflation and population increases in relation to limit factor: HB 1981
 Levies, certification by county of, dates for: HB 1309
 Levies, for park and recreation districts, rate limit for island district in county of 2 million or more: ***HB 1034, CH 117 (2021)**
 Levies, for persons with developmental disabilities or mental health services: HB 1965
 Levies, for public improvements through local infrastructure project areas and financing: HB 1243, SB 5823
 Levies, for public improvements, increment financing by local governments via tax increment financing areas: HB 1189
 Levies, for school district bond payment, simple majority to authorize: HB 1226, HJR 4200
 Levies, for schools, enrichment, calculating authority for, using 2019-2020 enrollments for: HB 1476, HB 1590
 Levies, for schools, enrichment, expenditure requirements, when audit shows failure to comply, penalty, removing: HB 1500
 Levies, for schools, for capital projects, bond authorization training for district boards of directors: HB 1306

- Levies, for schools, state and state additional property taxes, lowering rate to \$0.00 for 2023: HB 2126
- Levies, for schools, state and state additional property taxes, valuation for, at lesser of true/fair value or 2018 value: HB 2129
- Levies, for schools, state and state additional property taxes, valuation for, lowering to 75 percent of fair/true value: HB 2125
- Levies, for schools, state property tax, eliminating over four years: HB 1371
- Levies, for schools, state property tax, homestead exemption from, when: HB 1579
- Levies, for schools, state property tax, limitations upon, part I and part II highest lawful levy amounts: HB 1358, HB 1898
- Levies, for schools, state property tax, residential real property exemption from, when: HB 1579
- Levies, for schools, state property tax, residential real property exemption from, when, constitutional amendment for: HB 1494, HJR 4204
- Levies, for veterans' assistance programs and veterans' assistance fund: HB 1965
- Levies, King county, inapplicability of supplanting limitations for, when: HB 1069
- Levies, regular, by housing benefit district, imposition of: HB 1128
- Levies, state property tax, property valuation for, at lesser of true and fair value or 2018 value: HB 2129
- Levies, state property tax, property valuation for, lowering to 75 percent of true and fair value: HB 2125
- Levies, state property tax, statements or notices of taxes due, "school tax" or similar phrase in, prohibiting: HB 1581
- Levies, when district loses taxable value due to court ruling, shifting value to total levy, when: HB 1519
- Open space land, including pollinator habitat in current classification: ***2SSB 5253, CH 278 (2021)**
- Personal property, exempting up to one hundred thousand dollars from taxation: HB 1819, HJR 4208
- Personal property, interest/penalties for delinquent taxes on, applicability of rates for real property to: ***EHB 1982, CH 143 (2022)**
- Refunds, of taxes accidentally paid for exempted host homes real property: HB 1175
- Renewable energy facilities, property taxes, agreement with property owner for exemption and payment of fee: HB 1921
- Renewable energy facilities, property taxes, revaluation of property for, extending period for: HB 1921
- Renewable energy facilities, valuation of, guidance for county assessors for: ***SSB 5910, CH 292 (2022)**
- Revenue, reduction due to COVID emergency, payment agreements for taxes on property granted a deferral: HB 1332
- State property tax, homestead exemption from, when: HB 1579
- State property tax, levies, property valuation for, at lesser of true and fair value or 2018 value: HB 2129
- State property tax, levies, property valuation for, lowering to 75 percent of true and fair value: HB 2125
- State property tax, limitations upon, part I and part II highest lawful levy amounts: HB 1358, HB 1898
- State property tax, regular and additional for schools, eliminating over four years: HB 1371
- State property tax, regular and additional for schools, lowering rate to \$0.00 for 2023: HB 2126
- State property tax, regular and additional for schools, valuation for, at lesser of true/fair value or 2018 value: HB 2129
- State property tax, regular and additional for schools, valuation for, lowering to 75 percent of true and fair value: HB 2125
- State property tax, residential real property exemption from, when: HB 1579
- State property tax, residential real property exemption from, when, constitutional amendment for: HB 1494, HJR 4204
- State property tax, statements or notices of taxes due, "school tax" or similar phrase in, prohibiting: HB 1581
- Timber harvesters, county tax on, revenue appropriations to DOR for administering, reducing to increase distributions: HB 2093
- Timber, privately owned, purchaser of, reporting requirements: ***HB 1055, CH 24 (2021)**

TAXES - PUBLIC UTILITY TAX (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

- Community solar incentive program, establishing: HB 1814
- Renewable energy production incentive program, community and shared commercial solar projects: HB 1814
- Renewable energy system cost recovery program, modifications: HB 1814

TAXES - REAL ESTATE SALES EXCISE

- Additional tax, graduated, on sale of real property sold for more than \$500,000.00: HB 1981
- Additional tax, on sale of any class of real property, imposing by county of: HB 1981
- Affordable housing or shelter units, residents of, revenue use for services for: HB 1069
- Affordable housing, increasing by establishing real estate excise tax density incentive zones: HB 1157
- Capital projects, local government, operation and maintenance, revenue use for: HB 1069

Revenues, for notifying property owners of racial/other restrictions against protected classes in covenants/deeds: HB 1335

TAXES - SALES (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - USE)

Accessory dwelling unit incentive account, creating for city/county accessory dwelling units incentive: HB 1337
 Car sharing programs, peer-to-peer car sharing transactions, additional sales tax on: HB 1572
 Equine-related products, sales tax on, use of revenues for equine activities involving horse racing: HB 1928
 Fairs, area/county/other, transfers from state general fund to fair fund to assist fairs: ***SSB 5362, CH 245 (2021)**
 Historic automobile museums, deferred sales/use tax payments, forgiving first two payments due to COVID-19 pandemic: HB 2108
 Local sales/use, accessory dwelling units incentive for cities and counties: HB 1337
 Local sales/use, affordable housing acquisition with revenues from: HB 1070
 Local sales/use, city/county imposition for homelessness services, with conditions for: HB 1526, HB 1541
 Local sales/use, criminal justice purposes, for homelessness reduction/behavioral health: HB 1069
 Local sales/use, emergency communication systems, revenue distribution, county-city interlocal agreements: HB 1155
 Local sales/use, emergency medical services purposes as permissible use: SB 5341
 Local sales/use, for public facilities in rural counties, extending expiration of: HB 1333
 Local sales/use, for public facilities in rural counties, using for affordable workforce housing infrastructure/facilities: ***SB 5868, CH 175 (2022)**
 Local sales/use, housing benefit district imposition of: HB 1128, HB 1880
 Local sales/use, impact assessment on admission price to certain qualified stadium facilities: HB 2128
 Local sales/use, local parks funding: HB 1025
 Local sales/use, mitigating lost sales tax revenues, creating manufacturing and warehousing job centers account for: HB 1521
 Local sales/use, revenues for high-speed internet infrastructure in unserved rural-county regions: HB 1246
 Local sales/use, transportation benefit district imposition of, extending via voter renewal: HB 1523, SB 5510
 Local sales/use, transportation benefit district imposition of, increasing maximum rate: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Local sales/use, youth educational programming, deferred tax funds use for capital facilities used for: ***SSB 5080, CH 178 (2021)**
 Lodging, sales of less than one month of, sales/use tax applicability: HB 1069
 Marijuana, medical use, sales/use tax exemption, excluding products with artificial/synthetically derived cannabinoids from: HB 2122
 Motor vehicle sales/use tax revenues, for transportation infrastructure: HB 1010, HB 1604
 Motor vehicle sales/use tax revenues, replacing lost revenues due to motor vehicle fuel tax reduction with: HB 2138
 Motor vehicle sales/use tax revenues, using for transportation funding not reliant on debt financing: HB 1604
 Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322
 Outdoor power equipment, other than zero emission, additional retail sales tax/air quality improvement tax on, when: HB 1918
 Retail sales and use tax, state, lowering to 6 percent: HB 2130
 Shop local and save sales and use tax holiday, one-time three-day, creating: HB 2018
 Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322
 Spirits, certain additional taxes on certain sales of, removing: HB 1533
 Spirits, restaurant spirits retailers, distributor sales to, certain additional taxes on, removing: HB 1533
 Tacoma Narrows toll bridge project deferred sales taxes, early full payment of: HB 2028
 Tangible personal property/digital product/labor purchases by DOT, sales tax amounts paid to general fund for: HB 1249

TAXES - TELEPHONE ACCESS LINE USE

911 excise tax, deposits into 911 account for 911 emergency communications system network: HB 1703

TAXES - TOBACCO AND TOBACCO PRODUCTS (See also TOBACCO AND TOBACCO PRODUCTS)

Manufacturers and distributors, tobacco products surcharges in addition to tax: HB 1345

TAXES - USE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - SALES)

Abandoned vehicles, tow truck operator sale at public auction of, successful bidder payment of use tax: HB 2104

Historic automobile museums, deferred sales/use tax payments, forgiving first two payments due to COVID-19 pandemic: HB 2108

Internet, high-speed, infrastructure for unserved rural-county regions, sales/use tax revenue use for: HB 1246

Local sales/use, affordable housing acquisition with revenues from: HB 1070

Local sales/use, city/county imposition for homelessness services, with conditions for: HB 1526, HB 1541

Local sales/use, criminal justice purposes, for homelessness reduction/behavioral health: HB 1069

Local sales/use, emergency communication systems, revenue distribution, county-city interlocal agreements: HB 1155

Local sales/use, for public facilities in rural counties, extending expiration of: HB 1333

Local sales/use, for public facilities in rural counties, using for affordable workforce housing infrastructure/facilities: ***SB 5868, CH 175 (2022)**

Local sales/use, housing benefit district imposition of: HB 1128, HB 1880

Local sales/use, impact assessment on admission price to certain qualified stadium facilities: HB 2128

Local sales/use, local parks funding: HB 1025

Local sales/use, transportation benefit district imposition of, extending via voter renewal: HB 1523, SB 5510

Local sales/use, transportation benefit district imposition of, increasing maximum rate: HB 2119, ***ESSB 5974, CH 182 (2022)**

Local sales/use, youth educational programming, deferred tax funds use for capital facilities used for: ***SSB 5080, CH 178 (2021)**

Lodging, sales of less than one month of, sales/use tax applicability: HB 1069

Marijuana, medical use, sales/use tax exemption, excluding products with artificial/synthetically derived cannabinoids from: HB 2122

Motor vehicle sales/use tax revenues, for transportation infrastructure: HB 1010, HB 1604

Motor vehicle sales/use tax revenues, replacing lost revenues due to motor vehicle fuel tax reduction with: HB 2138

Motor vehicle sales/use tax revenues, using for transportation funding not reliant on debt financing: HB 1604

Off-road vehicles, registering in another state to avoid retail taxes, penalties: HB 1322

Retail sales and use tax, state, lowering to 6 percent: HB 2130

Shop local and save sales and use tax holiday, one-time three-day, creating: HB 2018

Snowmobiles, registering in another state to avoid retail taxes, penalties: HB 1322

Tangible personal property/digital product/labor purchases by DOT, use tax amounts paid to general fund for: HB 1249

Transportation infrastructure, publicly owned, tangible personal property used by contractor for, determining value: HB 1666

TAXES - VAPOR PRODUCTS (See also VAPOR PRODUCTS)

Bundled transactions including a vapor product, imposing tax on entire selling price of: HB 1345

Indian retailers, exemption from vapor products taxes, when: HB 1345

Tobacco and vapor product use prevention and cessation, funding via modified vapor products excise tax: HB 1676

Vapor products tax, modifying to deter youth purchases and prevent/reduce nicotine addiction: HB 1550

Vapor products taxation, changing from per milliliter tax to modified excise tax structure: HB 1550, HB 1676

Wholesale tax rate, vapor products taxed prior to new effective date at, tax credit, when: HB 1345

TAXES - WATERCRAFT EXCISE

Revenues, deposits in derelict vessel removal account: ***HB 1700, CH 124 (2022)**

TAXES, GENERALLY (See also IMPACT FEES; SEWAGE AND SEWERS; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; WATER)

Income tax, based on individual's or household's personal income and imposed by state, prohibiting: HB 1583

Income, any tax based on, imposition by state, prohibiting: HB 1583

Income, any tax based on, state-imposed, including taxes on taxpayers or on their employers, prohibiting: HB 1583

Increases, tax increase legislation, automatic referendum on any tax act passed by legislature, procedures for: HJR 4212

Increases, tax increase legislation, empowering Washington voters act: HB 1582

Increases, tax increase legislation, general election advisory vote majority to be required for taking effect: HB 1582

Increases, tax increase legislation, two-thirds majority for approval: HJR 4203

Payment, taxes not paid by original due date, computation of interest on: HB 2099

Payment, taxes paid by extended due date, requiring payment of interest but not penalties, when: HB 2099

Privilege taxes, various changes to provisions: ***ESSB 5251, CH 145 (2021)**

Public investment impact disclosures for ballot measures repealing/levying/modifying any tax or fee: HB 1876

Revenues, existing local, supplanting of and flexibility with, during COVID-19 emergency: HB 1069
 Revenues, state tax, measures increasing/decreasing, fiscal impact statements for, deadline for filing of: HB 1357
 Sales suppression device/phantom-ware, knowingly selling/manufacturing/using/etc., extending statute of limitations for: HB 2099
 Tax return, making false or fraudulent or making false statement in, extending statute of limitations for: HB 2099
 Tax/revenue/licensing laws, administrative and technical clarifications and easing of compliance burdens: ***ESB 5800, CH 56 (2022)**
 Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
 Voluntary disclosure agreement program, for registration of business/payment of prior tax obligations, codifying: HB 2099
 Wealth tax, Washington state, on financial intangible assets: HB 1406

TELECOMMUNICATIONS (See also COMPUTERS; OPEN PUBLIC MEETINGS)

911 advisory committee, re-creating for 911 implementation and operation throughout state: HB 1703
 911 excise tax, deposits into 911 account for 911 emergency communications system network: HB 1703
 911 statewide emergency communications system, modernizing to next generation 911 system: HB 1703
 911, enhanced service, state coordination office, 988 crisis hotline system role of: HB 1182, HB 1477
 911, state coordination office, certification board in, establishing: ***SSB 5555, CH 286 (2022)**
 988 crisis hotline, coordination with crisis hotline centers, 911 systems, and behavioral health crisis system: HB 1182, HB 1477
 988 suicide prevention hotline, on signs for certain public works projects: HB 1600
 988 suicide prevention hotline, on signs on or near new bridges, when: HB 1595
 988, statewide behavioral health crisis response line account, creating: HB 1182, HB 1477
 988, statewide behavioral health crisis response line tax, on use of radio access lines, imposing: HB 1182, HB 1477
 Agricultural community mental health hotline services, for agricultural workers: HB 1434
 Broadband access, in unserved areas, grant/loan program for, emergency public works broadband projects: HB 1673
 Broadband access, in unserved areas, grant/loan program for, various modifications: HB 1673
 Broadband access, increasing in unserved areas, competitive grant program for, establishing: ESSB 5357
 Broadband fiber connections, missing, and inadequate service in underserved areas, addressing via highways: HB 1457, ESSB 5439
 Broadband fiber deployment, microtrenching for, city-town-county authority to allow: HB 1722
 Broadband infrastructure, capital broadband investment acceleration program, creating: ESSB 5357
 Broadband infrastructure, rural infrastructure grant program for local governments in rural counties to include: HB 1263
 Broadband installation along highways, informing facility owners of projects to enable coordination, when: HB 1457, ESSB 5439
 Broadband office, governor's statewide, duties of, various: HB 1263, HB 1460, HB 1723, ESSB 5357, ***2SSB 5383, CH 293 (2021)**, ESSB 5439, ***SB 5715, CH 237 (2022)**
 Broadband services, adoption of, creating digital equity opportunity program to advance: HB 1460, HB 1723
 Broadband services, anchor institution digital equity program, establishing: HB 1723
 Broadband services, definitions of "broadband" and, transmission speed for purposes of, raising minimum: ***SB 5715, CH 237 (2022)**
 Broadband services, open access networks, grant/loan program for developing: HB 1740
 Broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
 Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**
 Broadband services, Washington broadband assistance program, establishing: HB 1723
 Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
 Broadband, low earth orbit satellites and wireline/wireless connections, tax preferences to support/facilitate: HB 1702
 Cloud computing services, 3rd-party commercial, state agency adoption of and migration to: HB 1274
 Companies, competitive, incumbent local exchange carrier classification as, when: HB 1429
 Companies, competitive, when subject to effective competition, modifying standards: HB 1429
 Contractor license, for work on property offered for sale within 12 months after purchase, requiring: ***SSB 5267, CH 51 (2021)**
 COVID-19 contact tracing, individual's health data collected via digital tools and used for, protections for: HB 1127
 Digital citizenship, media literacy and, supporting through school district leadership teams, grant program: SB 5242

Digital equity account, creating: HB 1723
 Digital equity and inclusion, competitive grant program to advance: HB 1460, HB 1723
 Digital equity and inclusion, for underserved populations, advancing: HB 1460, HB 1723
 Digital equity forum, establishing: HB 1723
 Digital equity opportunity program, creating: HB 1460, HB 1723
 Digital equity planning grant program, creating: HB 1723
 Digital equity, anchor institution digital equity program, establishing: HB 1723
 Facilities, small wireless, collocation of, provider access to rights-of-way and attachment to infrastructure: HB 1440
 Internet, broadband services, adoption of, creating digital equity opportunity program to advance: HB 1460, HB 1723
 Internet, broadband services, anchor institution digital equity program, establishing: HB 1723
 Internet, broadband services, open access networks, grant/loan program for developing: HB 1740
 Internet, broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
 Internet, broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336,
 *2SSB 5383, CH 293 (2021)
 Internet, broadband services, Washington broadband assistance program, establishing: HB 1723
 Internet, broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336,
 *2SSB 5383, CH 293 (2021)
 Internet/mobile applications, marketing/advertising to minors via, prohibitions: HB 1697
 Public safety telecommunicators certification/training program, creating: *SSB 5555, CH 286 (2022)
 Robocalling/text messaging, as commercial solicitations, expanding restrictions/requirements/civil remedies: HB 1650
 Senior call-check service and notification program, establishing: HB 1460
 Solicitations, by commercial telephone solicitors, requirements for, modifying: HB 1497
 Solicitations, commercial, text messaging and robocalling restrictions/requirements/civil remedies, expanding: HB 1650
 Telephone and voice over internet protocol tax, on switched access lines in state, imposing: HB 1460
 Telephone solicitations, by commercial or nonprofit company or organization, requirements for, modifying: HB 1497
 Text messaging/robocalling, as commercial solicitations, expanding restrictions/requirements/civil remedies: HB 1650
 Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
 Universal communications services program, provisions: HB 1460
 Universal services account, creating for telecommunications excise taxes deposits for use by certain programs: HB 1460
 Universal teleconnect service program, state, establishing: HB 1460
 Vlogs, for-profit, of family or individual vlogger, minor children featured on, setting aside earnings on video content for:
 HB 2032
 Washington lifeline program, establishing: HB 1460
 Wireless devices, smart, tax on retail sales of, imposing: HB 1365, HB 1450
 Wireless facilities, small, collocation of, provider access to rights-of-way and attachment to infrastructure: HB 1440
 YES tip line program, for tips concerning risks to safety/well-being of youth, establishing: 2SSB 5327

TELEVISION AND TELEVISIONS

Closed captioning, on televisions in places of public accommodation or for sale in public area: *SB 5027, CH 229
 (2021)
 J.P. Patches show, Patches pal special license plates, creating: HB 1374, *SSB 5741, CH 239 (2022)
 Media literacy and digital citizenship, supporting through district leadership teams, grant program: SB 5242
 Political candidates, synthetic media of, prohibitions, when: SB 5817

TITLE-ONLY BILLS

Prohibiting introduction of title-only bills and intent-only bills: HB 1324

TOBACCO AND TOBACCO PRODUCTS (See also LIQUOR AND CANNABIS BOARD; TAXES - TOBACCO AND TOBACCO PRODUCTS; VAPOR PRODUCTS)

Licensees, license fee surcharge for certain tobacco licensees to help fund impairing cannabinoid enforcement: HB 2122
 Manufacturers and distributors, tobacco products surcharges: HB 1345
 Marketing/advertising to minors via internet/mobile application, prohibitions: HB 1697
 Menthol-flavored tobacco products, sales of, prohibiting: HB 1345
 Nicotine addiction, intervention strategies, community-based and addressing health inequity/racial disparities: HB 1550
 Regulating tobacco/alcohol/cannabis/vapor products, behavioral health prevention/equity impact framework for: HB
 2035

Tobacco and vapor product use prevention and cessation, funding via modified vapor products excise tax: HB 1676
 Tobacco products, B&O tax tobacco products and vapor products surcharges, imposing: HB 1550
 Tobacco/vapor product use prevention/cessation, funding via dedicated cannabis account appropriations: ***E2SSB 5796, CH 169 (2022)**

TOURISM

State tourism slogan, legislative committee on economic development/international relations duties for, removing: ***HB 1798, CH 6 (2022)**

TOWING AND TOW TRUCKS (See also ROADS AND HIGHWAYS; TRAFFIC)

Abandoned vehicles, tow truck operator sale at public auction of, successful bidder payment of use tax: HB 2104
 Impounded abandoned vehicles, public auction by operator, successful bidder payment of use tax: HB 2104
 Payment methods, for towing/other costs, credit/debit card user convenience fee to offset card company charges: HB 1954
 Safety measures, red/blue lights use and speed reduction for emergency, accident, or work zone: HB 1709, SSB 5907
 Vehicle recovery/impound/storage charges, when damage to public highways, payment to tow truck operator: SSB 5406, 2SSB 5406
 Vehicles, unattended, obstructing high capacity transportation vehicle right of way, impounding of, operator role: SSB 5863

TRADE

Manufacturers, in energy-intensive trade-exposed industries, carbon pollution tax on sales/use of fossil fuels by: HB 1534
 Petroleum/other hydrocarbons, future purchases from Russia of, urging congress to support restricting/prohibiting: HJM 4003
 Taiwan, economic ties and commercial/trade relationship between Washington and, recognizing: ***HR 4613 (2021)**

TRAFFIC (See also AIR QUALITY AND POLLUTION; BICYCLES; DRIVERS AND DRIVERS' LICENSES; LICENSING, DEPARTMENT; MOTOR VEHICLES; ROADS AND HIGHWAYS; TOWING AND TOW TRUCKS; TRAFFIC OFFENSES; TRANSPORTATION)

Cameras, traffic safety, automated, for speed violations in hospital and city park speed zones, authority to use: HB 1915
 Cameras, traffic safety, automated, for speed violations in hospital and public park speed zones, authority to use: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Cameras, traffic safety, automated, for speed violations in roadways in school walk areas: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Cameras, traffic safety, automated, for speed violations outside of school speed zones, authority/requirements: HB 1969
 Cameras, traffic safety, automated, pilot program for use of, extending reporting deadline for/expiration of: SB 5707
 Chain up/chain off areas, use by certain commercial motor vehicles for parking, when: HB 1839
 Commute trip reduction incentives, tax credits for large employers implementing, role of general fund in supporting: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Commute trip reduction program, effectiveness of, assessing during pandemic: HB 1528
 Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528
 Complete streets principles, incorporating via facilities that provide street access for all users, when: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Control, single flagger at intersection, authority to direct traffic without officer present, when: SB 5354
 Damage to public highways, vehicle operator liability for tow truck operator charges due to, when: SSB 5406, 2SSB 5406
 Emergency or work zone, reducing speed when approaching, requirements: ***HB 2033, CH 279 (2022)**, SSB 5907
 Fire department vehicles, rear-facing blue lights and red lights at scene of emergency: SSB 5907
 Fire department vehicles, rear-facing blue lights in combination with red lights at scene of emergency: ***HB 2033, CH 279 (2022)**
 Lane departure, preservation program safety measures for reducing: HB 1605
 Lane departure, reducing rural roadway departures program, creating: ***ESSB 5974, CH 182 (2022)**
 Lane departure, reducing rural roadway departures program, establishing: HB 1605
 Merging, late merge zipper method, in driver training education and testing: HB 1231
 Military surplus vehicles, operation on public highways: HB 1439
 Motorcycles, operating between lanes of traffic, requirements for: HB 1106

Motorcycles, operator passing vehicle in same lane: HB 1106
 Motorcycles, operator use of right shoulder on limited access roadway, when: HB 1254
 Pedestrian and bicycle safety, head injury prevention program requirements: HB 1039
 Pedestrian and bicycle safety, safe routes to school program, funding/analysis: HB 1607
 Pedestrian and bicycle safety, school curriculum relating to, updating: HB 1039
 Pedestrians, safe routes to school program, grant funding under, when: HB 1039
 Pedestrians, walking/moving on roadway next to sidewalk, due caution to avoid colliding with vehicle: ***SB 5687, CH 235 (2022)**
 Pursuits, vehicular, by law enforcement, "reasonable suspicion" and "public safety risk" standards: HB 1737, ESB 5919
 Pursuits, vehicular, by law enforcement, expanding authority to engage in: HB 1588, HB 1737, HB 1788
 Pursuits, vehicular, by law enforcement, model policy and information repository: HB 1054
 Road usage charge program, for vehicle per mile fee payment, establishing, and implementing in phases: HB 2026
 Road usage charges and motor vehicle fuel excise tax, double taxation, constitutional amendment to prohibit: HJR 4202
 Slow down and move over law/RCW 46.61.212, public awareness campaign/training module/signage concerning: SSB 5907
 Speed limit, maximum of 20 mph on nonarterial highway, local jurisdiction authority to establish, when: ***SB 5687, CH 235 (2022)**
 Speed limit, maximum of 20 mph on nonarterial state highway, DOT secretary authority to establish, when: ***SB 5687, CH 235 (2022)**
 Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201
 Traffic stops for infractions, detaining of driver, driver-law enforcement interactive best practices training about: HB 1585
 Vehicle per mile fee, road usage charge program payment of, establishing, and implementing in phases: HB 2026
 Vulnerable user of a public way, provisions concerning: HB 1972
 Work or emergency zone, reducing speed when approaching, requirements: ***HB 2033, CH 279 (2022)**, SSB 5907

TRAFFIC OFFENSES

Alcohol violations, forfeited vehicle proceeds, certain deposits into account: ***SSB 5728, CH 162 (2022)**
 Autonomous motor vehicles, driven without human operator by operator of, traffic infraction: HB 1731
 Driving under the influence, deferred prosecution, for substance use or mental health disorder: HB 1817
 Driving under the influence, felony, of more than one intoxicating substance, increasing standard sentence range: HB 2021
 Driving under the influence, forfeited vehicle proceeds, certain deposits into account: ***SSB 5728, CH 162 (2022)**
 Driving under the influence, impaired driving look-back period, extending from 10 years to 15 years: ESB 5054
 Driving under the influence, of more than one intoxicating substance, sentence range/penalties/special allegation: HB 2021
 Driving under the influence, prior offense time limitation, extending: ESB 5054
 Driving under the influence, special drug offender sentencing alternative for: ESB 5054
 Driving under the influence, when driver detained for, driver-law enforcement interactive best practices training about: HB 1585
 Impaired driving, provisions: ESB 5054
 Infractions, admitting responsibility and attesting inability to pay financial penalty in full, provisions: ***ESSB 5226, CH 240 (2021)**
 Infractions, license suspension or revocation for and reinstatement, various provisions: ***ESSB 5226, CH 240 (2021)**
 Infractions, monetary obligations for, court option to waive or remit, and payment plan: ***ESSB 5226, CH 240 (2021)**
 Infractions, when driver detained for, driver-law enforcement interactive best practices training about: HB 1585
 Negligent driving with vulnerable user victim, in first degree, gross misdemeanor: HB 1972
 Negligent driving with vulnerable user victim, in second degree, revising provisions: HB 1972
 Physical control of vehicle under the influence, provisions: HB 1817, HB 2021, ESB 5054, ***SSB 5728, CH 162 (2022)**
 Traffic safety cameras, provisions: HB 1915, HB 1969, HB 2119, SB 5707, ***ESSB 5974, CH 182 (2022)**
 Traffic stops for infractions, detaining of driver, driver-law enforcement interactive best practices training about: HB 1585
 Vehicular assault under influence, of more than one intoxicating substance, increasing standard sentence range: HB 2021
 Vehicular homicide by disregard for safety of others, offender release/escape/etc., victim notification: ***ESSB 5245, CH 82 (2022)**

Vehicular homicide under influence, of more than one intoxicating substance, increasing standard sentence range: HB 2021

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Slow down and move over law/RCW 46.61.212, public awareness campaign concerning, commission role: SSB 5907

TRAFFIC SAFETY EDUCATION

Driver training education, late merge zipper method as part of: HB 1231

Training courses/schools, driver-law enforcement interactive best practices for traffic stops for infractions: HB 1585

TRANSPORTATION (See also AERONAUTICS; EMERGENCY MANAGEMENT AND SERVICES; FERRIES; GROWTH MANAGEMENT; LICENSING, DEPARTMENT; MOTOR VEHICLES; PUBLIC TRANSIT; RAILROADS; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS; SPECIAL AND SPECIAL PURPOSE DISTRICTS; TRANSPORTATION, DEPARTMENT; UTILITIES AND TRANSPORTATION COMMISSION)

Accounts, climate active transportation account, creating for certain active transportation grant programs use: HB 2119, ***ESSB 5974, CH 182 (2022)**

Accounts, climate transit programs account, creating for certain transit grant programs use: HB 2119, ***ESSB 5974, CH 182 (2022)**

Accounts, move ahead WA account, creating in motor vehicle fund for "move ahead WA" projects/improvements: HB 2119, ***ESSB 5974, CH 182 (2022)**

Accounts, move ahead WA flexible account, creating for "move ahead WA" flexible projects/programs/activities: HB 2119, ***ESSB 5974, CH 182 (2022)**

Accounts, transportation preservation and maintenance account, creating: HB 1010, HB 1604

Additive transportation funding: HB 1564, HB 2118, ***SSB 5975, CH 187 (2022)**

Amtrak, eliminating fares for Amtrak Cascades passengers 18 years of age and younger, submitting fare revision for: HB 2119, ***ESSB 5974, CH 182 (2022)**

Budget, 2021-2023: HB 1135

Budget, 2021-2023 and supplemental 2019-2021: ***SSB 5165, CH 333 (2021) PV**

Budget, additive omnibus transportation budget for certain operating and capital appropriations: HB 2118, ***SSB 5975, CH 187 (2022)**

Budget, infrastructure needs, motor vehicle sales/use tax revenue for: HB 1010, HB 1604

Budget, shifting transportation funding obligations to operating budget: HB 1603

Budget, supplemental 2019-2021: HB 1136

Budget, supplemental 2021-2023: HB 1786, ***ESSB 5689, CH 186 (2022) PV**

Budgets transition work group, chairs of transportation committees to convene: HB 1603

Businesses, urban/motor/log transportation, railroad/tugboat, and public service, lowering public utility tax rates: HB 1858

Car sharing programs, peer-to-peer car sharing transactions, additional sales tax on: HB 1572

City transportation authorities, for monorail transportation function, modifying for grade-separated transportation: HB 1304

Commercial motor vehicles, used for transporting property, using chain up/chain off areas to park, when: HB 1839

Commercial transportation services, greenhouse gas emissions: HB 1075

Commercial vehicle, disqualification for life from driving a, for using motor vehicle in committing trafficking offense: ***SSB 5631, CH 51 (2022)**

Commute trip reduction incentives, tax credits for large employers implementing, role of general fund in supporting: HB 2119, ***ESSB 5974, CH 182 (2022)**

Commute trip reduction program, effectiveness of, assessing during pandemic: HB 1528

Commute trip reduction, car or van pool vehicles/plans/activities/ordinances, suspending requirements: HB 1528

Commuter ride sharing, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528

Commuter ride sharing, renaming as ride sharing: HB 1514

Connecting communities grant program, establishing: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric ferries, design and procurement by counties, process for: HB 1502

Electric or hybrid vehicles, road usage charge program per mile fee phased implementation requirements for: HB 2026

Electric vehicles, charging stations, installation/use by condominium/unit/lot/apartment owner, requirements: HB 1793

Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing: HB 1287

Electric vehicles, interagency electric vehicle coordinating council, creating: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric vehicles, passenger/light duty vehicles of model year 2030 or later sold/registered in WA to be, as state goal: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: HB 1204

Electric vehicles, plug-in hybrid, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548

Electric vehicles, supply equipment, energy efficiency standards: HB 1619

Electric vehicles, support equipment, installation by licensed electrical contractors and certified electricians: HB 1831

Electric vehicles, transition to, for student transportation, feasibility plans and charging and fueling stations: HB 1644

Electric vehicles, various tax preferences for: HB 2119, ***ESSB 5974, CH 182 (2022)**

Electric/clean energy vehicles/infrastructure, clean energy product manufacturing facilities for, siting of: HB 1812

Electrification of transportation plans, electric utility requirements for, including zero emissions vehicle use: HB 1287

Electrification of transportation system, resource adequacy for, utilities/stakeholders meetings to address: HB 1527

Electrification of transportation, fee, narrowing hybrid vehicle exemption to plug-in hybrid electric vehicles: HB 1548

Food delivery providers, greenhouse gas emissions from: HB 1075

For hire vehicles, nonemergency medical transportation vehicles, high occupancy vehicle exempt decal for, when: HB 1510

Freight broker/forwarder with agreement with carrier, industrial insurance responsibilities: HB 1783

Fuels, transportation, clean fuels program for carbon intensity reduction, establishing: HB 1036, HB 1091

Fuels, transportation, countries eligible to sell for use or provide in Washington, criteria for and list of: HB 1551

Funding, additive transportation funding: HB 1564, HB 2118, ***SSB 5975, CH 187 (2022)**

Funding, increasing by providing various additional fee and tax revenues and optional local taxing authority: HB 2119, ***ESSB 5974, CH 182 (2022)**

Funding, motor vehicle sales/use tax revenues for: HB 1010, HB 1604

Funding, shifting obligations from transportation budget to operating budget: HB 1603

General fund, transportation programs and activities funding from, when: HB 1603

Goods delivery providers, greenhouse gas emissions from: HB 1075

Grade-separated transportation, public function/public facilities, city transportation authority creation for: HB 1304

Green transportation capital grant program, making program permanent: ***ESSB 5974, CH 182 (2022)**

Greenhouse gas emissions, in transportation sector, reducing or mitigating impact via carbon pollution tax: HB 1577

Health-related measures, restricting transportation access due to declining to comply with, prohibiting: HB 1305, HB 1317

Hybrid or electric vehicles, road usage charge program per mile fee phased implementation requirements for: HB 2026

Hybrid vehicles, plug-in electric, narrowing transportation electrification fee exemption for hybrid vehicles to: HB 1548

Motor vehicle transporters, licenses/license plates/indicator tabs for and related violations by: HB 1269

Regional transportation planning organizations, cars/light trucks greenhouse gas emissions reductions: HB 1099

Rental car companies, electric or hybrid vehicle purchase or use by, sales and use tax exemptions: HB 1572

Ride sharing, commuter, passenger vehicles for, sales/use tax preferences, discontinuing: HB 1528

Ride sharing, renaming commuter ride sharing as and expanding sales/use/motor vehicle excise tax exemptions eligibility of: HB 1514

Tracking technology, collecting data to determine taxes/fees with, constitutional amendment to prohibit: HJR 4201

Transportation benefit districts, local sales or sales/use tax imposition by, increasing maximum rate: HB 2119, ***ESSB 5974, CH 182 (2022)**

Transportation benefit districts, local sales/use tax imposition by, extending via voter renewal of: HB 1523, SB 5510

Transportation network companies, contracted driver's driving record furnished to: ***SSB 5152, CH 93 (2021)**

Transportation network companies, drivers for, deactivation of: HB 2076

Transportation network companies, uniform regulation of: HB 2076

Transportation network companies, wages/driver resource center/sick leave/industrial insurance/family and medical leave: HB 2076

Transportation partnership account, revising to be in the motor vehicle fund: ***SSB 5616, CH 157 (2022)**

Transportation system, electrification of, resource adequacy for, utilities/stakeholders meetings to address: HB 1527

Transportation system, policy goals, modifying: HB 1137

Transportation system, policy goals, preservation and safety as priorities: HB 1137

Truck drivers, restroom access for common carriers and drayage truck operators, when: HB 1706

Vaccination, law/rule/order requiring receipt as transportation access condition, prohibitions and exemption: HB 1065

Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, for transportation access, prohibiting: HB 1720

Vehicle sharing, peer-to-peer vehicle sharing program act, concerning program agreements: HB 1389
 Zero emissions transportation future, state transition to, supporting: HB 1287
 Zero emissions vehicles, manufacturers of components, sales/use tax deferral: HB 1988
 Zero emissions vehicles, manufacturers of, owning/operating/controlling dealership, when: HB 1388

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Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: HB 1204
 Express toll lanes, Interstate 405/state route number 167 corridor, improving performance on, when, commission role:
 HB 2119, ***ESSB 5974, CH 182 (2022)**
 Ferries, fare-free policy for walk-on riders and vehicle passengers 18 years of age and younger, adopting: HB 2119,
***ESSB 5974, CH 182 (2022)**
 Road usage charge program, establishment and phased implementation of, commission role: HB 2026
 Toll facilities, Tacoma Narrows toll bridge project financial obligations, adjusting tolls, commission role: ***SSB 5488,**
CH 223 (2022)

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Anadromous fish protection and recovery, state goal for, DOT role: HB 1653
 Aviation and aerospace committee, to advise DOT secretary, appointing and maintaining: HB 1538
 Aviation division, director of, to be unpiloted aircraft system coordinator: HB 1379
 Bicycle education grant program, statewide school-based, establishing, DOT role: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Broadband fiber connections, missing, and inadequate service in underserved areas, studying to address, DOT role: HB 1457, ESSB 5439
 Broadband installation along highways, informing facility owners of projects to enable coordination, when, DOT role: HB 1457, ESSB 5439
 Bus and bus facilities competitive grant program, establishing, DOT role: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Chain up/chain off areas, use by certain commercial motor vehicles for parking, WSDOT signage authorizing: HB 1839
 Community aviation revitalization board, DOT to convene: HB 1030, ***SB 5031, CH 175 (2021)**
 Complete streets principles, incorporating via facilities that provide street access for all users, when, DOT role: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Connecting communities grant program, establishing, DOT role: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Dredged materials, disposal of, at site used for federal navigation channel projects/activities site: HB 1193
 Electric vehicles, interagency electric vehicle coordinating council, creating, DOT role: HB 2119, ***ESSB 5974, CH 182 (2022)**
 Employees, with acquired immunities to COVID-19, DOT hiring or rehiring for maintenance/preservation work: HB 1963
 Fiber optic lines/conduits, as part of public transportation system, franchises to construct and maintain, DOT role: ESSB 5439
 Fish passage barriers, culvert and other correction projects, DOT to forgo review, when: HB 1606
 Fish passage barriers, DOT correction projects, environmental permitting process for: ***SSB 5381, CH 289 (2021)**
 Highways, addressing missing broadband connections in underserved areas via, DOT role: HB 1457, ESSB 5439
 Justice, environmental, aiding overburdened communities and vulnerable populations, DOT role: HB 1577
 Justice, environmental, environmental health disparities, department actions to reduce: ***E2SSB 5141, CH 314 (2021)**
 Justice, environmental, review of fish passage barrier correction projects, DOT to forgo: HB 1606
 Litter control, litter prevention messaging/litter emphasis patrols/litter pickup, DOT role: ***SB 5040, CH 231 (2021)**
 Navigation channel maintenance/improvements, federal, permit/review requirements, removing various: HB 1193
 Projects, state route number 167/Interstate 405 corridor project, sales/use taxes deferral, including DOT: ***EHB 1990, CH 274 (2022)**
 Projects, transportation, additive omnibus transportation budget for certain operating and capital appropriations: HB 2118, ***SSB 5975, CH 187 (2022)**
 Properties, state highway/DOT, environmental mitigation sites, conveyance to tribal governments, when: ***HB 1934, CH 184 (2022)**
 Purple heart state, Washington state as a, authorizing signs indicating, DOT role: HB 1250
 Reducing rural roadway departures program, creating, DOT role: ***ESSB 5974, CH 182 (2022)**
 Reducing rural roadway departures program, DOT to establish: HB 1605

Rest areas, safety, human trafficking informational posters in, modifying requirements, DOT role: HB 2077
 Rest areas, safety, reopening of, requirements for, DOT role: HB 1655
 Safe routes to school program, analysis by DOT and OSPI of: HB 1607
 Safe routes to school program, grant funding under, DOT role: HB 1039
 Speed limit, maximum of 20 mph on nonarterial state highway, secretary authority to establish, when: ***SB 5687, CH 235 (2022)**
 Tangible personal property/digital product/labor purchases, sales/use tax amounts paid to general fund for: HB 1249
 Transit support grant program, establishing to provide financial support for operating and capital expenses, DOT role: HB 2119, ***ESSB 5974, CH 182 (2022)**
 US 395 north Spokane corridor and I-90 projects, limited project for community purposes to remedy impacts: ***ESSB 5853, CH 59 (2022)**

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Game lands, DFW, payments to counties in lieu of property taxes, treasurer role: ***SB 5159, CH 184 (2021) PV**
 State treasurer's service fund, continuing temporary uses of funds in: ***2SSB 5616, CH 157 (2022)**
 Washington future fund trust fund, committee on, establishing, role of office of treasurer: HB 1861
 Washington future fund trust fund, creating, role of office of treasurer: HB 1861

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Evergreen basic income trust, creating: HB 2009
 Fiduciary income and principal act, uniform: ***SB 5132, CH 140 (2021)**
 Powers of appointment act, uniform: ***SB 5132, CH 140 (2021)**
 Powers of appointment, repealing/recodifying chapter: ***SB 5132, CH 140 (2021)**
 Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**
 Washington future fund trust fund, creating: HB 1861

UNEMPLOYMENT COMPENSATION

Benefits, eligibility for, good cause reasons for voluntarily leaving work: HB 1486
 Benefits, expanding eligibility for health care employees during pandemic, when: ***ESSB 5190, CH 251 (2021)**
 Benefits, extended, benefit and eligibility periods and job search requirements: HB 1492, ***SSB 5425, CH 107 (2021)**
 Benefits, for volunteer firefighters, deduction of payments for services from benefit payments, prohibiting: HB 1448
 Benefits, forgiven, for certain employers, reimbursement by newly created unemployment insurance relief account: HB 1568
 Benefits, forgiven, for certain employers, reimbursement of UC fund by newly created unemployment insurance relief account for: ***ESSB 5478, CH 292 (2021)**
 Benefits, paid, not charging to employer account or employer during emergency, when: HB 1098, HB 1343, ***ESSB 5061, CH 2 (2021)**
 Benefits, paid, reimbursing from COVID-19 unemployment account, when: HB 1021
 Claim adjudicators, for unemployment insurance claims, training program for: HB 1487, ***ESSB 5193, CH 271 (2021)**
 Claims, demand thresholds, emergency drills, phone lines for certain claimants, and online data dashboard: HB 1487, ***ESSB 5193, CH 271 (2021)**
 Claims, effective/equitable processing, adjudicators reserve force, performance metrics reports, and planning: HB 1487, ***ESSB 5193, CH 271 (2021)**
 Employers, contribution rate of, cross-reference corrections in statutes: ***HB 1612, CH 17 (2022)**
 Employers, contribution rate of, reducing maximum social tax: HB 2031, ***ESSB 5873, CH 61 (2022)**
 Employers, violations by, failing to register or failing to report employee or wages, audits and penalties for: HB 1474
 Job searches by claimants, monitoring of, demonstrated contacts and documented search activities: HB 1493
 Public health emergency, unemployment benefits for health care employees during, when: ***ESSB 5190, CH 251 (2021)**
 Public health emergency, unemployment benefits, forgiven, for certain employers, reimbursement of, when: HB 1568, ***ESSB 5478, CH 292 (2021)**
 Public health emergency, unemployment insurance revisions to aid employees and employers during: HB 1098, HB 1343, ***ESSB 5061, CH 2 (2021)**
 Small businesses, lowering tax rate via graduated social tax factor rate cap: HB 2031, ***ESSB 5873, CH 61 (2022)**
 Social security numbers, used in correspondence as personal identifiers, replacing, when: HB 1455

UTILITIES (See also ENERGY; ENERGY FACILITY SITE EVALUATION COUNCIL; SEWAGE AND SEWERS; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - PUBLIC UTILITY TAX; UTILITIES AND TRANSPORTATION COMMISSION; WATER)

- Alternative energy facilities, moratorium on EFSEC/governor actions on pending siting recommendations: HB 1871
- Alternative energy facility siting, joint select committee on, establishing: HB 1871
- Alternative energy siting inequity, report on: HB 1871
- Bill assistance programs for low-income gas and electrical utility customers, requirements: ***ESSB 5295, CH 188 (2021)**
- Blackouts, rolling/inadequacy events, risk of, utilities/stakeholders meetings to address: HB 1527
- Bonneville power administration, utility conservation credits from, B&O tax exemption: ***SB 5008, CH 226 (2021)**
- Broadband services, retail, in unserved areas, provided by public entities, authority/process for: HB 1336
- Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: HB 1336, ***2SSB 5383, CH 293 (2021)**
- Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
- City/town utilities, services for tenant, collection of delinquent charges, when: HB 1421
- City/town utilities, services for tenant, prohibiting collection of delinquent charges from owner, when: HB 1421
- City/town utilities, tax on natural gas/steam energy/telephone utilities for transportation improvements, optional: HB 2119
- Cool roof/tree planting programs, conserving energy/mitigating urban heat island effects via, role of utilities: HB 1114
- Electric light/space heating service, residential, termination due to unpaid charges, prohibitions, when/for whom: HB 1490
- Electric, beneficial electrification plans and programs: HB 1084
- Electric, clean energy projects, nonemitting generation or renewable resource, proposals/reviews/appeals: HB 2002
- Electric, clean fuels program, low carbon fuel infrastructure under, credits for: HB 1036, HB 1091
- Electric, community and shared commercial solar projects, access to: HB 1814
- Electric, cost-effective conservation acquisition targets, when events beyond control prevent meeting of: HB 1446
- Electric, customer billing statements, renewable energy requirements impact on bill total, disclosing: HB 1327
- Electric, electricity from community solar projects, purchases by utilities of: HB 1046
- Electric, energy resource adequacy, rolling blackouts/inadequacy events: HB 1623
- Electric, multiyear rate plans and performance-based rate making, requirements: HB 1498, ***ESSB 5295, CH 188 (2021)**
- Electric, projects, transformation/nonemitting/renewable resources: ***SSB 5678, CH 92 (2022)**
- Electric, public utility engagement in targeted electrification of customer's end-use equipment: HB 1767
- Electric, rental housing conservation/energy efficiency opportunities to reduce tenant's energy burden: HB 1125, HB 1498
- Electric, resource plans, electric vehicles/zero emissions vehicle use/electrification of transportation plans: HB 1287
- Electric, retail utility bill costs, limiting by state to achieve cost reduction and grid reliability targets: HB 1130
- Electric, role in Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
- Electric, sales to businesses producing/processing green electrolytic/renewable hydrogen, public utility tax exemption: HB 1792
- Electric, utility wildland fire prevention advisory committee, renaming task force as: ***ESB 5158, CH 183 (2021)**
- Electric, utility wildland fire prevention task force, recommendations of, implementing: ***ESB 5158, CH 183 (2021)**
- Electric, wildfire caused by utility's equipment, electric utility wildfire mitigation plans for mitigating, requirements: E2SSB 5803
- Electrical transmission facilities, as clean energy projects for energy infrastructure, proposals/reviews/appeals: HB 2002
- Electrification, building/transportation system, resource adequacy for, utilities/stakeholders meetings to address: HB 1527
- Energy conservation and renewable resources targets, provisions: ***SB 5008, CH 226 (2021)**
- Gas companies, clean heat transition plans and regulatory changes: HB 1766
- Gas companies, replacing natural gas with renewable or green electrolytic hydrogen, notice requirements: ***SSB 5910, CH 292 (2022)**
- Greenhouse gas emissions, clean energy projects for infrastructure to reduce, proposals/reviews/appeals: HB 2002
- Greenhouse gas emissions, clean heat act, gas company clean heat transition plans/regulatory changes: HB 1766
- Greenhouse gas emissions, climate commitment act cap and invest program, environmental justice role, modifying: ***E2SSB 5842, CH 181 (2022)**
- Greenhouse gas emissions, climate commitment act cap and invest program, modifying: ***E2SSB 5842, CH 181 (2022)**

- Greenhouse gas emissions, mitigation strategies for utilities: HB 1084
- Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting, utility role: HB 1287
- Heat standard, clean, statewide, establishing: HB 1084
- Liens, against customer premises, imposing after governor-declared emergency expires: HB 1069
- Low-income customers, assistance programs for, gas and electrical companies to propose: ***ESSB 5295, CH 188 (2021)**
- Municipal utilities, renewable and green electrolytic hydrogen production/use/sale/distribution by: ***SSB 5910, CH 292 (2022)**
- Natural gas, gas pipeline, distribution of hydrogen by, requirements before establishing standard for: HB 1766
- Natural gas, multiyear rate plans and performance-based rate making, requirements: HB 1498, ***ESSB 5295, CH 188 (2021)**
- Natural gas, rental housing conservation/energy efficiency opportunities to reduce tenant's energy burden: HB 1125, HB 1498
- Natural gas, retail utility bill costs, limiting by state to achieve cost reduction and grid reliability targets: HB 1130
- Natural gas, role in Washington climate commitment act: ***E2SSB 5126, CH 316 (2021) PV**
- Natural gas, transition implementation plans and integrated resource plans: HB 1084
- Natural gas, uniform climate protection surcharge, establishing: HB 1084
- Public service companies, contractor/subcontractor liability for loss/damages/injury to rescuers, when: HB 1341
- Public service companies, fee paid with statement of intrastate operations gross operating revenue, increasing: ***SB 5634, CH 159 (2022)**
- Public utility districts, beneficial electrification plans and programs: HB 1084
- Public utility districts, cool roof programs with tree plantings for energy conservation: HB 1114
- Public utility districts, electric light/space heating, residential, termination for unpaid charges, prohibitions: HB 1490
- Public utility districts, green electrolytic hydrogen production and sales by, authority and related tax exemptions: HB 1569, HB 1792
- Public utility districts, green electrolytic hydrogen production/use/sales/distribution by, authority for: ***SSB 5910, CH 292 (2022)**
- Public utility districts, greenhouse gas emissions reduction programs: HB 1084
- Public utility districts, procurement, product lead time as factor when economic conditions disrupt supply chains: HB 2092
- Public utility districts, retail telecommunications for end users in unserved areas provided by, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
- Public utility districts, wholesale telecommunications services provided by, authority for, when: HB 1336, ***2SSB 5383, CH 293 (2021)**
- Public, COVID-19 impacts, grants addressing, public utility tax exemption: HB 1002
- Ratepayer assistance and weatherization, low-income, using B&O tax savings for: ***SB 5008, CH 226 (2021)**
- Renewable energy production incentive program, community and shared commercial solar projects: HB 1814
- Renewable energy system cost recovery program, modifications: HB 1814
- Renewable resources, storage facilities for electricity from, sales/use tax deferral: HB 1988
- Rescuers, public service company contractor/subcontractor liability for loss/damages/injury to, when: HB 1341
- Solar energy systems, community projects, utility electricity purchases from: HB 1046
- Solar energy systems, photovoltaic module stewardship/takeback program, delaying certain implementation dates: ***HB 1393, CH 45 (2021)**
- Solar, community and shared commercial projects, access to: HB 1814
- Solar, community solar incentive program, establishing: HB 1814
- Storage facilities, for renewable resource electricity, sales/use tax deferral: HB 1988
- Transportation businesses, urban/motor/log, railroad/tugboat, and public service, lowering public utility tax rates: HB 1858
- Utility technical advisory group, forming: HB 1871
- Vulnerable populations and highly impacted communities, energy burden of, reducing in various ways: HB 1125, HB 1498, ***ESSB 5295, CH 188 (2021)**

UTILITIES AND TRANSPORTATION COMMISSION (See also ENERGY FACILITY SITE EVALUATION COUNCIL; TRANSPORTATION; UTILITIES)

- Broadband services, Washington broadband assistance program, establishing, UTC role: HB 1723
- Clean heat act, concerning gas company clean heat transition plans and regulatory changes, UTC role: HB 1766
- Electrification, targeted, including plans for, public electric utility engagement in, UTC role: HB 1767

Energy facility site evaluation council, powers/duties/functions performed by UTC for, transferring to EFSEC: HB 1812
 Low-income persons, energy burden of, electrical or natural gas company assistance for reducing, UTC role: ***ESSB 5295, CH 188 (2021)**

Meetings of utilities/stakeholders, rolling blackouts/electrification resource adequacy, addressing, UTC role: HB 1527
 Public service companies, fee paid with statement of intrastate operations gross operating revenue, increasing: ***SB 5634, CH 159 (2022)**

Rail fixed guideway systems, state safety oversight agency, UTC to replace DOT as: HB 1418

Railroads, rail safety, UTC role and authority, expanding: HB 1418

Renewable/nonemitting resource project, UTC declaratory order/utility petition: ***SSB 5678, CH 92 (2022)**

Solar energy, community projects, utility electricity purchases from, UTC role: HB 1046

Surcharge, uniform climate protection, natural gas companies to pay: HB 1084

Washington lifeline program, establishing: HB 1460

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College tuition/fees, "resident student," criteria for military-affiliated students to qualify as, expanding/modifying: ***ESSB 5874, CH 249 (2022)**

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- Reproduction, assisted, false representation in, by persons/health care providers/entities, class C felony: HB 1848
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